

**From:** [Bob Smith](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Claudia Guthrie](#); [Sean Hopkins](#); [Tom Hopkins](#); [Sandy Kaneoka](#); [Rana Moshake](#); [Ed Naber](#); [Cameron Shaffer](#); [Raunell Shaffer](#); [Bob Smith](#); [DaAnne \(Dee\) Smith](#); [Valerie Tippy](#)  
**Subject:** SB Creek Buffer Ordinance  
**Date:** Saturday, March 8, 2025 6:53:36 PM

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You don't often get email from bsmith661@gmail.com. [Learn why this is important](#)

To Whom It May Concern:

Our association is opposed to the proposed Creek Buffer Ordinance. We are situated adjacent to Mission Creek, and I see this ordinance as negatively impacting our wonderful community.

I ask you to please reconsider.

Sincerely

Bob Smith  
President  
Arroyo Vista Homeowners Association  
330-B West Alamar Ave.  
Santa Barbara, CA 93103



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
[wildlife.ca.gov](http://wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



March 21, 2024

Melissa Hetrick  
City of Santa Barbara  
801 Garden Street, Suite 200  
Santa Barbara, CA 93101  
[CreekBuffers@SantaBarbaraCA.gov](mailto:CreekBuffers@SantaBarbaraCA.gov)

**SUBJECT: DRAFT CREEK BUFFER ORDINANCE FOR THE CITY OF SANTA BARBARA, SANTA BARBARA COUNTY, CA**

Dear Melissa Hetrick:

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Creek Buffer Ordinance (Project; Ordinance) from the City of Santa Barbara (City).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW ROLE**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent

Melissa Hetrick  
City of Santa Barbara  
March 21, 2024  
Page 2 of 5

implementation of the Project as proposed may result in “take” as defined by State law<sup>1</sup> of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

The City has developed a Draft Creek Buffer Ordinance (Ordinance) that describes minimum buffer widths from new structures, substantially redeveloped structures, and City creeks. CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Ordinance’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. We have concerns regarding Fish and Game Code 1602, creek distances and designated floodways, stream definitions, creek area development, nonconforming creek area development, dams, emergency work, and tree monitoring.

- 1) **Fish and Game Code 1602.** Project activities described in the Ordinance may be subject to the notification requirement of Fish and Game Code section 1602, including activities that may be deemed exempt by the City of Santa Barbara. Activities such as grading, vegetation removal, relocation or erection of solid materials are included under Creek Area Development. Additionally, activities that are considered beneficial to the stream and stream habitat such as restorations, enhancements, and structure removals may also meet the requirement to notify. If a person, state or local governmental agency, or public utility are not certain a particular activity requires notification, CDFW recommends they notify or contact CDFW for scoping.

[Fish and Game Code 1602](#) requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or
- Deposit or dispose of material into any river, stream, or lake.

Please note that "any river, stream, or lake" includes those that are dry for periods of time as well as those that flow year-round.

- 2) **Creek Distances and Designated Floodways.** Sections 22.26.030 and 22.26.120 categorize creek buffer areas and designated floodways, respectively, predicated on ‘creek types’. CDFW remains concerned that these standardized buffers may result in adverse impacts to areas subject to the regulatory authority of our agency and to

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<sup>1</sup> “Take” is defined in Section 86 of the Fish and Game Code as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.”

Melissa Hetrick  
City of Santa Barbara  
March 21, 2024  
Page 3 of 5

biological resources that are supported by that habitat. Pre-designated creek buffers may not capture the high-water mark of the stream, which could unintentionally lead to unauthorized impacts to the bed, bank, and channel. Therefore, CDFW recommends the hydrology of the stream be assessed prior to the initiation of a project and/or project activities and parameters for a 'designated floodway' be clearly defined. Hydrological analysis includes, but is not limited to, performance of a jurisdictional delineation, as well as a discussion of how water and sediment is conveyed in a 50- or 100-year flood event. This should be determined for pre-construction and post-construction conditions for individual properties (as referenced in Section 22.26.140).

- 3) **Stream Definitions.** Definitions of terms, such as those described in Section 22.26.160 Cases 1, 2, 3, comprise a significant part of the Ordinance. CDFW would like to emphasize that we have not adopted firm definitions of streams, creeks, or their associated terms (i.e., top of bank). If these definitions are adopted as part of the Ordinance, then please be advised that they will not by default be accepted as part of any Lake or Streambed Alteration (LSA) notification that is submitted to CDFW.
- 4) **Creek Area Development.** Impacts to the bed, bank, and channel of creeks may not be sufficiently avoided, minimized, and/or mitigated for purposes of wetland permitting, as outlined in Sections 22.26.090 and 22.26.100. Specifically, Section 22.26.090 discusses allowance of work inside creek buffers; subsections B.2 and B.3 describe the creation of new road crossings and replacement of existing infrastructure. More specifically, subsections A.4 and A.5 state that work within buffers can occur if hazards from possible erosion are addressed and measures are incorporated to protect fish and wildlife resources. For the City to ascertain whether erosion in a given creek buffer has been addressed appropriately, including those occurring downstream of any project activities and the replacement of existing infrastructure, CDFW recommends that any project that seeks to replace a crossing also adheres to best available science and construction practices. This includes design of the structure that avoids and minimizes impacts to biological resources. Additionally, any such work should ensure that no barriers to fish passage are created or enhanced (Fish & G. Code, Section 5901).
- 5) **Nonconforming Creek Area Development.** The parameters under which existing development can be maintained within the Ordinance-defined buffer areas are described in Section 22.26.060. This Section allows for ineffective or dangerous structures to be replaced in the stream. For the purposes of avoiding impacts to natural resources, redesign would be appropriate for best management construction practices to be implemented in the new design. CDFW recommends that structures be reanalyzed and reconfigured to maintain integrity of the structures' intended use and the long-term benefit for fish, biological resources, and creek instead of automatically being authorized for replacement. Removal of structures may also be



Melissa Hetrick  
City of Santa Barbara  
March 21, 2024  
Page 4 of 5

appropriate in the event of a fish passage barrier or existing dam (Fish & G. Code Section 5901).

- 6) **Dams.** Section 22.26.050, as currently written, may violate Fish and Game Code Sections 5901 and/or 5937. Section 5901 describes that any devices that impede fish to be unlawful in certain districts, and Section 5937 describes that fish passage cannot be impeded due to insufficient water flow. Creeks within the City, such as Mission Creek and Rattlesnake Creek, provide critical habitat for fish, including southern California steelhead (*Oncorhynchus mykiss irideus pop. 10*; Endangered Species Act (ESA)-listed endangered; CESA-listed endangered). This species may be adversely impacted from Project activities authorized under the Ordinance that impede fish passage. Impediments to fish species may range from fine sediments to solid development and infrastructure. CDFW would like to emphasize that Project activities must still comply with these sections of the Fish and Game Code.
- 7) **Emergency Work.** Requirements for emergency work as outlined in Section 22.26.130 requires an applicant to submit plans to the City within one year. This differs from CDFW's requirements of [Fish and Game Code Section 1610](#), which exempts certain types of emergency work from standard notification requirements. Although notification is not required before beginning the emergency work, CDFW must be notified in writing within 14 days after the work begins. CDFW recommends that the Ordinance clarify that regulatory emergency notification requirements are incumbent upon an applicant, and/or require that the applicant is required to demonstrate that they have met CDFW requirements prior to receiving City approval.
- 8) **Tree Monitoring.** As written, the Ordinance does not appropriately mitigate impacts to oaks. Section 22.26.110, subsection B.5, states that restoration monitoring requirements are subject to a minimum monitoring period of no less than five years. Oak species take longer to establish, based on a number of factors such as weather patterns, drought conditions, and local predators; because of their life history and variable environment, there is no scientifically sound methodology which would allow an applicant to determine if success will be achieved at the five-year mark. Therefore, CDFW recommends that the Ordinance be amended to require that restoration efforts that include oak trees have a monitoring period for 10 years. Additionally, oak creation, mitigation, and management efforts should be required to occur within riparian areas (e.g., not in upland oak woodlands), and include success criteria based upon no supplemental irrigation for the last 4 years of the monitoring period.


## CONCLUSION

CDFW appreciates the opportunity to comment on the Ordinance to assist the City in identifying and mitigating Project impacts on biological resources. Questions regarding

Melissa Hetrick  
City of Santa Barbara  
March 21, 2024  
Page 5 of 5

this letter or further coordination should be directed to Joleena De La Fe, Environmental Scientist, at (858) 354-3527 or [Joleena.delafe@wildlife.ca.gov](mailto:Joleena.delafe@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
5991E19EF8094C3...

Victoria Tang  
Environmental Program Manager  
South Coast Region

ec: California Department of Fish and Wildlife  
Victoria Tang, CDFW EPM  
Frederic (Fritz) Rieman, LSA Supervisor  
Jennifer Turner, CEQA Supervisor  
Joleena De La Fe, CEQA Environmental Scientist  
Julisa Portugal, CEQA Environmental Scientist  
Sarah Rains, LSA Environmental Scientist

**From:** [Carey, Barbara@Coastal](mailto:Carey.Barbara@Coastal)  
**To:** [Erin Markey](#); [Melissa Hetrick](#); [Allison DeBusk](#)  
**Cc:** [Liddell, Tyler@Coastal](#); [Phelps, Jacqueline@Coastal](#)  
**Subject:** RE: Comments on SB Creeks Ordinance  
**Date:** Tuesday, April 8, 2025 9:55:54 AM

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Hi Erin—

I forgot to add with our comments on Page 29 of the ordinance that the our suggested language to apply the most restrictive or protective standard would not apply to the provisions of the proposed Section 22.26.120 for ADUs. We are open to ideas for wording on that.

Thanks!

## Barbara Carey

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**From:** Carey, Barbara@Coastal  
**Sent:** Monday, April 7, 2025 5:22 PM  
**To:** [emarkey@santabarbaraca.gov](mailto:emarkey@santabarbaraca.gov); [mhetrick@santabarbaraca.gov](mailto:mhetrick@santabarbaraca.gov); [aдебusk@santabarbaraca.gov](mailto:aдебusk@santabarbaraca.gov)  
**Cc:** Liddell, Tyler@Coastal <[tyler.liddell@coastal.ca.gov](mailto:tyler.liddell@coastal.ca.gov)>; Phelps, Jacqueline@Coastal <[Jacqueline.Phelps@coastal.ca.gov](mailto:Jacqueline.Phelps@coastal.ca.gov)>  
**Subject:** Comments on SB Creeks Ordinance

Hi Erin--

Attached are our comments on the subject ordinance. There are some language suggestions as well as comment bubbles.

Thanks for considering our input and please let us know if you have any questions or concerns.

Barbara

### Barbara Carey | District Manager

Coastal Commission | South Central Coast District

89 South California Street, Ventura, CA 93001

(805) 585-1800

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE SANTA BARBARA MUNICIPAL CODE BY THE ADDITION OF CHAPTER 22.26, THE AMENDMENT OF SECTIONS 28.92.110, 30.140.090, 30.200.050, 30.250.020, 30.250.030, 30.250.060, AND 30.300.230 "W", AND THE REPEAL OF SECTIONS 28.87.250, 30.15.040, AND 30.140.050, RELATING TO THE REGULATION OF DEVELOPMENT IN AND ALONG CITY CREEKS

The Council of the City of Santa Barbara does ordain as follows:

SECTION 1. Title 22 of the Santa Barbara Municipal Code is amended by the addition of Chapter 22.26 to read as follows:

**Chapter 22.26**      **Development Along Creeks**

**22.26.010**    **Purpose.**

- A.    The purpose of this Chapter is to establish additional regulations limiting development in and adjacent to any creek within the City of Santa Barbara to reduce public safety risks associated with flooding and erosion, enhance water quality, reduce runoff, protect and enhance riparian habitats and wildlife corridors, preserve scenic beauty, and implement the policies of the City's General Plan. It is the goal of the City to minimize negative impacts to creeks, to restore creek habitat where feasible, and to move as many structures as possible to outside of creek buffer areas.
- B.    The provisions of this Chapter are additional to the requirements of Chapter 14.56 relating to natural watercourses and the City's storm drain system and Chapter 22.24 relating to floodplain management.
- C.    A creek buffer area as described in this Chapter is not considered a "setback" as defined in Section 30.140.160 of this Code. Development within a creek buffer area is

subject to this Chapter notwithstanding anything in Title 28 or Title 30 to the contrary regarding uses or structures within a setback.

**22.26.020 Definitions.**

A. The following definitions apply to the interpretation of this Chapter.

“Creek” means a naturally occurring watercourse that conveys water seasonally or year around and having a bed and banks that may be in a natural state or artificially stabilized.

“Creek Area Development” means any of the following in a creek or creek buffer area:

1. The placement or erection of any solid material, building, or structure regardless of type.
2. Grading, removing, dredging, mining, relocating, or extracting any materials.
3. Placement of new agriculture, trees, or landscaping.
4. Removal of vegetation or trees.
5. Creek Area Substantial Redevelopment.
6. Work that may not require building or grading permits such as the construction or placement of a fence, landscaping, wall, retaining wall, curb, steps, deck, walkway, or paving.

“Creek Bank” means the land adjoining and confining a stream channel, comprised of the sloping land from the toe of bank to the top of bank.

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

“Creek Buffer Area” means an area of land running parallel to the top of bank of a creek measured away from and perpendicular to the creek at any point along the top of bank as further described in Section 22.26.160.

“Creek Area Substantial Redevelopment” has the meaning described in Section 22.26.170.

“Emergency” means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into consideration economic, budgetary, environmental, legal, social, and technological factors.

“Generally level ground” means any area of land that has less than 5% average slope determined according to Section 30.15.030.

“Hinge Point” is a break in slope, along the bank of a creek or at the top of bank.

“Mature tree” means a tree that is at least four inches diameter measured at four feet six inches above grade.

“Nonconforming Creek Area Development” means a structure or use lawfully existing within a creek or creek buffer area on the effective date of the ordinance enacting this Chapter in compliance with this Code except for the provision of this Chapter.

“Public agency” means the City, the County of Santa Barbara or any flood control agency of the County, the State of California, or the United States. Public agency does not include a local agency as defined in California Government Code Section 53090.

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

“Toe of Bank” means the break in slope (toe of slope) at the intersection of the base of the creek bank and the bed of the creek channel.

“Top of Bank” means a point or line formed at the intersection of a creek bank and the hinge point at the upper generally level ground as determined under Section 22.26.160.

“Watercourse” has the meaning defined in Section 14.04.020.

B. Words, phrases, and terms not specifically defined in this chapter but defined in Chapter 30.300 shall have the meanings stated in Chapter 30.300.

C. References to in this Chapter to sections, chapters, and titles are to the sections, chapters, and titles of this Code unless otherwise stated. “This Code” means the Santa Barbara Municipal Code.

D. Categories of creeks are:

1. Major creeks including:

- a. Arroyo Burro
- b. Arroyo Honda
- c. Chelham Creek
- d. Cieneguitas Creek
- e. Coyote Creek
- f. Laguna Creek (Laguna Channel)
- g. Las Positas Creek
- h. Lighthouse Creek
- i. Mesa Creek
- i. Mission Creek

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

- j. Old Mission Creek
- k. Rattlesnake Creek
- l. San Roque Creek
- m. Sycamore Creek (East, Middle, and West forks)
- n. Toyon Creek
- o. Westmont Creek

2. Flood Control Project Creeks, which are reaches of certain major creeks that include:

- a. Arroyo Burro – reach between Hope Ave. and Hwy. 101.
- b. Las Positas Creek – reach between Las Positas Place and Veronica Springs Road.
- c. Mission Creek – Caltrans Channels (approximately Los Olivos Street to Pedregosa Street and Arrellaga Street to Canon Perdido), and the reaches shown as having existing or planned concrete walled areas in the City's approved Lower Mission Creek Flood Control Project, as updated.
- d. San Roque Creek from State Street to 350 feet upstream of State Street.

3. Minor Creeks -- any creek that is not a major creek or a flood control project creek.

**22.26.030 Creek Buffer Areas Designated.**

A. Except as provided in subsection B and C, the creek buffer areas for each creek type are stated in Table 22.26.030.



<b>TABLE 22.26.030: CREEK BUFFER AREA</b>	
<b><u>Creek Types</u></b>	<b><u>Creek Buffer Area</u></b>
<u>Major Creeks</u>	<u>50 feet from top of bank</u>
<u>Flood Control Project Creeks</u>	<u>35 feet from top of bank</u>
<u>Minor Creeks</u>	<u>15 feet from top of bank</u>

B. For Mesa Creek, Lighthouse Creek, and Arroyo Honda in the Coastal Zone the outermost edge of the creek buffer area is the ~~outermost edge of the~~ top edge of the creek canyon as shown in Figure 4.1-4 of the City of Santa Barbara Local Coastal Land Use Plan.

C. Additional creek buffer areas may be established as a condition of approval of a project subject to a discretionary permit issued under Title 28 or Title 30, as applicable, to mitigate project specific impacts based upon the conditions of the site, the type of development, flood hazards, or the presence of environmentally sensitive species or habitats.

**22.26.040 General Prohibition of Creek Area Development.**

It is unlawful for any person to undertake or cause to be undertaken any creek area development unless the development is expressly authorized under this Chapter or is exempt under Section 22.26.070.

**22.26.050 Standards Applicable to All Creek Area Development.**

The following standards apply to all creek area development:

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

1. Dams, creek bed realignments, construction of artificial banks or bed, or other substantial alterations of creeks are prohibited except where no other feasible less environmentally damaging alternative exists.

**Commented [CCC1]:** Not consistent with Policy 4.1-9 which only allows creek alterations for 3 purposes with limitations..

2. Encroachments into and alterations to creeks must be minimized to the extent feasible and designed to mitigate impacts to riparian habitats, wetlands, and creeks.

3. When creek alteration is necessary for flood control or protection of existing development, then non-intrusive bank stabilization methods such as bioengineering techniques (e.g. revegetation, tree revetment, and native material revetment) shall be used instead of hard bank solutions such as rip rap or concrete banks or bottoms, unless non-intrusive bank stabilization methods are not a reasonably feasible to provide the necessary control or protection.

4. The creek area development must be designed to minimize risks to life and property from high geologic, flood, and fire hazards; assure stability and structural integrity; and neither create nor contribute to erosion, geologic instability, or destruction or the site or surrounding area.

**22.26.060 Nonconforming Creek Area Development in Creeks and Creek Buffer Areas on Privately Owned Lots.**

A. Nonconforming creek area development on privately owned lots may be continued, repaired, and maintained provided that:

1. The nonconforming creek area development complies with all requirements of this Code except for the provisions of this Chapter.

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

2. The nonconforming creek area development is not demolished by the property owner.

3. The nonconforming creek area development is not abandoned by the owner. For purposes of this Section, a nonconforming creek area development will be considered abandoned if it is not continuously occupied or used for its intended purpose for a period of more than one year.

4. The nonconforming creek area development is not declared to be a public nuisance under the provisions of this Code or state law.

5. There is no creek area substantial redevelopment.

B. Alterations to nonconforming creek area development are allowed provided that the work does not increase the developed footprint or result in or occur concurrently with creek area substantial redevelopment.

C. A change of use of a nonconforming creek area development is permitted only if the new use is permitted under the zoning designation for the lot or is a change to a compatible nonconforming use as provided in Section 30.165.070 and creek area substantial redevelopment is not required to accommodate the new use.

D. Nonconforming creek area development destroyed by a natural disaster such as fire, earthquake, or flood shall be removed from and may not be replaced in a creek or creek buffer area; provided, however the Planning Commission may approve a modification under Section 22.26.090 to authorize a limited encroachment into a creek buffer area for a replacement development having not more than the same floor area, but not necessarily the same layout, as the previous nonconforming creek area

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

development when the replacement cannot be fully accommodated on the lot outside of the creek buffer area.

E. Creek area substantial redevelopment of a nonconforming creek area development is considered new development and may not occur in a creek or creek buffer area; provided, however the Planning Commission may approve a modification under Section 22.26.090 to authorize a limited encroachment into a creek buffer area for a creek area substantial redevelopment when the creek area substantial redevelopment is limited to the same floor area, but not necessarily the same layout, as previous nonconforming creek area development and the new development cannot be fully accommodated on the lot outside of the creek buffer area.

**Commented [CCC2]:** This could only be allowed in the Coastal Zone where consistent with Policy 4.1-17 and Policy 4.1-18.

F. Conforming additions to existing nonconforming buildings and other conforming alterations to a site containing nonconforming creek area development are allowed, provided that:

1. The building addition or site alteration does not occur in a creek or creek buffer area, and
2. The building addition or site alteration does not result in or occur concurrently with creek area substantial redevelopment.

**22.26.070 Exempt Creek Area Development**

A. The following creek area developments undertaken by owners of private property are exempt from the requirement for a permit or approval under this Chapter:

1. Vegetation maintenance in a creek buffer area, including existing agricultural operations, but excluding removal of mature trees or native vegetation.

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

2. Fuel modifications conducted pursuant to an order of the Fire Department to maintain defensible space clearance requirements for existing development.

3. Removal of solid waste or similar debris to comply with an owner's obligation under Section 14.56.020 of this Code.

4. Planting within a creek buffer area of native plants according to the guidelines for native plants on file with the Sustainability and Resilience Department – Creeks Division.

5. Placement in a creek buffer area of yard furniture, recreational equipment, and other similar items that are not fixed to the ground and do not require grading or removal or other impacts to native vegetation or mature trees.

6. Geologic testing or borings in a creek buffer area.

B. The following creek area developments undertaken by a public agency are exempt from this Chapter:

1. Any activity authorized to be done by owners of private property under Subsection A.

2. Abatement of emergency conditions.

3. Maintenance or repair of existing public roads, trails, road rights-of way, parking lots, utility services and facilities, flood control or storm drain facilities, or other structures on public property provided that the activity does not increase the developed footprint and does not require removal or replacement of existing structures.

4. Maintenance or repair of existing recreational structures, facilities, and features in City parks provided that the activity does not increase the developed footprint and does not require replacement of existing structures.

**Commented [CCC3]:** This is "development" and not exempt from CDP requirements.

**Commented [CCC4]:** Only exempt from CDP if pursuant to an official abatement order issued by the City.

**Commented [CCC5]:** Only exempt from CDP if consistent with repair and maintenance exemption criteria.

**Commented [CCC6]:** Only exempt from CDP if consistent with repair and maintenance exemption criteria.

5. Removal of solid waste and debris.
6. Removal of structures or hardscape and restoration of the area to a native condition.
7. Placement in a creek buffer area of signs that are exempt from the requirement for a sign permit under this Code.

**22.26.080 Creek Area Development Allowed Within a Creek Buffer Area on Privately Owned Lots in Conjunction with a Zoning Clearance.**

A. Creek area development in a creek buffer area, but not a creek, on privately owned lots may be approved by the Community Development Director, in consultation with the Sustainability and Resilience Department-Creeks Division, pursuant to the procedure for a Zoning Clearance issued under Chapter 30.280 as follows:

1. Habitat creation, restoration, or enhancement activities including:
  - a. Installing fencing or natural barriers only where necessary for habitat protection.
  - b. Planting of native plants.
  - c. Removing non-native trees.
2. Development for safety, educational or public access purposes including:
  - a. Permeable public accessways, trails, and associated minor improvements.
  - b. Impervious accessways, trails, and associated minor improvements if located 35 feet or more from the top of bank and designed to the minimum width to meet applicable standards.

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

- c. Directional, educational, and interpretive signs to protect public safety, manage open space areas, educate, or direct public access.
- d. Limited safety or security lighting.
- e. Fences or natural barriers necessary for safety, security, restoration, protection of habitat, or water quality improvements. Safety or security fences must be no higher than 72 inches, constructed of chain-link or other see-through material, and no closer than 10 feet from the top of bank.
- f. Low-intensity education and nature study uses that do not involve construction of permanent structures.
- g. Removal of hazardous trees. Native trees may only be removed where determined to be dead, dying, or in a hazardous condition by City Fire Department.

**Commented [CCC7]:** I'm assuming that the fire department has foresters who make this determination. If not, it should be subject to review by the appropriate City professional.

3. Bioswales or other non-structural storm water best management practices.

Structural, non-earthen storm water best management practices (e.g. permeable paving, cisterns, drywells, underground chambers), if located 35 feet or more from the top of bank.

4. Improvements to existing development to provide reasonable access for individuals with disabilities according to minimum standards established by state or federal law.

5. Maintenance or repair of existing private roads, driveways, trails, utility easements and facilities, and parking lots, provided that the activity does not increase

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

the developed footprint and does not require removal or replacement of existing pavement or structures from or in a creek.

6. Installation of wheel stops, striping, and traffic control signs in existing parking lots.

7. Removing structures, paving, and hardscape from creek buffer areas and restoring the surface to a native condition.

B. The Community Development Director may issue a zoning clearance for creek area development under this Section only upon a determination that the development is consistent with this Chapter and that the development is either exempt from Chapter 22.100 or that the development will not result in reasonably foreseeable significant environmental impacts to the creek or creek habitat area.

C. Notwithstanding anything in Chapter 30.280 to the contrary, the decision of the Community Development Director to approve, conditionally approve, or deny a zoning clearance under this Section is final except for the possibility of judicial review.

**22.26.090 Creek Area Development Allowed in a Creek or Creek Buffer Area on Privately Owned Lots Upon Issuance of a Modification.**

A. General Authorization. The Planning Commission may authorize creek area development on privately owned lots as specified in this Section according to the procedure for issuance of a modification under Chapter 28.92 or Chapter 30.250 (as applicable).

B. Creek related or special purpose development. Modifications may be issued for:

1. Creek area developments where the primary function is the improvement of fish and wildlife habitat, including creek bank restoration, revegetation, removal of



DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

concrete lining, removal of fish passage barriers, installation of fish passage enhancement structures, daylighting of previously under-grounded creek channels, and invasive plant removal.

2. New private road crossings and bridges necessary to provide minimum required access to a legal parcel where no other access is available due to topographic, geologic, or environmental constraints.

**Commented [CCC8]:** This section is not entirely consistent with Policy 4.1-11 in that it does not require clear span bridging while the LUP does..

3. Replacement of existing private road crossings and bridges by use of clear span bridging or by reconstruction where additional creek alteration or wetland fill is avoided.

4. Creek area development as described in Section 22.26.080 that does not otherwise meet the requirements for authorization under that section.

5. New development to provide reasonable accommodation to persons with disabilities subject to the additional findings under Section 30.250.060 D.

6. Creek bank stabilization, protection, or reconstruction when necessary for public safety or to protect the structural integrity of legally existing main buildings on the lot when no other means of stabilization, protection, or reconstruction is feasible.

C. Replacement of nonconforming creek area development destroyed by natural disaster. A modification may be issued to authorize an intrusion into the creek buffer area when necessary for the replacement of a nonconforming creek area development destroyed by a natural disaster (such as flood, sudden subsidence or erosion, landslide, wildfire, etc.) if the Planning Commission finds that the intrusion is necessary because a replacement development of the same floor area as the previous nonconforming creek

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

area development, but not necessarily the same layout or design, cannot be fully accommodated on the lot outside of the creek buffer area.

D. *Creek area substantial redevelopment.* A modification may be issued to authorize intrusion into the creek buffer area for creek area substantial redevelopment only if the Planning Commission finds that the intrusion is necessary to permit redevelopment of the same floor area as the previous nonconforming creek area development and the redevelopment cannot be fully accommodated on the lot outside of the creek buffer area.

E. *Modification to avoid an unconstitutional taking of property.* Modifications may be issued when the Planning Commission finds that application of the creek buffer area to an undeveloped lot would result in an unconstitutional taking of property due to the size, topography, geology, or other physical attributes of the lot as follows:

1. *Residential Zones.* In residential zones, a single-unit residential development where the development on a lot (outside and inside the creek buffer area) does not exceed a total of the following:

- a. *A new single unit residence up to 1,200 square feet of livable space, excluding garage or accessory space.*
- b. *One detached residential accessory building up to a maximum of 500 square feet.*
- c. *Vehicular and pedestrian access in the minimum dimensions necessary for ingress/egress.*

2. *Nonresidential Zones.* In nonresidential zones, nonresidential development or single-unit residential development as authorized by the applicable

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

zone, where the total development on the lot (outside and inside the minimum required creek buffer area) does not exceed a total of the following:

- a. One or more nonresidential main buildings that do not exceed a cumulative floor area of 1,200 square feet,
- b. Covered or uncovered parking areas limited to the minimum size and number of parking spaces required for the nonresidential use by the Zoning Ordinance,
- c. Vehicular and pedestrian access in the minimum dimensions necessary for ingress/egress, or
- d. A single-unit residence and residential accessory development as described in subsection B.1. a, b, and c.

F. Modification to comply with state requirements relating to multi-unit residential and mixed-use residential development. A modification may be issued when the Planning Commission finds that application of the creek area buffer to a lot would preclude development of a multi- unit residential or mixed-use residential development of the density and unit configuration consistent with the zoning and general plan designation for the property due to the size, topography, geology, or other physical attributes of the lot.

**22.26.100 Required Findings for Approval of a Modification**

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

A. Modification for creek area development authorized by Section 22.26.090 shall not be approved unless the Planning Commission finds all of the following:

1. Reducing the minimum required creek buffer area will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity.

2. Encroachments into the creek buffer area are minimized to the extent feasible, including through reconfiguration of the floor plan, reduction of unit size, or construction of multi-story development to achieve a smaller building footprint.

3. Modifications to other development standards unrelated to creek protections (such as setback, parking, and open yard requirements) were considered in the project to avoid or minimize impacts to creek areas.

4. The reduced creek buffer area is of sufficient size to avoid or mitigate hazards from creek erosion and floodways over the economic life of the structure.

5. Measures have been incorporated into the project to avoid and minimize impacts to creek, wetland, and riparian habitat as appropriate. Such measures include, but are not limited to, restoration or enhancement of disturbed areas, protection of existing native trees and plants, and removal of non-native or invasive plant species.

6. The modification is consistent with the purposes and intent of this Chapter and Title 28 or Title 30 (as applicable) and with the specific purposes of the zoning district in which the project is located, and is necessary to:

- a. Authorize an appropriate improvement on a lot, and
- b. Prevent unreasonable hardship.

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

7. The creek area development is either exempt from Chapter 22.100 or that environmental review as required by Chapter 22.100 has been completed and the findings required as a result of the environmental review can be made.

**22.26.110 Conditions of Approval of a Modification.**

A. When approving a modification, the Planning Commission may impose conditions necessary for the creek area development to achieve compliance with requirements of this Chapter or to mitigate impacts identified as a result of the environmental review conducted for the project.

B. When it is reasonably foreseeable that a modification will result in unavoidable permanent or temporary impacts to existing creek habitat, then habitat creation or restoration will be required as a condition of approval according to the following guidelines:

1. When stream or creek bed habitats are permanently disturbed, the stream or creek bed will be restored at a minimum ratio of 4:1 (area restored to area impacted).

2. When there are temporary impacts to creek habitats, the impacted habitat will be restored at a minimum ratio of 1:1 (area restored to area impacted.)

3. When a native riparian mature tree is removed or it is reasonably foreseeable that the creek area development will result in damage affecting the long-term survival of such a tree, then for each such tree, replacement trees will be planted at a minimum ration of 10:1 (newly planted trees to trees removed or impacted) for oak trees and a minimum ration of 5:1 for all other native trees or trees providing habitat for sensitive species. When on-site planting of replacement trees is not reasonable under the circumstances, a different mitigation amount may be established at an appropriate

**Commented [CCC9]:** There should be a mitigation ratio of 3:1 for permanent impacts to riparian habitat (that is not within the bed/banks of the creek).

rationation recommended by a qualified biologist and/or offsite planting may be included at nearby off-site locations if the restoration area is within public parklands or restricted from development, and success and maintenance is guaranteed through binding agreements.

4. Sizes of replacement trees to be planted should be carefully selected to ensure successful restoration. Where on-site habitat restoration is not reasonably feasible, compensatory restoration may be provided at nearby off-site locations if the restoration area is within public parklands or restricted from development, and success and maintenance is guaranteed through binding agreements.

5. All habitat restoration sites shall be monitored for a period of no less than five years following completion. Specific restoration objectives and performance standards shall be designed to measure the success of the restoration project. Mid-course corrections shall be implemented if necessary. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met. The restoration will be considered successful after the success criteria have been met for a period of at least two years without remedial actions or maintenance other than exotic species control. Where the City has made a specific determination that the restoration is unsuccessful and is likely to continue to be unsuccessful, an alternate location may be substituted to provide full compensatory restoration of impacts. The substituted location shall be subject to a minimum monitoring period of five years.

**22.26.120 Creek Area Development of Accessory Dwelling Units Subject to Government Code Section 66323.**

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

A. Notwithstanding anything in Chapter 28.86 or Section 30.185.040 to the contrary, accessory dwelling units shall not be located in a creek or creek buffer area on a privately owned lot except that building permits for ministerially approved accessory dwelling units not subject to local standards according to Government Code Section 66323 may be issued for construction within a creek buffer area as provided in this Section.

B. A building permit for an accessory dwelling unit authorized under Subsection A shall not be issued except upon a finding made by the Community Development Director in consultation with the Sustainability and Resilience Department – Creeks Division based upon the information provided by the applicant that all of the following conditions exist:

1. The accessory dwelling unit meets all of the requirements for issuance of a building permit under Government Code Section 66323.
2. There is not sufficient area on the lot outside of the creek buffer area to place the accessory dwelling unit.
3. The intrusion into the creek buffer area is the minimum necessary to locate the accessory dwelling unit.
4. It is not reasonably foreseeable that construction and maintenance of the accessory dwelling unit in the proposed location will result in erosion of the creek bank.
5. It is not reasonably foreseeable that installation of creek bank stability or erosion protection will be required to protect the accessory dwelling unit from creek bank erosion for a period of 75 years following the date of issuance the building permit for the unit.

6. The accessory dwelling unit will not be located in or over a creek or in a designated floodway if the floodway extends beyond the top of bank.

C. Nothing in subdivision B precludes the issuance of a building permit for more than one accessory dwelling unit when required by state law, provided that each unit meets the requirements of subdivision B.

D. Notwithstanding anything in Chapter 30.280 to the contrary, the decision of the Community Development Director to approve, conditionally approve, or deny accessory dwelling units under this Section is final except for the possibility of judicial review.

**22.26.130 Temporary Creek Area Development on a Privately Owned Lot in Response to an Emergency**

A. The Community Development Director, in consultation with the Sustainability and Resilience Department – Creeks Division, may issue a special temporary permit for the owner of a privately owned lot to perform temporary creek bank stabilization or protection to prevent creek bank erosion or subsidence when necessary because of damage to a creek bank caused by an emergency and the work is needed for public safety or to protect the structural integrity of legally existing main buildings on the lot when no other means of stabilization, protection, or reconstruction is feasible.

B. A special temporary permit may be issued only if the Community Development Director finds, based upon evidence submitted by the owner or the owner's representative, all of the following:

1. The work is necessary to repair damage to the creek bank resulting from an emergency.



DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

2. The work is necessary for public safety or to protect the structural integrity of legally existing main buildings on the lot.

3. The work is the minimum necessary to provide temporary creek bank stabilization or protection to prevent creek bank erosion or subsidence and it is not reasonably foreseeable that the work will result in erosion or subsidence to the creek bank upstream or downstream of the lot.

4. Appropriate plans for the work along with supporting calculations have been submitted to the Community Development Department.

5. All permits for the work required under Section 14.56.040 have or will be issued before commencement of the work.

6. Issuance of the special temporary permit is necessary because there is insufficient time for the owner to apply for and obtain a modification under Section 22.26.090 B.6.

7. The owner has agreed in writing to submit a complete application for a modification under Section 22.26.090 B.6. within 90 days after issuance of the special temporary permit.

C. As a condition of issuance of a special temporary permit the owner shall be required to remove the temporary work upon completion of permanent work authorized by a modification approved under Section 22.26.090 or within one year from the date of issuance of the special temporary permit, whichever is later. Removal of the temporary work may be accomplished by incorporation into the final work if authorized by the modification.

D. A special temporary permit for a lot within the Coastal Zone will be processed according to the emergency permit requirements of Section 28.44.100.

E. The Community Development Director may develop administrative procedures for the issuance of special temporary permits under this Section.

**22.26.140 Environmental Analysis.**

A. In addition to the preliminary environmental information or an initial study under Chapter 22.100, a private lot owner seeking approval of creek area development may be required to provide the following technical reports at the owner's cost:

1. A biological evaluation to assess short-term, long-term, and cumulative impacts. Some evaluations may require peer review by a qualified biologist or equivalent technical specialist, as determined by the City Environmental Analyst.

2. A soils, geotechnical, and hydrology evaluation to substantiate safety and erosion findings. Some evaluations may require peer review by a hydrogeomorphologist or equivalent technical specialist to be deemed complete, as determined by the City Environmental Analyst.

3. A topographic survey prepared by a licensed land surveyor, which shall include cross sections showing both banks and the Federal Emergency Management Agency (FEMA) 100-year flood surface elevations of the site. In limited cases where FEMA has not determined flood elevations for a creek, and the top of bank is disputed, a hydrologic study showing 100-year flood surface elevations may be used in place of "FEMA 100-year flood surface elevations."

**22.26.150 Development by the City or Other Public Entity within a Creek or Creek Buffer Area**

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

A. The following types of creek area development undertaken by the City or other public entity may be permitted by the Public Works Director, in consultation with the Sustainability and Resilience Department – Creeks Division and subject to requirements of Chapter 22.100:

1. Storm water management and flood control improvements, creek channel maintenance, and debris basin modification.
2. Water supply and wastewater projects.
3. Public services, utilities, roads, pathways, and trails to provide access or services to public recreational areas or public facilities.
4. Maintenance, repair, relocation, or replacement of existing public roads, trails, road rights-of way, public utility services and facilities, and parking lots, provided that the activity does not increase the development footprint for that portion in a creek or creek buffer area and any replacement facility is not located closer to the creek than the existing facility, unless necessary to comply with state or federal law or design guidelines imposed by state or federal agencies. Bridge replacement or relocation must include methods to preserve maximum creek flow capacity and sediment transport, and minimize wetland or riparian resource impacts. Clear spanning will be used whenever reasonably feasible. Generally, relocations will be placed outside of the creek or creek buffer area when feasible.
5. Public services, utilities, and development required to complete a project allowed in coastal waters or coastal wetlands pursuant to Policy 4.1.7 Diking, Filling, or Dredging of Coastal Waters, and Wetlands of the City of Santa Barbara Coastal Land Use Plan.

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

6. New utility crossings that do not result in substantial alteration of creeks and are accomplished by attachment to bridges, clear spanning of the creek, or under-channel boring (horizontal directional drilling).

7. Creek restoration where the primary function is the improvement of fish and wildlife habitat, including creek bank restoration, revegetation, removal of concrete lining, removal of fish passage barriers, installation of fish passage enhancement structures, daylighting of previously under-grounded creek channels, and invasive plant removal.

8. Creek bank stabilization, protection, or reconstruction when necessary for public safety, to respond to an emergency, or to protect lawfully existing structures.

B. The Parks and Recreation Director, in consultation with the Sustainability and Resilience Department – Creeks Division and subject to requirements of Chapter 22.100 may approve installation, removal, or replacement of new park or recreation structures, facilities, features, and equipment in the creek buffer area of City parks.

C. A decision by the Public Works Director or Parks and Recreation Director to approve or deny creek area development under this section may be appealed to the City Council as provided in Section 1.30.050

**22.26.160 Determining Creek Top of Bank**

A. The top of the bank is determined by the creek channel geometry. Any lot that adjoins, or is within 50 feet of, a creek where development is proposed shall have the top of bank determined as part of any plan submittal.

B. The top of bank shall be determined using the appropriate methodology as described below in Cases 1-- 3 and depicted in the associated diagrams below, except

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

that the top of bank for Flood Control Project Creeks will be determined under Subsection C. If more than one condition applies, the approach that is most protective of creek resources shall apply.

**Case 1 - Bank Slopes with a Single Defined Hinge Point.** When the creek has a sloped bank rising from the toe of the bank to a hinge point at the generally level ground above, the hinge point is the top of bank. If the existing slope of the bank is steeper than 1.5 (horizontal):1 (vertical), the intersection of a projected plane with a 1.5:1 slope from the toe of the bank to the generally level upper ground is the “top of bank.”

**Case 2 – Bank Slopes with Multiple Hinge Points.** When the creek bank slope rises from the toe of the bank, levels off one or more times, then rises to an upper hinge point at the generally level upper ground, the hinge point at or directly above the FEMA 100-year flood surface elevation is the top of bank. If the FEMA 100-year flood surface elevation is above the highest hinge point, the location of the top of bank does not change and is the highest hinge point.

**Case 3 – Bank Slopes with No Readily Defined Hinge Point.** When no discernible break in slope occurs above the active channel, and the creek bank opposite a project site has a well-defined hinge point, the elevation of that hinge point will be used to determine the top of bank for the project site. Where no readily determined hinge point defines the top of bank on either side of the creek, the FEMA 100-year flood elevation is the top of bank.

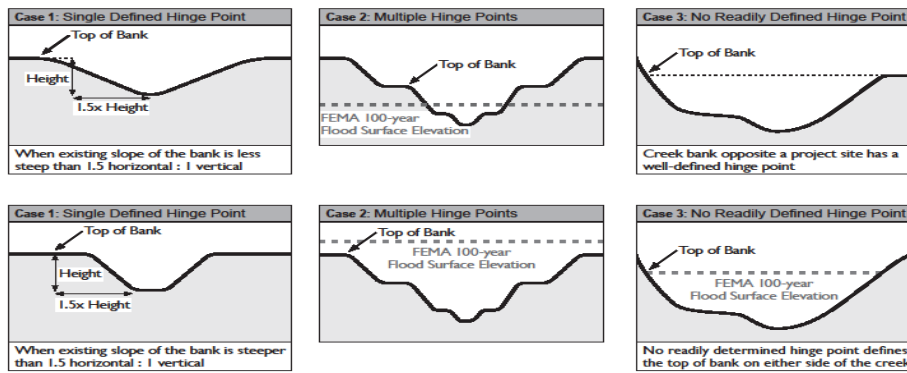
C. For Flood Control Project Creeks identified in Section 22.26.020 D. 2, the top of bank will be located at the top of the existing or proposed flood control channel wall, or

**Commented [CCC10]:** In the LUP Section 8.1, “Case 1” also includes this provision: “If the FEMA Certified 100-year flood surface elevation is higher than the top of bank, the location of the top of bank does not change and is the hinge point”.

Why was this changed and how does that affect the process for determining top of bank?

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

the hinge point just above the top of wall, whichever is higher, even if the bank is steeper than 1.5:1.



**22.26.170 Creek Area Substantial Redevelopment**

A. Creek area substantial redevelopment means any of the following conditions or activities that occur following the effective date of the ordinance enacting this chapter:

1. With respect to an existing structure:

- a. More than 50 percent of the structural elements of the roof or roof framing are replaced, structurally altered, or removed; or
- b. More than 50 percent of the structural components of exterior walls (or vertical supports such as posts or columns when a structure has no walls) of a structure are replaced, structurally altered, removed, or are no longer a necessary and integral structural component of the overall structure; or

**Commented [CCC11]:** This will cause a conflict with LUP Policy 2.1-27 which begins the cumulative structural changes at the date of certification of the LUP update. How this is resolved in the Coastal Zone should be detailed here.

For instance, you could add a parenthetical at the end of this sentence to say that "(Creek Area Substantial Redevelopment in the Coastal Zone will be calculated following the date of certification of the Coastal LUP)" or similar.

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

c. More than 50 percent of the foundation system is replaced, structurally altered, removed, or is no longer a necessary and integral structural component of the overall structure, including, but not limited to: perimeter concrete foundation, retaining walls, post and pier foundations, or similar elements that connect a structure to the ground and transfers gravity loads from the structure to the ground.

2. Fences, patios, decks, staircases, or similar accessory structures shall be considered substantially redeveloped when more than 50 percent, cumulatively, of either the lineal feet or area of the structure is replaced, structurally altered, or removed.

B. The calculation under Subsection A. 1. b. will be based on a horizontal measurement of the perimeter exterior wall removed between the structure's footings and the structure's ceiling. The calculation under Subsection A. 1. a. and c. will be based on the lineal feet of the foundation system, count of post and piers, or overall square footage of that individual element. An applicant for any land use or building permit or authorization with respect to an existing structure on a lot containing a creek buffer area may be required to submit written verification from a registered structural engineer certifying that the roof, exterior walls, and foundation shown to remain are structurally sound and will not be required to be removed or replaced for the project. Before issuance of a building permit, the property owner and contractor shall sign declaration to the City acknowledging the City's definition of a creek area substantial redevelopment and the penalties associated with violation of this chapter.

C. The term "Creek Area Substantial Redevelopment" as used in this chapter shall not alter the meaning of the term "Substantial Redevelopment" where it is described in Santa Barbara Municipal Code Section 30.140.200, Substantial Redevelopment. "Creek

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

Area Substantial Redevelopment” is differentiated from “Substantial Redevelopment” with a stricter standard of a single structural alteration rather than two structural alterations, with the intent to reduce risks to life and property in areas subject to creek flooding hazards.

**22.26.180 Other Regulations Affecting Creek Area Development or Other Activities in Creeks.**

A. The provisions of this Chapter are additional to the requirements of Chapters 14.56 and 22.24 and establish the minimum standards applicable to creek area development. This Chapter and Chapters 14.56 and 22.24 will be interpreted to be in harmony with each other, however, if there is a conflict the provision that is most protective of a creek and the environment will prevail.

B. Creek area development in the Coastal Zone is subject to the requirements of this Chapter and ~~the policies and provisions of the City of Santa Barbara Local Coastal Program (including those in the Coastal Land Use Plan, Title 28, and Title 30). Where there are conflicts between the requirements of this Chapter and those set forth in the Coastal Land Use Plan, the requirements that are most restrictive and/or most protective of coastal resources shall take precedence.~~ The requirement by this Chapter for approval of a Zoning Clearance or Modification may be met through the approval of a coastal development permit where both are required. Additionally, the requirement by this chapter of a temporary permit may be met through the approval of an emergency coastal development permit where both are required. Where development in the Coastal Zone is exempt from the provisions of the LCP, the requirements of this Chapter shall apply. ~~issuance of a coastal development permit or approval of a coastal~~

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**Commented [CCC12]:** I think this statement is the crux of our suggestions. Many of the provisions of this ordinance are less restrictive than the LUP and we couldn't find them consistent. There are some requirements in this ordinance that appear to be equally or more restrictive (or just different) than the LUP, so it didn't seem necessary to say the LUP always prevails.

**Commented [CCC13]:** I assume that the City is not intending to require both a CDP and zoning clearance/modification or ECDP and temporary permit. Is that correct?

**Commented [CCC14]:** Similarly, I think you told us that this is the intention.



DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

~~development permit exemption. Creek area development in the Coastal Zone may be subject to additional buffer requirements for creeks and other habitats as provided in the City of Santa Barbara Coastal Land Use Plan.~~

C. Nothing in this Chapter precludes imposition of additional restrictions to mitigate project specific impacts as a condition to approval of a project subject to a discretionary permit under Titles 27, 28, or 30 or as may be required to comply with the requirements of Chapter 22.100, based upon the conditions of the site, the type of development, flood hazards, or the presence of environmentally sensitive species or habitats.

D. Creek area development may also be subject to additional state or federal permit requirements.

E. Nothing in this Chapter authorizes development that is otherwise regulated or prohibited by Title 28 or Title 30, as applicable.

SECTION 2. Title 28, Chapter 28.92, Section 28.92.110 of the Santa Barbara Municipal Code is amended to read as follows:

§ 28.92.110 **Modifications.**

Modifications may be granted by the Planning Commission or Staff Hearing Officer as follows:

A. By the Planning Commission. The Planning Commission may permit the following:

1. **Parking.** A modification or waiver of the parking or loading requirements where, in the particular instance, the modification will not be inconsistent with the purposes and intent of this title and will not cause an increase in the demand for parking space or loading space in the immediate area.

2.     Setbacks, Lot Area, Floor Area, Street Frontage, Open Yard, Outdoor Living Space, and Distance Between Buildings. A modification of setback, lot area, floor area, street frontage, open yard, outdoor living space, or distance between buildings requirements where the modification is consistent with the purposes and intent of this title, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development containing affordable dwelling units rented or owned and occupied in the manner provided for in the City's Affordable Housing Policies and Procedures as defined in subsection A of Section 28.43.020 of this code.

3.     Fences, Screens, Walls, and Hedges. A modification of fence, screen, wall and hedge regulations where the modification is necessary to secure an appropriate improvement on a lot and is consistent with the purposes and intent of this title.

4.     Solar Access. A modification of height limitations imposed by Section 28.11.020 to protect and enhance solar access where the modification is necessary to prevent an unreasonable restriction. The Rules and Regulations approved pursuant to Section 28.11.040 shall contain criteria for use in making a finding of unreasonable restriction.

5.     Building Height. A modification of building height limitations for existing buildings or structures that exceed the current building height limit, to allow the exterior of the portion of the building or structure that exceeds the building height limit to be improved or upgraded, provided that the improvements increase neither the height nor

the floor area of any portion of the building or structure that exceeds the building height limit, except as otherwise allowed in the Code.

6. Net Floor Area (Floor to Lot Area Ratio). A modification of the net floor area standard imposed by Section 28.15.083 to allow a development that would otherwise be precluded by operation of Section 28.15.083.D where the Planning Commission makes all of the following findings:

a. Not less than five members of the Single Family Design Board or six members of the Historic Landmarks Commission (on projects referred to the Commission pursuant to Section 22.69.030) have voted in support of the modification following a concept review of the project;

b. The subject lot has a physical condition (such as the location, surroundings, topography, or the size of the lot relative to other lots in the neighborhood) that does not generally exist on other lots in the neighborhood; and

c. The physical condition of the lot allows the project to be compatible with existing development within the neighborhood that complies with the net floor area standard.

7. Accommodation of Disabilities. A modification of any zoning regulation where the modification is necessary to allow improvements to an existing building in order to provide reasonable accommodations to individuals with disabilities. This modification is not available in the case of new buildings, demolitions and rebuilds, or additions where the proposed construction precludes a reasonable accommodation that would not require a modification.

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

8. Modifications Under Chapter 22.26. A modification for approval of creek area development authorized under Section 22.26.090 of this code.

B. By the Staff Hearing Officer. The Staff Hearing Officer may permit modifications in accordance with paragraphs 1, 2, 3, 4, 5, and 7 of subsection A above, if the Staff Hearing Officer finds that:

1. The requested modification is not part of the approval of a tentative subdivision map, conditional use permit, development plan, site plan, plot plan, or any other matter which requires approval of the Planning Commission; and

2. If granted, the modification would not significantly affect persons or property owners other than those entitled to notice.

SECTION 3. Title 30, Chapter 30.140, Section 30.140.090, Subsection A of the Santa Barbara Municipal Code is amended to read as follows:

30.140.090 Encroachments into Setbacks and Open Yards.

A. Applicability. Required setback and open yard areas shall be open, unenclosed, and unobstructed by structures from the ground upward, except as provided in this section. The provisions of this section do not apply to ~~Development Along Mission Creek, pursuant to Section 30.140.050~~, Street Widening Setbacks, pursuant to Section 30.140.190, or public utility easements which are to remain unobstructed.

SECTION 4. Title 30, Chapter 30.200, Section 30.200.050 of the Santa Barbara Municipal Code is amended to read as follows:

30.200.050 Community Development Director.

The following powers and duties of the Community Development Director (the "Director") under this title include, but are not limited to, the following:

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

- A. Maintain and administer this title.
- B. Request interpretations of this title from the City Attorney and disseminate to members of the public and to other City Departments.
- C. Prepare and effect rules and procedures necessary or convenient for the conduct of the Director's business. As determined by the City Attorney, these rules and procedures shall be approved by a resolution of the City Council following review and recommendation of the Planning Commission.
- D. Issue administrative regulations for the submission and review of applications subject to the requirements of this title and the Government Code.
- E. Review permit applications for conformance with this title, and issue a Zoning Clearance when the proposed use, activity or structure conforms to all applicable development and use standards.
- F. Review applications for discretionary permits and approvals under this title for conformance with the California Environmental Quality Act and the City's environmental review requirements, and all other applicable submission requirements and time limits.
- G. All actions provided by this title to be performed by the Director in connection with applications for, or amendments to Transfer of Existing Development Rights Permits, as assigned.
- H. Determine level of coastal review pursuant to Chapter 30.50, Coastal (CZ) Overlay Zone, and document Coastal Exclusions and Coastal Exemptions, as appropriate.
- I. ~~Consider and determine the location of "Top of Bank" pursuant to Section 30.140.050, Development Along Mission Creek.~~

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

~~J.I.~~ Process and make recommendations to the City Council, Planning Commission, Design Review bodies (pursuant to Title 22 of the Santa Barbara Municipal Code), and Staff Hearing Officer, as appropriate, on all applications, amendments, appeals and other matters upon which they have the authority and the duty to act under this title.

~~K.J.~~ Act on applications for time extensions of approved permits, as assigned, pursuant to Section 30.205.120, Expiration of Permits.

~~L.K.~~ Initiate revocation procedures on violations of permit terms and conditions pursuant to Section 30.205.140, Revocation of Permits and Approvals.

~~M.L.~~ Make Substantial Conformance Determinations pursuant to Section 30.205.130, Changes to Approved Plans.

~~N.M.~~ Delegate administrative functions, as deemed appropriate, to members of the Planning Division.

~~O.N.~~ Appoint a Staff Hearing Officer pursuant to Section 30.200.040, Staff Hearing Officer.

~~P.O.~~ Other duties and powers as may be assigned by the City Council, City Administrator, or established by legislation.

SECTION 5. Title 30, Chapter 30.300, Section 30.300.230 "W" is amended to read as follows:

30.300.230 "W"

Watercourse. Watercourse has the same meaning as defined in Section 14.04.050 of this Code. ~~Any stream, creek, arroyo, gulch, wash and the beds thereof, whether dry or containing water. It shall also mean a natural swale or depression which contains and~~

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

~~conveys surface water during or after rain storms. See Also Section 30.15.040,~~

~~Determining Area of a Watercourse.~~

SECTION 6. Title 30, Chapter 30.250, Section 30.250.020 of the Santa Barbara Municipal Code is amended to read as follows:

**§ 30.250.020 Applicability.**

Modifications may be granted to any of the following standards:

- A. Parking.
- B. Setbacks, Lot Area, Floor Area, Density, Street Frontage, Open Yard, Front Yard, Required Distances, Building Attachment.
- C. Fences and Hedges.
- D. Solar Access Height Limitations.
- E. Maximum Floor Area (Floor to Lot Area Ratio).
- F. Standards necessary for the Accommodation of Disabilities.
- G. Standards necessary for Reconstruction of Nonconforming Structures.
- H. Standards necessary for the Preservation of Historic Resources.
- I. Standards and Limitations for Creek Area Development in Creeks and Creek

Buffer Areas when authorized under Chapter 22.26 of this Code.

SECTION 7. Title 30, Chapter 30.250, Section 30.250.030 of the Santa Barbara Municipal Code is amended to read as follows:

**§ 30.250.030 Review Authority.**

The following bodies shall approve, conditionally approve, or deny applications for Modifications based on consideration of the requirements of this chapter.

- A. Planning Commission. The Planning Commission shall review Modifications for reduced parking pursuant to Subsection 30.250.060 B., Modifications to Maximum Floor

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

Area (Floor to Lot Area Ratio), ~~and all~~ Modifications when other discretionary applications related to the project require Planning Commission action, and all Modifications for Creek Area Development when authorized under Chapter 22.26 of this Code.

B. Staff Hearing Officer. The Staff Hearing Officer shall review all other Modifications.

SECTION 8. Title 30, Chapter 30.250, Section 30.250.060 of the Santa Barbara Municipal Code is amended to read as follows:

**§ 30.250.060 Required Findings.**

A. Parking Modifications for Projects Heard by the Staff Hearing Officer. A Modification for reduced parking may only be approved if the Staff Hearing Officer finds that:

1. Reduced parking will meet anticipated parking demand generated by the project site; or
2. A physical hardship exists that would otherwise prevent reasonable use of the property for an existing single-unit residence, including, but not limited to, extreme slope, narrow lot width, or location of existing development.

B. Parking Modifications for Projects Heard by the Planning Commission. A Modification for reduced parking may only be approved if the Planning Commission finds that:

1. All of the same findings as Staff Hearing Officer above, for any project requiring Planning Commission approval; or



DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

2. There are other criteria consistent with the purposes of the parking regulations and based on unusual or unique circumstances of a particular case, as determined by the Planning Commission.

C. Maximum Floor Area (Floor to Lot Area Ratio). A Modification to allow a development that would otherwise be precluded by operation of Subsection 30.20.030.A, Maximum Floor Area (Floor to Lot Area Ratio), may only be approved if the Planning Commission makes all of the following findings:

1. Not less than five members of the Single Family Design Board or six members of the Historic Landmarks Commission (on projects referred to the Commission pursuant to Section 30.220.020) have voted in support of the Modification following a concept review of the project;

2. The subject lot has a physical condition (such as the location, surroundings, topography, or the size or dimensions of the lot relative to other lots in the neighborhood) that does not generally exist on other lots in the neighborhood; and

3. The physical condition of the lot allows the project to be compatible with existing development within the neighborhood that comply with the floor area standard.

D. Accommodation of Disabilities. A Modification of any provision of this title to allow improvements to an existing structure or site in order to provide reasonable accommodations to individuals with disabilities may only be approved if the Review Authority makes all of the following findings:

1. The project does not include new structures, demolitions or substantial redevelopment and rebuilds, or additions where the proposed project precludes a reasonable accommodation that would not require a Modification;

2. That the property which is the subject of the request for reasonable accommodation will be used by an individual or organization entitled to protection;

3. If the request for accommodation is to provide fair access to housing, that the request for accommodation is necessary to make specific housing available to an individual protected under State or federal law;

4. That the conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest; and

5. That denial of the requested Modification would conflict with any State or federal statute requiring reasonable accommodation to provide access to housing.

E. Preservation of Historic Resources. A Modification of any provision of this title to allow improvements to an existing structure or site in order to preserve a designated historic resource may only be approved if the Review Authority makes all of the following findings:

1. The Modification is consistent with the general purposes of this title or the specific purposes of the zoning district in which the project is located;

2. The project design proposes improvements that encourage rehabilitation or adaptive re-use of a designated historic resource, as an alternative to demolition or relocation;

3. Reduction or waiver of zoning requirements would facilitate the preservation of the historic resource; and

4. The Modification approval and project after completion will be consistent with the City's Historic Resource Design Guidelines.

F. Creek Area Development in Creeks or Creek Buffer Areas. The Planning Commission may grant a Modification as authorized under Chapter 22.26 of this Code only as specified by Section 22.26.090 and upon making the findings required by Section 22.26.100.

GF. All Other Modifications. A decision to grant a Modification for any other standard as provided for in this chapter shall be based on the following findings:

1. The Modification is consistent with the general purposes of this title or the specific purposes of the zoning district in which the project is located; and
2. The Modification is necessary to accomplish any one of the following:
  - a. Secure an appropriate improvement on a lot; or
  - b. Prevent unreasonable hardship due to the physical characteristics of the site or development, or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, proximity to creeks, or other unusual circumstance; or
  - c. Result in development that is generally consistent with existing patterns of development for the neighborhood, or will promote uniformity of improvement to existing structures on the site; or
  - d. Construct a housing development containing affordable residential units rented or owned and occupied in the manner provided for in the City's Affordable Housing Policies and Procedures.
  - e. Construct a housing development to meet the special housing needs of the elderly, persons with disabilities, large families, homeless persons,

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

single and small households, farmworkers, students, homeless persons and families, veterans, and any other group with special needs.

SECTION 9. Title 28, Chapter 28.87.250, Section 28.87.250 of the Santa Barbara Municipal Code is repealed.

**~~28.87.250 Development Along Creeks.~~**

**~~A.—— Legislative Intent.~~** The purpose of this section is to provide controls on development adjacent to the bed of Mission Creek within the City of Santa Barbara.

~~These controls are necessary:~~

- ~~1.—— To prevent undue damage or destruction of developments by flood waters;~~
- ~~2.—— To prevent development on one parcel from causing undue detrimental impact on adjacent or downstream properties in the event of flood waters;~~
- ~~3.—— To protect the public health, safety and welfare.~~

**~~B.—— Limitation on Development.~~** No person may construct, build, or place a development within the area described in subsection **~~C~~** below unless said development has been previously approved as provided in subsection **~~E~~** of this section.

**~~C.—— Land Area Subject to Limitation.~~** The limitations of this section shall apply to all land within the banks and located within 25 feet of the top of either bank of Mission Creek within the City of Santa Barbara.

~~"Top of 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 bank" shall mean the intersection of a plane beginning at the toe of the bank and~~

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

~~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.~~

~~"Toe of 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 bed of the watercourse.~~

**D. — Development Defined.** ~~Development, for the purposes of this section, shall include any building or structure requiring a building permit; the construction or placement of a fence, wall, retaining wall, steps, deck (wood, rock, or concrete), or walkway; any grading; or, the relocation or removal of stones or other surface which forms a natural creek channel.~~

**E. — Approval Required.** ~~Prior to construction of a development in the area described in subsection C of this section, the property owner shall obtain approvals as follow:~~

~~1. — Any development subject to the requirement for a building permit shall be reviewed and approved by the Chief of Building and Zoning or the Planning Commission on appeal prior to the issuance of a building permit.~~

~~2. — Any development not requiring a building permit shall be reviewed and approved by the Chief of Building and Zoning or his or her designated representative or the Planning Commission on appeal. A description of the development shall be submitted showing the use of intended development, its location, size and manner of construction.~~

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

~~F. — Development Standards. No development in the area subject to this section shall be approved unless it is found that it will be consistent with the purposes set forth in subsection A of this section.~~

~~1. — The Chief of Building and Zoning or the Planning Commission on appeal shall consider the following in determining whether the development is consistent with subsection A:~~

~~a. — That the proposed new development will not significantly reduce existing floodways, re-align stream beds or otherwise adversely affect other properties by increasing stream velocities or depths, or by 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.~~

~~b. — That proposed additions, alterations or improvements comply with paragraph 1.a above~~

~~c. — That proposed reconstruction of structures damaged by fire, flood or other calamities will comply with paragraph 1.a above, or be less nonconforming than the original structure and will not adversely affect other properties.~~

~~d. — The report, if any, of a qualified soils engineer or geologist and the recommendations of the Santa Barbara County Flood Control and Water Conservation District.~~

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

~~e. — After review of that report, whether denial of approval would cause severe hardship or prohibit the reasonable development and use of the property.~~

~~2. — The Chief of Building and Zoning, or the Planning Commission on appeal may consider the following factors as mitigating possible hazards which might otherwise result from such development:~~

~~a. — Where the development is located on a bank of the creek which is sufficiently higher than the opposite bank to place the development outside a flood hazard area.~~

~~b. — Where the creek bed adjacent to the development is sufficiently wide or the creek bank slope sufficiently gradual that the probability of flood hazard is reduced.~~

~~c. — Where approved erosion or flood control facilities or devices have been installed in the creek bed adjacent to the development.~~

~~d. — Where the ground level floor of the development is not used for human occupancy and has no solid walls.~~

~~e. — Where the development is set on pilings so that the first occupied floor lies above the 100-year flood level, and such pilings are designed to minimize turbulence.~~

~~3. — The Chief of Building and Zoning or the Planning Commission on appeal may allow development into required setbacks if he or she makes the finding that the encroachment would not be necessary except for the development controls required by this section and that the modification of the required setback is~~

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

~~necessary to secure an appropriate improvement on a lot, to prevent unreasonable hardship or to promote uniformity of improvement.~~

~~G. Procedures. The following procedures shall apply to developments in the area defined in subsection C:~~

~~1. All applicants shall receive an environmental assessment.~~

~~2. All applications shall be referred to the Santa Barbara County Flood Control and Water Conservation District and the City Public Works Department for review and comment.~~

~~3. Upon completion of the above review and comment, the proposed development shall be reviewed by the Chief of Building and Zoning as provided in subsection E. The Chief of Building and Zoning shall give the applicant and any other person requesting to be heard, an opportunity to submit oral and/or written comments to him or her prior to his or her decision. The Chief of Building and Zoning shall send by mail notice of his or her decision to the applicant. The decision of the Chief of Building and Zoning shall be final unless appealed by the applicant or any interested person to the Planning Commission within 10 days by the filing of a written appeal with the Department of Community Development. The Department of Community Development shall schedule the matter for a hearing by the Planning Commission and shall mail the applicant and any interested person requesting notice written notice of the hearing 10 days before the hearing. The decision of the Planning Commission shall be final.~~

SECTION 10. Title 30, Chapter 30.15, Section 30.15.040 of the Santa Barbara Municipal Code is repealed.



**~~30.15.040 Determining Area of a Watercourse.~~**

~~The area of a watercourse includes all land within the top of either bank of any watercourse within the City of Santa Barbara.~~

**~~A. Mission Creek.~~**

~~1. "Top of bank" for Mission Creek 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 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.~~

~~2. "Toe of bank" for Mission Creek means the line formed by the intersection of the general plane of the sloping side of the watercourse with the general plane of the bed of the watercourse.~~

**~~B. Creeks other than Mission Creek.~~** ~~"Top of bank" and "toe of bank" for creeks other than Mission Creek shall be determined by the Community Development Director on a case by case basis based upon conditions at the site, in consultation with the Parks and Recreation Department and Public Works Department.~~

SECTION 8. Title 30, Chapter 30.140, Section 30.140.050 of the Santa Barbara Municipal Code is repealed.

**~~30.140.050 Development Along Mission Creek.~~**

**~~A. Purpose.~~** ~~The purpose of this section is to provide controls on development adjacent to the bed of Mission Creek within the City of Santa Barbara. These controls are necessary:~~

~~1. To prevent undue damage or destruction of developments by flood waters;~~

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

2. ~~To prevent development on one parcel from causing undue detrimental impact on adjacent or downstream properties in the event of flood waters; and~~
3. ~~To protect the public health, safety and welfare.~~

B. ~~**Applicability.** No person may construct, build, or place a development within the area described in Subsection 30.140.050.C, Development Limitation Area, unless said development has been previously approved as provided in Subsection 30.140.050.E, Approval Required. The development must also comply with the City of Santa Barbara's adopted Floodplain Management regulations.~~

C. ~~**Development Limitation Area.** The limitations of this section shall apply to all land within the area of the Mission Creek watercourse pursuant to Section 30.15.040, Determining Area of a Watercourse, and all land located within 25 feet of the top of either bank of Mission Creek within the City of Santa Barbara.~~

D. ~~**Development Defined.** Development, for the purposes of this section, shall include any structure requiring a building permit; the construction or placement of a fence, wall, retaining wall, steps, deck (wood, rock, or concrete), or walkway; any grading; or, the relocation or removal of stones or other surface which forms a natural creek channel.~~

E. ~~**Approval Required.** Prior to construction of a development in the area described in Subsection 30.140.050.C, Development Limitation Area, the property owner shall obtain approvals as follow:~~

1. ~~Any development subject to the requirement for a building permit shall be reviewed and approved by the Community Development Director or the Planning Commission on appeal, prior to the issuance of a building permit.~~

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

~~2. Any development not requiring a building permit shall be reviewed and approved by the Community Development Director, or the Planning Commission on appeal. A description of the development shall be submitted showing the use of intended development, its location, size and manner of construction.~~

~~F. **Development Standards.** No development in the area subject to this section shall be approved unless it is found that it will be consistent with the purposes set forth in Subsection 30.140.050.A, Purpose.~~

~~1. The Community Development Director, or the Planning Commission on appeal, shall consider the following in determining whether the development is consistent with Subsection 30.140.050.A, Purpose:~~

~~a. That the proposed new development, additions, alterations, and improvements, will not significantly reduce existing floodways, realign stream beds or otherwise adversely affect other properties by increasing stream velocities or depths, or by 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.~~

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

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

~~c. — The report, if any, of a qualified soils engineer or geologist and the recommendations of the Santa Barbara County Flood Control and Water Conservation District.~~

~~d. — Whether denial of approval would cause severe hardship or prohibit the reasonable development and use of the property.~~

~~2. — The Community Development Director, or the Planning Commission on appeal, may consider the following factors as mitigating possible hazards which might otherwise result from such development:~~

~~a. — Where the development is located on a bank of the creek which is sufficiently higher than the opposite bank to place the development outside a flood hazard area.~~

~~b. — Where the creek bed adjacent to the development is sufficiently wide or the creek bank slope sufficiently gradual that the probability of flood hazard is reduced.~~

~~c. — Where approved erosion or flood control facilities or devices have been installed in the creek bed adjacent to the development.~~

~~d. — Where the ground level floor of the development is not used for human occupancy and has no solid walls.~~

~~e. — Where the development is set on pilings so that the first occupied floor lies above the 100-year flood level, and such pilings are designed to minimize turbulence.~~

~~3. — The Staff Hearing Officer, or the Planning Commission on appeal, may grant a Modification to required Open Yards or setbacks required by the~~

DEVELOPMENT ALONG CREEKS  
PUBLIC REVIEW DRAFT  
January 2025

~~applicable zone, pursuant to Chapter 30.250, Modifications, in order to enable a structure to comply with the Development Limitation Area in Subsection 30.140.050.C, or to be relocated to a safer or more appropriate location on the lot.~~

~~G. —~~ **Procedures.** The following procedures shall apply to developments in the area defined in Subsection 30.140.050.C, Development Limitation Area:

- ~~1. — All applicants shall receive an environmental assessment.~~
- ~~2. — All applications shall be referred to the Santa Barbara County Flood Control and Water Conservation District and the City Parks and Recreation Department Creeks Division for review and comment.~~
- ~~3. — Upon completion of the above review and comment, the proposed development shall be reviewed by the Community Development Director as provided in Subsection 30.140.050.E, Approval Required. The Community Development Director shall give the applicant and any other person requesting to be heard, an opportunity to submit oral or written comments prior to a decision. The Community Development Director shall send by mail notice of the decision to the applicant. The decision of the Community Development Director shall be final unless appealed by the applicant or any interested person to the Planning Commission within 10 days by the filing of a written appeal with the Community Development Department. The Community Development Department shall schedule the matter for a noticed public hearing by the Planning Commission pursuant to 30.205, Common Procedures. The decision of the Planning Commission shall be final.~~



March 14, 2025

TO: Erin Markey, Creeks Division Manager, City of Santa Barbara

From: Mark H. Capelli, NMFS South-Central/Southern California Steelhead Recovery Coordinator, California Coastal Office, Santa Barbara, CA

Re: Proposed Modifications of City of Santa Barbara Municipal Code to include Creek Buffer Development Standards

## Introduction

We have reviewed the proposed creek buffer development standards and provide the following comments for your consideration.

NMFS strongly supports the development and effective implementation of development standards, including creek buffers, for developments and activities that directly or indirectly have the potential to adversely impact the ecological functioning of natural watercourses, and the native biota that they support.

Portions of several of the watersheds within the City of Santa Barbara provide important spawning and rearing habitat for the federally listed endangered southern California steelhead, including but not limited to, Mission Creek/Rattlesnake Creek (which also includes designated critical habitat for steelhead), and Arroyo Burro; and in the Santa Barbara Airport area, portions of Tecolotito, Las Vegas, Los Carneros, and San Pedro creeks (which also includes designated critical habitat for steelhead). See, for example, Figures 1 through 4.

Among the recovery actions included in NMFS' *Southern California Steelhead Recovery Plan* (2012) is the following recovery action to address the adverse effects of streamside development in urban areas, including those natural watercourses (stream and creeks, and their tributaries) within the City of Santa Barbara:

“Develop and implement riparian restoration plan throughout the mainstem and tributaries to replace artificial bank stabilization, structures wherever feasible, and provide an effective riparian buffer on either side of mainstem and tributaries, utilizing native, locally occurring species, to protect all *O. mykiss* life history stages, including adult and juvenile migration, spawning, incubation and rearing habitats.” P. 8-8.

See the following related Recovery Actions identified for the Conception Coast Biogeographic Population Group (which includes the South Coast of Santa Barbara County and the City of Santa Barbara) in NMFS’ *Southern California Steelhead Recovery Plan* (2012):

MisC-SCS -3.1 (Culverts and Road Crossings) MisC-SCS-5.1 (Flood Control Maintenance), MisC-SCS-7.1 and 7.2 (Levees and Channelization), MisC-SCS-9.1 – 9.3 (Non-Native Species), MisC-SCS-11.1 and 11.2 (Roads), MisC-SCS-12.1 and 12.2 (Upslope/Upstream activities), MisC-SCS-13.1 – 13.3 (Urban Development), MisC-SCS-14.2 (Urban Effluents). Pp. 10-36 – 10-38.

GS-SCS -3.1 (Culverts and Road Crossings) GS-SCS-5.1 (Flood Control Maintenance), GS-SCS-7.1 and 7.2 (Levees and Channelization), GS-SCS-9.1 – 9.3 (Non-Native Species), GS-SCS-11.1 and 11.2 (Roads), GS-SCS-12.1 and 12.2 (Upslope/Upstream activities), GS-SCS-13.1 – 13.3 (Urban Development), GS-SCS-14.2 (Urban Effluents) Pp.10-32 – 10-35.

Also pertinent are the references to “Key Population-Specific Key Emerging or On-Going Habitat Concerns” for the Conception Coast Biogeographic Population Group in NMFS’ *5-Year Review: Summary & Evaluation of Southern California Steelhead* (2023).

A wide variety of stake holders, collaborators, and co-managers have the primary responsibility for implementing these and other recovery actions identified in NMFS’ recovery plans. Local jurisdictions such as the City Santa Barbara, through their planning and regulatory authority, can therefore play an important role in the recovery of the endangered southern California steelhead.

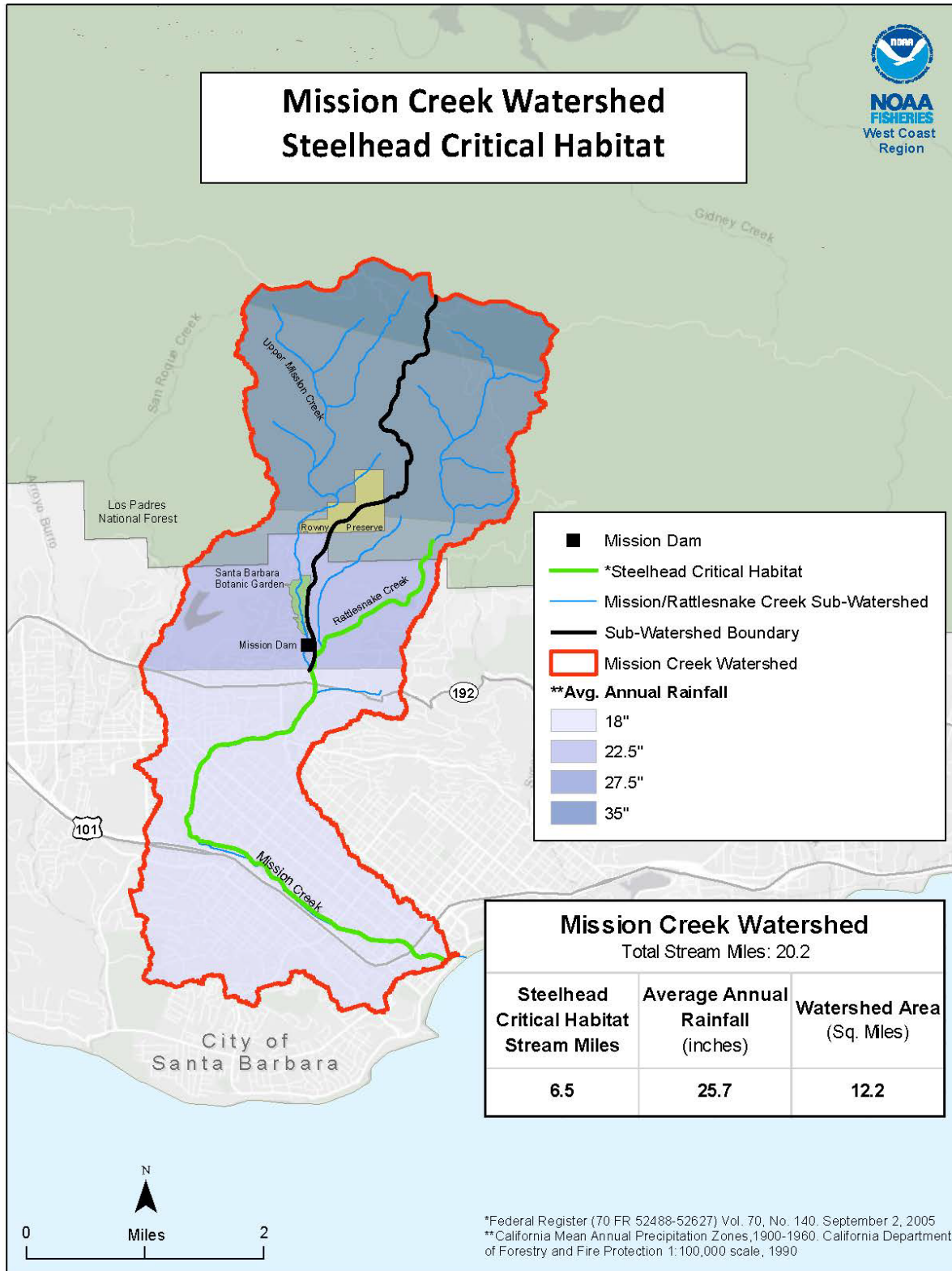


Figure 1. Mission Creek. Steelhead Critical Habitat.





Figure 2. Southern California Steelhead (25 in). Mission Creek (Bath Street) 2-19-08.

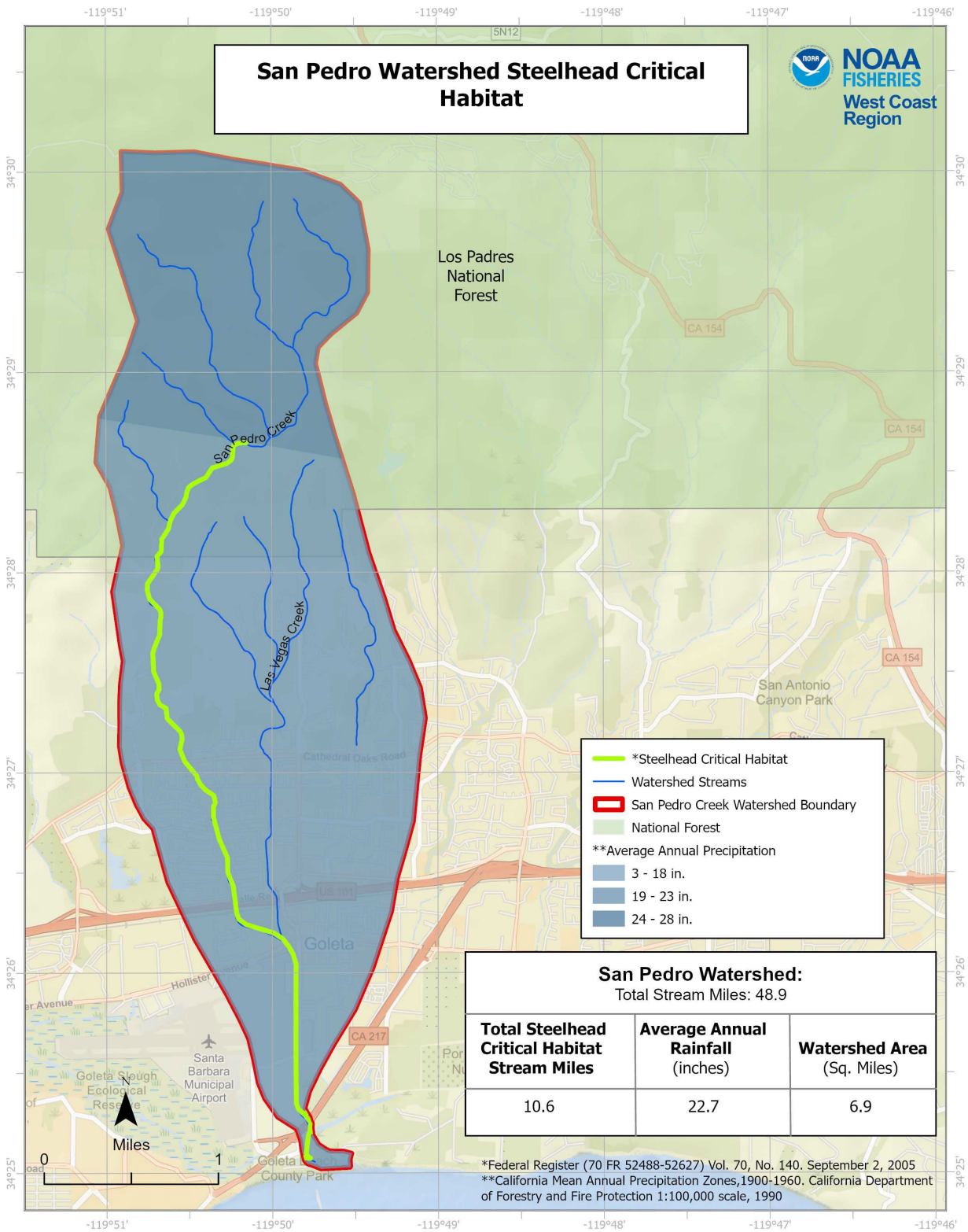


Figure 3. San Pedro Creek (Goleta Slough Complex). Steelhead Critical Habitat.



Figure 4. Southern California Steelhead (27 in) – San Pedro Creek (Hollister Ave.) 3-15-08.

#### General Comments

Development that encroaches into riparian areas that border natural water courses can impair the many ecological functions performed by riparian habitats, including control of non-point sources of pollution (e.g., fine sediments) and the production of invertebrate food sources that are important for rearing juvenile steelhead. Activities associated with developments adjacent to natural watercourses (including pedestrian and vehicular traffic and associated lighting, introduction of non-native plants and animal species, application of pesticides, etc.) can also impair ecological functions.

Providing effective buffers between urban developments and related activities can mitigate these potential adverse impacts and contribute to the restoration

and maintenance of ecological functions of these watercourses and the recovery of endangered species such as southern California steelhead.

The proposed modification of the City's Municipal Code to better manage development along the City's creeks is an important step in protecting and restoring one of the City's defining natural resources. While the City staff has recognized that a 100 feet minimum buffer would more effectively achieve the ordinance's basic purposes (and is a commonly used standard in many jurisdictions), the proposed 50-foot buffer along major creeks will nevertheless provide important protections that do not now exist within the City outside of the Coastal Zone. Because this reduced buffer width provides a reduced level of protection it is important that deviations from it that reduces the buffer further should be strictly limited, and if possible, offset by other mitigating measures. The currently proposed language allowing deviations from the minimum 50-foot buffer is overly-broad, and does not provide the kind of guidance necessary to prevent the undermining of the goals of the minimum buffer development standards.

### Specific Comments

Below are some specific language changes that would address this deficiency.

The draft ordinance indicates that one of the goals of the City is to "restore creek habitat where feasible . . ." This and similar terms and phrases occur in several contexts throughout the document (e.g., Pp. 1, 17). The term "restore" should be replaced with phrase "restore the ecological functions of the creek habitat" to better reflect the biological nature of the goal.

The proposed ordinance language refers in a number of places to "fish" or "fish and wildlife". For example, pages 13 and 24. These references should be changed to "native fish and wildlife, including amphibians" to better reflect the implied objectives. Similarly, references to "fish passage" should be clarified to refer to "fish passage for native fishes and amphibians".

On page 6 there is a provision to *increase* the minimum 50-foot buffer width. Specifically, this would be considered in situations where:



“Additional creek buffer areas may be established as a condition of approval of a project subject to a discretionary permit issued under Title 28 or Title 30, as applicable, to mitigate project specific impacts based upon the conditions of the site, the type of development, flood hazards, or the presence of environmentally sensitive species or habitats.”

The last phrase in this section, “environmentally sensitive species or habitats”, is vague, and should be made more explicit by adding the phrase: “, including state or federally listed species or designated species of special concern.” Reference should be made to the data bases where these species are formally identified by the governmental agencies responsible for the protection and management of these public trust resources:

<https://www.fisheries.noaa.gov/species-directory/threatened-endangered>

<https://www.fws.gov/program/endangered-species>

<https://wildlife.ca.gov/Conservation/CESA>

<https://wildlife.ca.gov/Conservation/SSC>

A similar change, with references, should be page on page 18, in the language referring to removal and on-site planting of replacement native riparian trees.

Pages 14 through 39 (which constitutes the bulk of the creek buffer provisions) deals with deviations from the proposed minimum buffer area, and specifically stipulates that:

“E. Modification to avoid an unconstitutional taking of property. Modifications may be issued when the Planning Commission finds that application of the creek buffer area to an undeveloped lot would result in an unconstitutional taking of property due to the size, topography, geology, or other physical attributes of the lot as follows: . . . ”

As noted above, the conditions and the related findings to support the deviations from the proposed minimum buffer appear to be overly-broad and potentially subject to varying interpretations that would either undermine the goals of the ordinance, or the guidance intended to achieve the certainty/reliability sought by landowners, developers, and decision makers.

On pages 29, 30, and 39 the ordinance utilizes the phrase “appropriate improvement on a lot”. This is unclear and should be replaced with, “an otherwise allowable development or use on a lot”, to provide a more definite standard for allowing deviations from the minimum 50-foot buffer standard.

Minor Corrections:

Page 18, “ration” should be “ratio”

## Conclusion

NMFS appreciates the effort that has gone into developing the draft proposed creek buffer development standards, and the opportunity to review and provide comments. While there are elements of the proposal which would benefit from refinement and or adjustment, this modification to the City’s Municipal Code represents a significant step in recognizing the important natural resource values of the City’s creeks, and provides an important planning and regulatory framework for protecting and, where feasible, restoring their ecological functions.

## References

National Marine Fisheries Service. 2012. *Southern California Steelhead Recovery Plan*. West Coast Region, California Coastal Office.

National Marine Fisheries Service. 2023. *5-Year Review: Summary & Evaluation of Sothern California Steelhead*. West Coast Region, California Coastal Office.



March 20, 2025

To: Mayor Rowse and members of the City Council; Ms. Melissa Hetrick, Resilience Program Supervisor  
Fr: Eric Cardenas, Director of Impact and Advocacy, Santa Barbara Botanic Garden  
Re: Draft Creeks Buffer Ordinance, City of Santa Barbara

Thank you for the opportunity to submit comments on the Draft Creeks Buffer Ordinance currently out for review. Santa Barbara Botanic Garden submits the following comments with special attention to the way it addresses the protection and enhancement of riparian habitats and creek ecosystems.

Creeks and riparian areas are critical to well-functioning ecosystems. Unfortunately, many, if not all riparian zones within city limits have been impacted by construction and development over the course of the last 200 years, resulting in decreased watershed function, degraded water quality, and widespread habitat and species loss, among other significant impacts. Because riparian creek corridors have historically played host to countless native plants that are crucial building blocks for entire ecosystems, their role is especially critical in providing habitat for many plant and animals that improve the health and resilience of the urban landscape. These riparian zones serve as migratory corridors for wildlife, allowing fish, deer, squirrels, etc. to get around more easily in the built landscape, among other benefits.

As you may know, the native species that support biodiverse and well-functioning ecosystems – broadly *and* within these riparian areas – are essential for human health and well-being. They improve our resilience against climate change impacts like excessive heat, drought, floods and wildfires, serve as wildfire buffers, and provide a range of other benefits including adding aesthetic, cultural, and spiritual value. In this time of global biodiversity loss, the Garden believes it is imperative that we act locally to reverse habitat decline wherever and whenever feasible, including by planting and restoring the native vegetation that forms the foundation of healthy ecosystems for all to enjoy and benefit from.

With the above in mind, the Garden is extremely pleased that the draft creek buffer ordinance as proposed provides a number of protections, allowances, and exceptions for native plants within the proposed buffer zone. This is important in order to a) safeguard existing native plant communities and their habitat, and b) encourage habitat restoration with native plants. We appreciate City staff's recognition of the important role that native plants play in sustaining healthy ecosystems that protect and enhance our quality of life in Santa Barbara.

The Garden would like to draw attention to the following sections in the draft ordinance, taken

verbatim, with our comments, questions, and/or concerns indicated in ***italics and bold***:

#### **22.26.070 Exempt Creek Area Development**

A. The following creek area developments undertaken by owners of private property are exempt from the requirement for a permit or approval under this Chapter

- A 1: Vegetation maintenance in a creek buffer area, including existing agricultural operations, but excluding removal of mature trees or native vegetation. ***The Garden supports requiring a review process for any proposed clearing of native trees and plants.***
- A 4: Planting within a creek buffer area of native plants according to the guidelines for native plants on file with the Sustainability and Resilience Department – Creeks Division. ***All planting within a creek buffer area should be done in consultation with staff from the Sustainability and Resilience Department; reference should be made to the City's 'Approved Creekside Restoration Planting List,' which the Garden approves of.***

#### **22.26.080 Creek Area Development Allowed Within a Creek Buffer Area on Privately Owned Lots in Conjunction with a Zoning Clearance**

A. Creek area development in a creek buffer area, but not a creek, on privately owned lots may be approved by the Community Development Director, in consultation with the Sustainability and Resilience Department-Creeks Division, pursuant to the procedure for a Zoning Clearance issued under Chapter 30.280 as follows:

- 1. Habitat creation, restoration, or enhancement activities including:
  - a. Installing fencing or natural barriers for habitat protection.
  - b. Planting of native plants.
  - c. Removing non-native trees

***We applaud this allowance for activities that are deemed protection-oriented or regenerative and concur that any of these activities should have consultation with the Sustainability and Resilience Department.***

#### **22.26.100 Required Findings for Approval of a Modification**

A. Modification for creek area development authorized by Section 22.26.090 shall not be approved unless the Planning Commission finds all of the following:

- 5. Measures have been incorporated into the project to avoid and minimize impacts to creek, wetland, and riparian habitat as appropriate. Such measures include, but are not limited to, restoration or enhancement of disturbed areas, protection of existing native trees and plants, and removal of non-native or invasive plant species. ***For any***



***maintenance or restoration activities, we recommend addition of language that specifically mentions direct consultation with the Sustainability and Resilience Department along with any conservation experts deemed necessary by the Department. Restoration plans should be required to utilize the City's 'Approved Creekside Restoration Planting List' (referenced in section 22.26.070A4).***

As mentioned, Santa Barbara Botanic Garden is pleased that city staff is elevating, vis-à-vis this draft ordinance, the importance of native plants and native plant communities in major city undertakings like this one. Beyond our own intrinsic interest in the outcome of this process, the Garden recently helped facilitate the design of a *Community Vision and Policy Platform in Support of Biodiversity on California's Central Coast* with dozens of community organizations and stakeholders over the course of 2023, finalized in 2024. This platform, attached with this letter for your review, outlines policy goals aimed specifically at stopping the loss of biodiversity and reversing habitat decline. These include: 1) Shaping Land Use Policy, 2) Engaging the Community and Galvanizing Support, and 3) Inspiring Government Leaders, Land Managers, and Residents to Act.

City staff's work on this ordinance – as well as your own – indicates to the Garden that there is a level of understanding about the seriousness of the biodiversity crisis and the critical safeguards that must be put in place to ensure the survival of existing native plant communities and the regeneration of native plant communities where they no longer exist but once did. While this is likely the first time many City staff, Council members, and other City officials are hearing of the Policy Platform referenced above, we are grateful that you are moving in parallel with the goals espoused therein. The Garden and our partners will increasingly be using this platform as a beacon under which we frame our work, and we hope you will join us. Of course, we're happy to share more about the Policy Platform in greater detail whenever appropriate.

Thank you again for allowing us the opportunity to comment on this important matter before you.

Sincerely,



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Eric Cardenas,  
Director of Impact and Advocacy  
Santa Barbara Botanic Garden



March 24, 2025

City of Santa Barbara  
Sustainability & Resilience Department  
Creeks Division and Resilience Division  
Erin Markey and Melissa Hetrick  
801 Garden Street, Suite 200  
Santa Barbara, CA 93101

*By Electronic Mail: [creekbuffers@santabarbaraca.gov](mailto:creekbuffers@santabarbaraca.gov)*

**Re: Conditional Support for Proposed Creek Buffer Ordinance**

Dear City of Santa Barbara,

Thank you for the opportunity to provide comments on the proposed City of Santa Barbara Creek Buffer Ordinance. The undersigned members of the Watershed Alliance of South Coast Organizations strongly support the City's goals to reduce public safety risks associated with flooding and erosion, enhance creek and ocean water quality, reduce urban runoff volume, protect and enhance riparian habitats and wildlife corridors, and preserve scenic beauty. A Creek Buffer Ordinance prohibiting and limiting development within and adjacent to creeks (major and minor) is critical to meeting these goals.

Context and Timing

The City's General Plan has long called for the establishment of creek buffers for new development and redevelopment in order to protect important sensitive environmental resources from encroaching development, and to protect adjacent property owners and the public from flooding and erosion. Nearly every neighboring jurisdiction, including the cities of Carpinteria and Goleta, and Santa Barbara County, already have creek buffer ordinances in place. Indeed, the City of Santa Barbara adopted a Creek Buffer Ordinance for properties in the Coastal Zone in 2019. Now it's time to extend the Creek Buffer Ordinance to the rest of the city.

### Minimum Buffer Size

City staff acknowledge that the ideal minimum buffer width for major creeks would be at least 100 feet (Sustainability Council Committee staff report 2/6/25, and Creeks Advisory Committee staff report 2/19/25). However, after an in-depth analysis of existing developed parcels within the city, staff concluded that 100-foot buffers are not attainable in many cases and instead propose minimum buffers of 50 feet from major creeks, and only 35 feet where existing identified flood control channels are present. This is a significant compromise from the ideal, which must be offset by strong limits on exemptions and modifications.

### Modifications

For creek buffers to be effective at meeting the twin goals of public safety and environmental protection, the buffer areas must be consistent, connected, and continuous. As such, any modification allowing a reduction in the buffer area size represents a potential failure of the whole system. This is true for flooding, where development within the minimum 50 foot buffer creates a constraint on flow volume within the creek corridor, resulting in potential flooding upstream and downstream of the encroachment. It is also true of environmental benefits, especially wildlife habitats, where encroachments limit wildlife mobility in the creek corridor, either stopping movement completely or forcing wildlife out into city streets.

Thus, exemptions and modifications should be extremely limited. Modification language allowing an encroachment must be very narrowly tailored. We believe that, as written, the proposed modification language in the draft ordinance is too broad, and may allow the exceptions to swallow the rule. For this reason, we respectfully request that staff significantly narrow the modification language.

### Conclusion

In conclusion, we are pleased this Creek Buffer Ordinance has been introduced and we appreciate the hard work City staff have put into the ordinance to date. Although we would prefer to see a larger buffer, we are in support of the proposed ordinance (including the smaller minimum buffer size), with the condition that the current modification language is significantly narrowed to limit encroachments into the buffer area.

Sincerely,

Nate Irwin  
Policy Associate, Santa Barbara Channelkeeper

Ken Owen  
Executive Director, Channel Islands Restoration

Russell Marlow  
Senior Project Manager for the South Coast Region, California Trout

Linda Krop  
Chief Counsel, Environmental Defense Center

Elizabeth Burns  
Project Coordinator, Southern Steelhead Coalition

Mark Rockwell  
Conservation Chair, Santa Barbara Flyfishers Club

Nancy Black  
Board President, Committees for Land, Air, Water and Species

Katherine Emery, PhD  
Executive Director, Santa Barbara Audubon Society

Marell Brooks  
President, Citizens Planning Association

Candice Meneghin  
Coastal Ranches Conservancy

Emily Engel  
Chair, Sierra Club Santa Barbara Group

Jeanne Sparks and Ken Hough  
Co-Executive Directors, SBCAN

Hutch Axilrod  
Board President, Mission Canyon Association

Eva Bradman  
Board Chair, UCSB Coastal Fund

Ken Palley  
Executive Committee Member, Santa Barbara Surfrider Foundation

Conor McMahon  
Conservation Chair, Goleta Coast Audubon

Vince Semonsen  
Public Policy Advocate – Board Member, Urban Creeks Council

Lindsay Johnson  
Executive Director, Explore Ecology

Carla Mena, M.P.P.  
Director of Policy and Legislative Affairs, Los Padres ForestWatch

**CC:** *RRowse@SantaBarbaraCA.gov, WSantamaria@SantaBarbaraCA.gov,  
MJordan@SantaBarbaraCA.gov, OGutierrez@SantaBarbaraCA.gov,  
KSneddon@SantaBarbaraCA.gov, EFriedman@SantaBarbaraCA.gov,  
MHarmon@SantaBarbaraCA.gov*

# Petition Against Santa Barbara's Creek Buffer Ordinance

To the City of Santa Barbara:

I oppose the proposed Creek Buffer Ordinance and urge the City to reconsider and ultimately abandon this unnecessary and burdensome regulation. While environmental protection is a worthy goal, this ordinance is redundant, excessively restrictive, and unfair to property owners across Santa Barbara.

Existing regulations at the federal, state, and local levels already safeguard our creeks, waterways, and wildlife. California and Santa Barbara have some of the strictest environmental protections in the nation, covering development, water quality, and habitat conservation. Adding yet another layer of regulation only creates undue hardship for residents and property owners without providing clear, demonstrable benefits.

The proposed ordinance would impose significant new limitations on land use, impacting thousands of property owners. It severely restricts what homeowners and businesses can do with their own land, rendering portions of their properties virtually unusable. Not only would it impede future development, but the ordinance also targets existing homes and other structures, most of which were built several decades ago in compliance with the regulations of their time. Many of the affected neighborhoods and homes have been established for over 50 years. This ordinance would, in effect, force the long-term displacement of homes, businesses, and the people who depend on them.

Beyond the immediate impact on property rights, this ordinance could carry severe financial consequences for property owners. It could decrease property values, make it even harder for homeowners to obtain insurance, and increase the costs and complexity of securing permits. It could also drive more property owners to pursue unpermitted work, ultimately undermining the very regulatory framework the ordinance seeks to enforce.

Despite these far-reaching consequences, the City has not convincingly demonstrated how these new restrictions would yield meaningful environmental or community benefits, nor has it made any serious effort to consult with impacted residents before attempting to fast-track the ordinance.

At a time when Santa Barbara is struggling with housing affordability, this ordinance would only add to the financial burden on residents who simply want to maintain, improve, or develop their properties. Instead of imposing unnecessary new regulations, the City should focus on responsible environmental stewardship that does not unfairly penalize property owners.

For these reasons, I stand with my fellow residents in respectfully urging the City of Santa Barbara to abandon the proposed Creek Buffer Ordinance.

Signed At (GMT time zone)	Name	Address	City	State	Comments	Directly Impacted?
2025-02-26 15:04:27.05	Diane Griffith See	3736 Dixon Street	Santa Barbara	CA	If this goes through, my property value and potential for future improvements would drastically decrease. Please don't pass this!	yes
2025-02-26 15:04:27.281	Jessie Sessions	119 S Soledad St	Santa Barbara	CA		yes
2025-02-26 15:05:12.807	Jason Peterson	119 S Soledad St	Santa Barbara	CA		yes
2025-02-26 15:09:48.25	Daniel Craviotto	5327 Paseo Rio	Santa Barbara	CA		yes
2025-02-26 15:11:09.173	Ronald See	3736 Dixon Street	Santa Barbara	CA	This ordinance would be extremely unfair and costly to long time home owners who pay substantial property taxes, while providing limited real benefits. The ordinance is an ill conceived overreach of government regulation that rejects the needs of hundreds of city residents.	yes
2025-02-26 15:18:53.257	Janell Tiches	2233 Stanwood	Santa Barbara	CA		yes
2025-02-26 15:19:17.259	Mike Fitts	720 Castillo St. #C	Santa Barbara	CA		yes
2025-02-26 15:33:18.35	Brendan nelson	3743 Meru Ln	Santa barbara	CA	This is classic unnecessary bureaucratic law that makes zero sense. Do not impede on my property or rights.	yes

2025-02-26 16:14:18.356	Susan Pate	1840 Eucalyptus Hill Road	Santa Barbara	CA	My property is on a seasonal tributary, never been noted as a "Major Creek" for 27 years+. It's wet about 30 days of the year, otherwise the seasonal tributary is dry. The City of Santa Barbara has been negligent in not building rain water drainage into the streets. This is the main problem within the City. During heavy rains, the lack of City drainage system is what causes a safety hazards for citizens. The City has not spent its time or money on fixing the rain runoff drainage system in their streets. We pay taxes so that we can pay the City to take care of safety issues. There has been no demonstration as to why this particular tributary is now being considered a "Major Creek." There are so many problems with this proposed ordinance. I wish my tax paying dollars had been spent on City street drainage.	yes
2025-02-26 16:15:43.434	robert maday	1505 Grand Avenue	Santa Barbara	CA		yes
2025-02-26 16:41:06.45	Kenneth Drachnik	345 Canon Dr	Santa Barbara	CA	my properties lie at the edge of the 50 foot boundry and I don't want to be limited to rebuilding or modifying my property.	yes
2025-02-26 16:42:34.106	Steven Johnson	319 W Cota St	Santa Barbara	CA	Violates SB330 Determination of top of bank is not based on science.	yes
2025-02-26 16:49:23.638	Susan Burk	226 La Vista Grande	Santa Barbara	CA	It an example of government overreach to control something that is not needed.	no
2025-02-26 16:52:32.568	Lucas Martinez	1327 bath street	Santa barbara	CA		no
2025-02-26 16:55:40.363	Emily Uhland	32 Saint Francis Way	Santa Barbara	CA		yes
2025-02-26 17:30:23.746	William Prainito	417 Calle Palo Colorado	Santa Barbara	CA		yes



2025-02-26 17:56:29.72	Greg lowe	214 Calle Alamo	Santa Barbara	CA	This ordinance will definitely negatively affect impacted property. Why don't you come up with a more creative solution. Owners could donate to a preservation trust and receive a tax credit and property tax relief during their lifetime. Something that benefits both parties not a one sided power play	yes
2025-02-26 18:22:43.031	MICHAEL CRAVIOTTO	14 W Quinto	Santa Barbara	CA		yes
2025-02-26 18:41:50.208	John Burk	226 la vista grande	Santa Barbara	CA	Environmental over-reach will only hinder fire mitigation efforts. efforts.	no
2025-02-26 19:01:57.334	Karen Robertson	881 La Milpita Rd	Santa Barbara	CA		yes
2025-02-26 19:22:52.651	Reading Wilson	626 Alston Road	Santa Barbara	CA	The map provided is not clear enough as it relates to my property. I would hate for something to be passed WITHOUT full understanding by the neighborhood.	not sure
2025-02-26 19:29:32.403	Valerie Rice	417 Calle Palo Colorado	Santa Barbara	CA		yes
2025-02-26 19:38:03.173	Joan Fargas	32 Saint Francis Way	Santa Barbara	CA		yes
2025-02-26 19:43:37.975	Brent Haas	430 Conejo Lane	Santa Barbara	CA		yes
2025-02-26 20:30:08.687	Andreas Schwarz	3747 Meru Lane	Santa Barbara	CA	The city of Santa Barbara is pointing at the County and Goleta's buffer ordinances as justification for this, yet those ordinances are categorically different in scope and restriction. If Santa Barbara truly believes the County and Goleta are good examples, why don't they keep the scope of their ordinance similar to those examples?	yes
2025-02-26 20:43:42.834	Brenda Nielsen	1551 Sycamore Canyon Road	Santa Barbara	CA		yes

2025-02-26 20:49:54.088	Susan Dahlstrom	424 N. Ontare Road	Santa Barbara	CA		yes
2025-02-26 20:50:32.338	Cyndi McHale	628 Foxen Drive	Santa Barbara	CA		yes
2025-02-26 21:33:03.442	Janet Sessions	6029 sunset ridge court	centreville	VA		no
2025-02-26 22:07:00.493	Colleen P Beall	2125 FOOTHILL LN	SANTA BARBARA	CA	This is the most poorly thought out ordinance I have come across - and I am speaking as a former land use attorney for the County and former First District County Planning Commissioner. This will have immediate and devastating impacts on insurance, property values and the economy of the City. What you SHOULD do is get started building debris flow basins like the County has. Protect the people - don't steal from them.	yes
2025-02-26 22:55:53.175	Bharat Singh		Santa Barbara	CA	The proposed Santa Barbara Creek Buffer Ordinance imposes excessive restrictions on property owners, rendering land within 50 feet of creek banks unusable for development or landscaping. This overreach not only devalues thousands of properties but also infringes upon homeowners' rights to maintain and improve their residences. While environmental preservation is essential, this ordinance's blanket approach fails to balance ecological concerns with property rights and community needs. We urge city officials to reconsider and develop a more equitable solution that protects our creeks without unduly burdening residents.	not sure

2025-02-26 23:36:05.487	Evan Skei	843 La Milpita Rd	Santa Barbara	CA	As much as I support most environmental issues, the ripple effects of this proposed ordinance far outweigh any potential benefit to our community. When measured against our housing crisis, and the steep regulatory barriers that already exist for even modest redevelopment, this proposal is poorly conceived and wrong headed. Please vote it down.	yes
2025-02-26 23:56:42.609	Robert Meltzer	60 via alicia	Santa Barbara	CA		not sure
2025-02-27 00:06:20.643	Hilary Dozer	1830 Eucalyptus Hill Road	Santa Barbara	CA	This proposed ordinance is ill advised, not well thought out, and will negatively impact homeowners in the impacted areas. The city should make a greater effort to address the overgrown watershed areas (wildfires) and inadequate drainage capabilities (flooding) existing in the designated major and minor waterways.	yes
2025-02-27 00:09:42.417	Ed Richards					no
2025-02-27 00:25:31.134	Kristen Battles	3778 Hope Terrace	Santa Barbara	CA		yes
2025-02-27 01:56:20.681	Dan Waldman	PO Box 3424	Santa Barbara	CA		yes

2025-02-27 06:11:32.877	Alan Siebenaler				Why doesn't the city or the environmental protection groups test the water run off and water quality in the creeks and limit the use of pesticides? From my understanding the city is a heavy user of pesticide and does little to educate home owners one the dangers pesticides getting into runoff and creek water. Doesn't that seem like a major concern, over taking away property owners rights to improve / repair their properties that live next to a creek? The creek protections are already in place and to bring them as far as this ordinance pushes them makes it unbelievably burdensome for homeowners near a creek.	yes
2025-02-27 12:49:59.952	Jennifer Heinemann	736 California St	Santa Barbara	CA		yes
2025-02-27 15:12:58.879	John Peterson				Family members and friends are effected by the proposed action	no
2025-02-27 16:22:14.948	Gayle Peterson				Our family .... Son , daughter in law , and grandkids will be directly impacted	no
2025-02-27 17:00:49.15	Josh Rohmer	1813 Castillo Street	Santa Barbara	CA	This proposed ordinance unfairly puts the burden of city staff's goals for "resilience" on the shoulders of thousands of property owners who would lose substantial rights to utilize their property. If this is a civic priority, the city should offer to purchase development rights from property owners who want to participate.	yes
2025-02-27 17:01:19.957	Joseph Yob	860 Jimeno Rd	Santa Barbara	CA	Governmental overreach!!!! We need less ordinances, not more!!!!!!	no

2025-02-27 17:50:48.122	Jessica Haas	430 Conejo Ln	Santa Barbara	CA	Santa Barbara already has too many rules & regulations in place for home owners near creeks. The city makes it very hard for middle income native people who are just trying to make a home for themselves & survive in this crazy expensive town. We paid hundreds of thousands for permits that took us years to get approved to rebuild our home that was burnt down in the tea fire, it's absolutely absurd. No more restrictions	yes
2025-02-27 18:46:01.986	Kara Ruppert	554 Alan Road	Santa Barbara	CA		yes
2025-02-27 18:53:38.065	Jeff Ruppert	554 Alan Rd.	Santa Barbara			yes
2025-02-27 19:06:54.493	Michael Yamasaki	2907 Foothill Rd	Santa Barbara	CA		no
2025-02-27 20:17:24.168	Sandra Hirsch	3758 Brenner Drive	Santa Barbara	CA	Please use mailing address of PO Box 30655 Santa Barbara, CA 93130	yes
2025-02-27 20:19:05.642	Rachael Siebenaler	400 N San Marcos Rd	Santa Barbara	CA		yes
2025-02-27 22:01:37.444	Loy Beardsmore	1751 Overlook Lane	Santa Barbara	CA		no
2025-02-27 22:12:27.487	Greg Carroll	444 Alan rd	SB	CA	I have two homes on Alan Road both on Arroyo Burrow Creek... both properties would be affected	yes

2025-02-28 00:40:47.599	Richard G. Battles	3778 Hope Terrace	Santa Barbara	CA	<p>It appears that our entire back yard and possibly portions of our house may be within 50 feet of the top of the bank of Arroyo Burro Creek and therefore subject to the proposed creek buffer ordinance.</p> <p>As I read the ordinance, it would impose severe restrictions on our ability to make any alterations to our house or rebuild it in the event of a disaster. This would, without a doubt, reduce the value of our property and make it more difficult to obtain financing and insurance.</p> <p>In addition, the ordinance would prohibit in our back yard (a) “the [p]lacement or erection of any solid material, building, or structure regardless of type” (which means no playhouse for our granddaughters), (b) the “[p]lacement of new agriculture, trees, or landscaping” (so my retirement wouldn’t be spent gardening and working in the yard as I had planned, and my wife would no longer be allowed to plant new herbs and flowers in her vegetable boxes), (c) the “[r]emoval of vegetation or trees (so we would be stuck forever with the vegetation and trees we now have), and (d) “the construction or placement of a fence, landscaping, wall, retaining wall, curb, steps, deck, walkway, or paving” (so we would have to let go of all the plans and dreams we have for further improving our yard in the future).</p> <p>It's honestly difficult for me to believe that the City is seriously considering an ordinance as extreme and unreasonable as this. The City (i) zoned thousands of properties adjacent to creeks for residential development and use, and (ii) issued building permits for the construction of houses and other improvements on those properties. It’s therefore simply too late for the City to now decide “to move as many structures as possible outside of the creek buffer areas”. It would also be fundamentally unfair, inconsistent with principles of sound planning, and probably illegal for the City to now take away so many of the property rights and permitted uses that the owners paid for when purchasing their properties and that they reasonably expected to continue in perpetuity.</p> <p>The City should instead consider public education and outreach, incentives, and/or rebates to encourage voluntary efforts by property owners to reduce risks associated with flooding and erosion, enhance water quality, reduce runoff, protect and enhance riparian habitats and wildlife corridors, and preserve scenic beauty. The City can also achieve many of its goals simply by better enforcement of existing creek protection regulations.</p>	yes
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2025-02-28 05:04:39.913	Daniel McCarter	530 Alan Rd.	Santa Barbara	CA	<p>1) I'm concerned that if I loose my house to fire that I will either not be allowed to rebuild or experience delays and extra permitting expenses to deal with.</p> <p>2) Creek sections that are reinforced with concrete should be exempt as those sections already have reduced habitat value and added erosion control.</p> <p>3) If the ordinance does pass, I expect the Arroyo Burro section of creek from the freeway to the YMCA be required to provide a 50 foot setback when the La Cumbre Plaza is developed. No exemption for the development. Infact, that section needs to be restored as per the city charter.</p> <p>Im not confident this proposal is well thought out.</p>	yes
2025-02-28 05:14:15.456	Carol Conley	1227 STONECREEK RD	Santa Barbara	CA		not sure
2025-02-28 05:28:16.534	Liz Drachnik	345 canon Dr	Santa Barbara	CA	I have property that is 50 feet from sycamore creek.	yes
2025-02-28 15:59:45.841	dianne self	1819 SYCAMORE CANYON RD	Santa Barbara	CA		yes
2025-02-28 16:28:06.253	Judy Benton	338 N Ontare Road	SB	CA		yes
2025-02-28 16:31:31.515	Dan Street	703 Alston Rd.	Santa Barbara	CA		no
2025-02-28 17:23:08.287	Audrey Singh	4008 Primavera Road	Santa Barbara	CA		yes
2025-02-28 18:29:42.943	Joan E Estes	370 , Canon Drive	Santa Barbara	CA		not sure
2025-02-28 18:32:50.717	John Broberg		santa barbara	CA	The existing ordinance is good enough. If the creek people are getting bored get out there and clean out the large branches and debris from the creeks that will cause problems in a hard rain.	not sure

2025-03-02 16:38:51.956	Karim Younes	308 Canon Drive	Menlo Park	CA	This ordinance is redundant, excessively restrictive, and unfair to property owners across Santa Barbara. There does not seem to be any rational justification for it. I will fight it all the way to the courts if need be.	yes
2025-03-02 16:55:21.185	Chantal Murphy	1313 E Montecito Street	Santa Barbara	CA		yes
2025-03-02 17:04:01.532	Cherie Lorda	308 Canon Drive	Santa Barbara	CA		yes
2025-03-02 19:08:16.838	Pamela Langhorne	3129 Foothill Road	Santa Barbara	CA	This ordinance will unjustly affect numerous homeowners, and I firmly oppose the proposed legislation.	no
2025-03-02 20:33:57.166	Katherine Ullom	3126 Argonne Circle	Santa Barbara	CA		yes
2025-03-02 23:40:57.651	Chris Dahlstrom	424 N. Ontare Road	Santa Barbara	CA		yes
2025-03-03 05:35:48.315	Greg Thorpe	112 Calle Bello	Santa Barbara	CA		yes
2025-03-03 19:36:32.89	Stan Tabler	2417 Calle Andalucia	Santa Barbara	CA	This is a bad idea.	no
2025-03-03 19:51:42.735	Bre Rodriguez	315 S Canada	Santa Barbara	CA		no
2025-03-03 19:52:24.78	David Hofberg	315 South Canada Street	Santa Barbara	CA		no
2025-03-03 19:58:33.354	Bethany Sutherland					
2025-03-03 20:12:36.481	Boris			CA	I strongly support the effort to stop the Creek Buffer Ordinance in Santa Barbara. This redundant and overly restrictive regulation unfairly burdens property owners without clear environmental benefits. The City should prioritize fair, practical solutions over adding unnecessary hardships for residents.	no
2025-03-03 20:22:42.222	Sarah Allen		Santa Barbara	CA		no
2025-03-03 22:11:10.886	Brian Rochlitzer	1359 Linhere Dr.	Carpinteria	CA		yes
2025-03-04 05:09:19.732	Vinay Mahadik	1910 Barker Pass Road	San Jose	CA	The creek next to our property has never flooded and is tiny. We would like to be excepted out of this ordinance.	yes



2025-03-04 15:51:26.125	Erica Storm	1387 Sycamore Canyon Road	Santa Barbara	CA		yes
2025-03-04 16:29:31.462	John Sessions		Fairfax	VA		no
2025-03-04 16:30:00.232	Jessie Sessions	119 s soledad st	santa barbara	CA		yes
2025-03-04 17:22:46.081	Jeff Mikeska	1387 Sycamore Canyon Rd Rd	santa barbara	CA	M house is within 50 feet of the top of the bank. If the house burns down will I be able to rebuild?	yes
2025-03-04 17:50:15.179	John Pate	1840 Eucalyptus Hill Road	Santa Barbara	CA	City of SB has not provided storm drains that are operational up and down Barker Pass Road, Eucalyptus Hill Road levels 2 and 3, this is a safety issue.	yes
2025-03-04 19:19:12.55	Micheal Marinelli	606 Foxen Dr	Santa Barbara	CA		yes
2025-03-04 19:44:15.158	Arielle Gulje	4132 San Martin Way	Santa Barbara	CA		no
2025-03-04 20:02:36.743	Maryam	602 Foxen Drive	Santa Barbara	CA		yes
2025-03-04 20:48:28.433	Hilary MacDonald	5446 8th St, Unit 8	Carpinteria	CA		no
2025-03-04 20:55:20.709	Harrison Croff	1375 Sycamore Canyon Rd	Santa Barbara	CA	We are in a massive housing crisis. Not a single city employee can afford to purchase a median priced home in the city they serve. These type of policies have led us to the brink of disaster. It is a shame that the city is still intent on pushing obviously NIMBY policies designed to transfer wealth from poor to rich, young to old and the have nots to the haves.	yes
2025-03-04 21:27:56.79	Suzanne Weintraub	3753 Brenner Drive	Santa Barbara	CA	We have lived in our home for 32 years & have always been as careful as possible to take care of the creek. We have spent thousands to remove eucalyptus trees, knowing they are dangerous & non-native.	yes
2025-03-04 21:36:18.947	M Ghodoussi	602 Foxen Drive	Santa Barbara	CA	I oppose changes to current ordinance!!	yes

2025-03-04 23:01:36.892	Protima Wagh	603 E Calle Laureles	Santa Barbara	CA	We have a creek running through our private property which currently does not have any structures close by.	not sure
2025-03-04 23:38:28.244	Nicholas Sebastian	205 W. Mission Street	Santa Barbara	CA		yes
2025-03-05 00:00:31.408	Lisa Foden	926 San Roque Rd	Santa Barbara	CA		no
2025-03-05 00:55:21.087	Robb McLarty	270 Canon Drive	Santa Barbara	CA		not sure
2025-03-05 01:50:22.79	Rose Balmy	1513 Veronica Place	Santa Barbara	CA		yes
2025-03-05 03:51:48.34	Jarrett Gorin	30 Santa Ynez Street	Santa Barbara	CA	I have been a planning professional for over 30 years. I have never seen an ordinance that went tis far to deprive people of their property rights. The ordinance is completely one-sided and focuses on a single issue to the exclusion of many other issues that are critical to the City. Also there was no attempt to engage the community during the deveopment of this ordinance. It was crafted in secret by staff within in the silo of their department and then foisted on the community almost by surprise.	yes
2025-03-05 05:40:02.09	Dan Underwood	2405 State Street	Santa Barbara	CA		no
2025-03-05 16:40:48.635	Gretchen Murray					not sure

2025-03-05 17:13:06.701	Avrom Altman	1383 Sycamore Canyon Road	Santa Barbara	CA	As a homeowner in Santa Barbara who has paid my property taxes for over 25 years, has maintained my property, and insured my property, I fiercely object to any ordinances or regulations that make it impossible or prohibitively expensive to insure my property, that destroy my property's value, and make it impossible to rebuild or sell. We love living near Sycamore Canyon Creek. We cause no damage or interfere with the life of the flora and fauna. In fact we are protective of them. Don't attack or diminish our rights as property owners. Or make me an offer for my home based on fair market value (including cost of moving) as of 1/1/2025 before this proposal which is egregious overreach based on specious and unsupported reasoning regarding conservation.	yes
2025-03-05 19:03:43.898	Stephen Pottenger	476 Braemar Ranch Lane	Santa Barbara	CA		not sure
2025-03-05 20:34:32.537	Anne Croff	1375 Sycamore Canyon Rd	Santa Barbara	CA		yes
2025-03-05 22:45:13.69	Doug Keyes	3738 Meru Lane	Santa Barbara	CA		no
2025-03-06 01:50:48.32	Armen Zakarian	4020A Primavera Rd.	Santa Barbara	CA		no
2025-03-06 02:00:55.852	Edith Ogella	4868 Rhoads Avenue	Santa Barbara	CA	It does not matter if I am impacted. These people have made choices to live near a creek, they should be allowed to manage their own property as they wish.	no
2025-03-06 02:58:20.642	Elli Eilbacher	520 Foxen Dr	Santa Barbara	CA		yes
2025-03-06 03:01:19.18	Dietmar Eilbacher	520 Foxen Drive	Santa Barbara	CA		yes
2025-03-06 03:02:26.293	Carlene Silva	560 Ribera Drive	Santa Barbara	CA		not sure

2025-03-06 03:18:39.246	Dianne Gunther			CA		yes
2025-03-06 04:01:11.243	Kevin M Welsh	7 Willowglen Place	SANTA BARBARA	CA	I am strongly opposed to this ordinance. It is absolutely imperative that it not be adopted.	yes
2025-03-06 04:33:50.403	Ivan Lorkovic	3735 Avon Lane	Santa Barbara	CA	What's the point? The ecology of what point in time are we attempting to maintain in perpetuity? Why is that point in time special? Similarly, the expensive, restrictive, and time consuming work done on Tunnel trail has nothing to show for it but a lot of plumbing and modern contrivances, again in the name of preserving what exactly? Just pave our roads and keep the city trees pruned, please, and KEEP TRAILS OPEN. Things change, get over it. One need not control all plant and animal populations with an iron grip to be nature friendly.	yes
2025-03-06 04:39:48.808	Joanna M		Santa Barbara	CA	Is the city prepared to pay the homeowners for the land they are taking and equity they are losing?	no
2025-03-06 04:52:14.823	Susan Shields	3033 Calle Rosales	Santa Barbara	CA	I own a home in the city of Santa Barbara. I believe that, unless there exists an actual physical danger to the safety of a property owned here, every homeowner should have equal rights to utilize their property and enjoy every inch of their outdoor space, as long as they adhere to any pertinent zoning regulations. All homeowners pay county property taxes and we all deserve the same rights.	no
2025-03-06 06:18:26.588	Mark Grivetti	3126 Calle pinon	Santa barbara	CA	The new ordinance is not necessary. Existing setbacks are adequate. With the increase in natural disasters and the need for subsequent rebuilding, this new ordinance will be a major hindrance toward rebuilding efforts.	yes

2025-03-06 06:37:02.298	Thomas Dent	505 Owen Road	Santa Barbara	CA		no
2025-03-06 14:42:54.427	James Merritt	4445 La Paloma Ave	Santa Barbara	CA		no
2025-03-06 15:29:34.006	Jed Hendrickson	141 La Vista Grande	Santa Barbara	CA	I oppose the Creek Buffer Ordinance	yes
2025-03-06 15:36:43.526	Blair Edwards	303 Palm Ave	Santa Barbara	CA	I have personally seen ordinances like this reduce people's property value to the degree that is significantly impacted their family. The health of our waterways is a valuable cause, but the method of doing it should not overreach into taking private property.	not sure
2025-03-06 16:31:01.658	Sally Andrews	4025 State St.	Santa Barbara	CA		no
2025-03-06 17:12:26.443	Peter Sullivan	250 Rametto Road	Santa Barbara	CA		not sure
2025-03-06 17:30:15.533	Debbie Armstrong	115 La Vista Grande	Santa Barbara	CA		no
2025-03-06 18:01:48.386	Christy Borneman	1859 eucalyptus hill rd	Santa Barbara	CA		yes
2025-03-06 18:01:56.304	Jessie Dugan	105 Calle Bello	Santa Barbara	CA		yes
2025-03-06 18:23:03.204	richard hilliard	1653 Overlook Lane	Santa Barbara	CA	This is another example of the taking of property rights when there is no existing threat to the community as a whole and the existing controlling ordinance has proven to be wholly adequate.	no
2025-03-06 18:57:29.828	Taylor Tatman	120 EAST DE LA GUERRA STREET	Santa Barbara	CA		yes
2025-03-06 19:04:43.943	Jason Sunukjian	3109 Calle Fresno	Santa Barbara	CA	The current regulations are already arbitrary and unnecessarily burdensome.	yes
2025-03-06 19:18:42.047	Jerry Bailey	405 Calle Palo Colorado	Santa Barbara	CA	I built my home with permits in 1971-1972 adjacent to a barranca which takes street runoff during rains & over the past 50+ years has had no affects on my property, environment or wildlife.	yes

2025-03-06 20:03:56.469	KIRK WYATT	29 AUGUSTA LANE	SANTA BARBARA	CA	Being directly impacted by this proposed ordinance, the first time I even heard about it was today 3/6/25 via a local homeowners association. I monitor my mail closely and I never received any type of notification from the City?! The lack of notification and ordinance schedule does not allow sufficient time for a thorough review, by those impacted, to fully understand the ramifications. Based upon the draft proposal and what I've read, this appears to be another level of bureaucracy that is totally unnecessary and unacceptable!	yes
2025-03-06 20:09:30.238	David Bozzini	4025 State Street	Santa Barbara	CA		not sure
2025-03-06 20:16:10.905	Hannah	3070 Foothill Road	Santa Barbara	CA	Asking for the city to provide more thorough information to residents and home owners. This includes DIRECTLY informing local residents and home owners if they will in fact be directly impacted by this ordinance. The residents of Santa Barbara are constantly at battle for permitting alone, lags on responses, etc. This proposed ordinance is quick, and sneaky and will catch long time, Santa Barbara residents off guard. In a time where housing alone is tough to manage, I oppose this proposal for the time being.	yes
2025-03-06 20:19:46.559	Janet Votaw	621 Pine Spring Lane	Santa Barbara	CA		no
2025-03-06 20:39:11.502	Monique Montgomery	4901 La Ramada Dr	Santa Barbara	CA	This ordinance needs to be stopped. It's harmful to property owners who purchased their property in good faith, and now, many years down the road will be up a creek, through no fault of their own. The City needs to step up and work on the infrastructure of the City.	not sure

2025-03-06 20:57:12.367	Kathleen Gaffey	181 Coronada Circle	Santa barbara	CA		not sure
2025-03-06 20:58:43.106	Rachael Hendrix	1232 Quinientos st.	Santa barbara	CA	Ridiculous. The entire city is already developed.	yes
2025-03-06 21:20:00.988	Jason Roberts	230 Alameda Padre Serra	Santa Barbara	CA		no
2025-03-06 22:15:32.885	Vanessa Carkonen	407 LOS ROBLES LN	SANTA BARBARA	CA		not sure
2025-03-06 22:40:29.334	Cameron Porter	216 Vista Del Mar Drive	Santa Barbara	CA	Yet another egregious overreach by government! There are already enough protections around our creeks plus, there is major housing shortages to boot. Why are you trying to make it harder for property owners to help with the housing crisis! Very unhelpful and I hope what has happened on a federal level starts to trickle down to the people who put this up for consideration. Completely out of touch and out of line in my opinion!	no
2025-03-06 23:34:41.342	LAWRENCE G SELF JR	1819 SYCAMORE CANYON	Santa Barbara	CA		yes
2025-03-07 00:32:00.781	Michael Self	2636 Tallant Rd	Santa Barbara	CA	This is eminent domain taking Stop the overreach	not sure
2025-03-07 00:39:24.544	Sara Murdoch	316 W Ortega St, Unit 2	Santa Barbara	CA		yes
2025-03-07 01:36:55.794	Robert Shand	612 Alston Road	Santa Barbara	CA	I believe this is a substantial overreach, a blanket approach which could potentially effect hundreds of residents adversely.	not sure
2025-03-07 01:56:39.264	Andrian Kouznetsov	143 Northridge Rd	Santa Barbara	CA		yes
2025-03-07 02:30:44.168	John Vrtiak	5 Augusta Lane	Santa Barbara	CA	Does this mean that we cannot plant fruit trees in our back yard?	yes

2025-03-07 03:41:33.307	Kathleen Marvin	606 Alston Road	Santa Barbara	CA	The drainage creek to the west of our property is man-made by City of Santa Barbara. And yet our property is shown as impacted "most likely".	not sure
2025-03-07 03:47:40.259	John B. Marvin	606 Alston Road	Santa Barbara	CA	Land owners do not need another layer of government interference in how the landowner manages their property.	yes
2025-03-07 03:51:48.597	Margaret Salter	3014 State St.	Santa Barbara	CA	We tried several years ago to cover the "minor creek" next to our commercial property and the city refused to allow us to do it which is unfortunate as this would not be an issue now for us!	yes
2025-03-07 04:22:50.805	Jay Nelson	1353 Sycamore Canyon Rd	Santa Barbara	CA	This devalues my property along with others and yet I am still paying the property taxes.	yes
2025-03-07 04:24:53.501	Janet OLaughlin	7 WILLOWGLEN PL	SANTA BARBARA	CA	The ordinance is arbitrary and not related to known hazards.	yes
2025-03-07 04:58:33.199	Mike Foley				I am an owner of 923 Castillo Street and this Creek Buffer Ordinance will have a large impact on our property which we've spent over 10 years working with the city to entitle for housing.	yes
2025-03-07 07:11:44.899	Robert F Feitt	3619 San Remo Drive	Santa Barbara	CA	A similar attempt at this was tried several years ago by Jill Zachary, who I believe heads up the Santa Barbara Parks and Recreation Department. She attempted to hide the effort from residents, but it was uncovered at the last minute and defeated by a large surprise turnout at a hearing. Her move at that time would have given public access to hikers, etc. through private property. This may be another attempt to do this through a multi stage process.	yes
2025-03-07 07:37:43.331	Vinay Mahadik	1910 Barker Pass Road	Santa Barbara	CA	Minor creek - this affects us adversely for no reason	yes



2025-03-07 10:19:17.104	Rose H.	4805 La Gama Way	Santa Barbara, CA	CA		no
2025-03-07 16:48:40.811	Brad T Moore	230 W Cota	Santa Barbara	CA	Please reconsider this overly restrictive ordinance. We support environmental protection but not undue hardships.	yes
2025-03-07 17:26:22.235	Jerome Hoffman	211 Rametto Rd	Santa Barbara	CA		not sure
2025-03-07 18:18:59.782	John LeConte	30 Abigail Lane	Santa Barbara	CA	Is this really an easement the city wants to have?	not sure
2025-03-07 19:03:47.261	Ken Dickson					yes
2025-03-07 19:40:45.498	Koonce, Nick	602 E Calle Laureles	Santa Barbara	CA	I favor property own rights over increasing, already burdensome, environmental regulations.	yes
2025-03-07 20:29:18.295	Amber Bottelsen	2375 Foothill				
2025-03-07 20:33:04.095	Amber Bottelsen	2375 Foothill Road	Santa Barbara	CA		yes
2025-03-07 20:37:15.398	Rachelle Gillies	General Manager Santa Barbara Tennis Club	Santa Barbara	CA		yes
2025-03-07 20:43:05.034	Glen Casebeer	2025 Anacapa St.	Santa Barbara	CA	This ordinance is not an urgent matter. No new State regulation necessitates an urgent and haphazardly constructed response from the City. Given the ordinance's numerous issues and its wide-ranging impacts, the City should start the process over, this time ensuring that stakeholders are given ample time to consider the ramifications.	yes
2025-03-07 20:45:02.873	Rachelle Gillies	2184 East Valley Road	Montecito	CA		no
2025-03-07 21:19:54.309	Trigg Schaefer	1210 Cacique St. #31	Santa Barbara	CA	I purchased my home 1 1/2 years ago. I would not have bought it had I known of this potential ordinance, nor would anyone else! Basically, being on the creek, my investment would be pretty much be dissolved if this goes through!	yes

2025-03-07 21:42:33.768	Pierrick Vulliez	802 E Calle Laureles	Santa Barbara	CA		yes
2025-03-07 23:35:48.471	Shawn Reilley	1210 cacique st space 31	Santa Barbara	CA	Thus is ridiculous and would be extremely burdensome and not even possible in the trailer park I live in.	yes
2025-03-08 00:19:17.817	Brent Bottelsen	2557 Treasure Dr	santa Barbara	CA	we have a tennis facility that only has a pool, our driveway and a creek. We would lose access to half of our property.	yes
2025-03-08 00:40:15.486	Brian ROBERTSON	506 Calle Alamp	Santa Barbara	CA	Property been in place since 1943 , we need what little we have.	yes
2025-03-08 01:21:59.067	Harry Gierhart	3603 Capri Drive	Santa Barbara	CA	This is taking 75% of my property away forever. 50 ft line comes into my house. I have a large tree growing towards my house in the theft-of-property zone. If it becomes a fire hazard, I cannot cut it or trim it. This ordinance cannot anticipate all the possible changes for decades or a century. The city employees enforcing this cannot reasonable state what will happen in 50 years or more. Totally unrealistic. I think I might have to cut down some huge trees ahead of the date of implementation.	yes
2025-03-08 01:30:49.174	greg tice	818 n. Voluntario st	Santa Barbara	CA	Existing properties on minor creeks should be exempt if they need to rebuild.	yes
2025-03-08 01:43:41.691	Scott C Lederhaus	3119 Argonne Circle	Santa Barbara	CA	My home was built in 1947. My wife and I remodeled the home about 12 years ago with full approval of the plans by the city. Parts of my home would be affected by a 15 foot offset from the edge of the creek, and the property is small enough that any future structure could not be put on my property due to size constraints.	yes
2025-03-08 02:16:34.412	Kevin Davis	218 East Pedregosa Street	Santa Barbara	CA	Severe government overreach into the rights of property holders. Strongly opposed.	yes

2025-03-08 05:21:21.694	Rena Smith	334 Woodley Crt	Santa Barbara	CA		yes
2025-03-08 05:50:04.147	Darol Joseff	1593 LAs Canoas Road	Santa Barbara	CA	Our house, built in 1960, and property will very likely be adversely impacted by this proposed ordinance, with resultant financial loss and stress. We oppose the proposed ordinance.	yes
2025-03-08 13:56:19.413	Chris	333 Mesa Lane	Santa Barbara	CA		no
2025-03-08 14:42:42.954	prem krish	1117 harbor hills dr	santa barbara	CA		not sure
2025-03-08 15:10:15.734	Jen Hulme	1002 San Antonio Creek Road	Santa Barbara	CA		no
2025-03-08 15:11:36.744	Chris Hulme	1002 San Antonio Creek Road	Santa Barbara	CA		no
2025-03-08 15:53:30.397	Steve Fort	816 Grove Lane				yes
2025-03-08 15:59:44.221	Stephen C Tiches	2233 Stanwood Drive	Santa Barbara	CA		yes
2025-03-08 17:16:55.394	Julie States	3146 Calle Mariposa	Santa Barbara	CA		yes
2025-03-08 17:18:12.663	Eric States	3146 Calle Mariposa	Santa Barbara	CA		yes
2025-03-08 17:25:37.003	C.J. Gell	1434 Las Positas Place	Santa Barbara	CA	Currently, the assessed fees support the culvert maintenance of the Santa Barbara creek system in this neighborhood.	yes
2025-03-08 17:44:28.776	Robert Aparicio	406 ALAN RD	Santa Barbara	CA	I am strongly against this proposed ordinance.	yes
2025-03-08 17:54:50.87	Susan Peters	639 Willowglen Road	Santa Barbara	CA		yes
2025-03-08 18:44:02.479	Cameron Shaffer	328 W Alamar Ave A	Santa Barbara	CA	I am strongly against this ordinance.	yes
2025-03-08 19:35:16.125	Raunell Packwood	328 West Alamar Avenue	Santa Barbara	CA	I vehemently oppose this ordinance!	yes
2025-03-08 20:00:11.211	Thomas Hopkins	330 w alamar	Santa Barbara	CA		yes
2025-03-08 23:53:16.929	Mike Gravitz	629 W. Valerio St.	Santa Barbara	CA	Family house of 40 years	yes
2025-03-08 23:54:47.157	Samantha Ireland	420 Calle Alamo	Santa Barbara	CA		yes

2025-03-08 23:56:02.584	Phillip Nigh	420 Calle Alamo	Santa Barbara	CA		yes
2025-03-09 00:06:57.387	Ricardo Lopez	2136 Foothill Lane	Santa Barbara	CA		yes
2025-03-09 00:07:51.805	Laurie A MacMillan	2230 Foothill Ln	Santa Barbara	CA	Minor creeks like ours never get anywhere close to the top on the high side. Restricting that side from being built within 15 feet is unreasonable. Also, should our home be destroyed, our garage would not be able to be rebuilt, being closer than 15 feet to the creek. This is an unfair taking of property on the City's part.	yes
2025-03-09 00:25:20.811	Shona F Wyatt	29 Augusta Lane	Santa Barbara	CA	I have just been made aware of this Proposed ordinance, I did not receive any notification at all about this matter and only found out by email from the Eucalyptus Hill Association. Since when can a small drainage ditch be classified as a minor creek????? This is totally ridiculous!!!!!! I strongly oppose this Proposed ordinance.	yes
2025-03-09 00:27:10.14	Nicholas Day	2136 Foothill Lane	Santa Barbara	CA	Do NOT pass this ordinance!!!	yes
2025-03-09 00:29:48.195	Melinda Rister	865 N Hope Ave	Santa Barbara	CA		yes
2025-03-09 01:23:12.349	danae liechti	7381 Aviano Ave	Goleta	CA	I would accept this moving forward for new building projects but strongly oppose homes having to be moved and not having freedom to garden as we please on our property.	not sure
2025-03-09 02:07:18.745	Tim Burger	826 Grove Ln	Santa Barbara	CA	I oppose this new ordinance	yes
2025-03-09 03:12:58.079	Curt Crawshaw	42 Brandon	GOLETA	CA	This is a completely unreasonable measure.	not sure
2025-03-09 03:30:29.966	JEFF FRANKENFIELD	1625 Sycamore Canyon Rd	Santa Barbara	CA		yes
2025-03-09 05:18:21.699	Scott Pollard		Santa Barbara	CA		yes
2025-03-09 06:37:43.136	Stephanie Lacey	11 willowglen place	santa barbara	CA		yes

2025-03-09 16:27:04.046	Joel Stewart	1830 Overlook Lane	Santa Barbara	CA	The permitting process is absurd as it is. To add more ridiculous restrictions is ridiculous!	no
2025-03-09 16:55:25.033	Gaylord Brown	930 Alameda Padre Serra	Santa Barbara	CA	This is a shameless land grab by the city with no compensation to the landowners.	yes
2025-03-09 17:27:16.526	Dan Crawford	807 E Alamar Ave	Santa Barbara	CA		yes
2025-03-09 17:57:13.784	Lee Chiacos	528 Foxen Drive	Santa Barbara	CA	At the same time the state is requiring more housing, we don't need more regulations to limit property rights.	not sure
2025-03-09 19:49:01.29	Bonnie Keolian - Lochner	3730 Lincolnwood Drive	Santa Barbara	CA		yes
2025-03-09 20:32:37.397	Andreas Simon	839 Willowglen Rd	Santa Barbara	CA		yes
2025-03-09 21:56:41.161	Sarah Schaupeter	2804 Clinton Terrace	Santa Barbara	CA	The term “minor creek” was arbitrarily introduced by City staff to classify features that were never previously recognized as creeks by residents or to the residents. This is a clear overreach. The definition of “minor creeks” is vague and subjective, granting the Creeks Division excessive discretionary power. Many of these so-called creeks have never flooded or even contained flowing water, yet the ordinance applies indiscriminately to all, including these minor creeks—an unreasonable and illogical approach. Worse, many of the affected areas are private property, inaccessible to the public, yet it is property owners who will bear the brunt of these unfair restrictions. This policy is not just flawed—it's an unjust infringement on private property rights.	yes
2025-03-09 22:51:38.704	Maxine Dekker	944 Alameda Padre Serra	Santa Barbara	CA	This would cost me millions as 80% of my residence is within these new extended boundaries.	yes

2025-03-09 23:46:25.821	Dean Hill	944 Alameda Padre Serra	Santa Barbara	CA	This would eliminate my home and several of my neighbors. This too much considering how hard it is to maintain an insurance policy and this	yes
2025-03-09 23:58:32.139	Aimee Hill	944 Alameda Padre Serra	Santa Barbara	CA	This will impact my entire residence and make the lot unsuitable for development. I thought our great struggle in this city was to build housing and you are eliminating it with this ordinance - crazy	yes
2025-03-10 02:31:52.206	Mark Hermann	3920 La Colina Rd.	Santa Barbara	CA		yes
2025-03-10 03:04:54.201	Yolanda Yturalde	1268 Veronica Springs Road, Unit A	Santa Barbara	CA	Our house is less than 35 feet from the controlled creek and in the event of an earthquake we wouldn't be able to rebuild in our own home's footprint causing a hardship.	yes
2025-03-10 03:23:34.29	J. Ingram		Santa Barbara	CA		yes
2025-03-10 03:30:58.556	Kelly Yturalde	1268 Veronica Springs Road	Santa Barbara	CA	Many houses in our neighborhood are impacted by the control creek along Las Positas. This is an extreme request! To potentially remove homes because of their distance from a creek? This is a bad display of the city wasting our taxes with a quickly contrived solution. I understand that witnessing the Montecito floods was devastating and it brought up legitimate concerns but this plan is not the right one for Santa Barbara. Do not support it.	yes
2025-03-10 03:40:40.012	Danny Mascari	925 El Rancho Rd	Montecito	CA	Retroactive ordinance the could further hurt our ability to have insurance on our property in the event their is a natural disaster and rebuild is necessary. Especially give the very high property taxes we currently pay.	yes
2025-03-10 04:02:12.078	Jill Ellis	614 Foxen Drive	Santa Barbara	CA		yes
2025-03-10 04:21:32.879	Aaron Maines	620 Foxen drive	Santa Barbara	CA		not sure

2025-03-10 04:28:07.037	Jared Ingram	3739 foothill Road	Santa Barbara	CA	Please don't do this	yes
2025-03-10 04:41:14.162	Mallory Bischoff	610 Foxen Drive	Santa barbara	CA		yes
2025-03-10 15:02:46.34	Lex McKenna	412 N Ontare Rd	Santa Barbara	CA		yes
2025-03-10 15:20:56.882	Kimberly I Cantin	335 Hot Springs Rd	Santa Barbara	CA	We have suffered enough from the mudslide tragedy and now to think our land values will be further eroded and taken away is criminal. Please do not do this. I rather you work on getting State Street back to vibrancy so folks want to visit and patronize our City.	yes
2025-03-10 15:26:42.804	Donnis Galvan		SB	CA	This ordinance would be extremely unfair and costly to long time home owners are overwhelmed with huge fire insurance increases and who pay substantial property taxes, while providing limited real benefits. The ordinance is an ill conceived overreach of government regulation that rejects the needs of hundreds of city residents.	
2025-03-10 16:03:01.029	Bob Kafkis	3647 Rockcreek rd	Santa Barbara	CA	The city has implemented many unnecasary restictions on us citizens. This is another perfect example.	yes
2025-03-10 16:15:41.831	Carol Mchenry	1523 Knoll Circle dr	Santa Barbara	CA		not sure
2025-03-10 16:42:00.725	London Fields	412 de la vina	santa barbara	CA	100% Discriminatory!!! Outrageous and its clear that Santa Barbara does not have the best interest of its residents and land owners.	yes
2025-03-10 17:11:49.976	James Riley	550 Owen Road	Santa Barbara	CA		no
2025-03-10 17:47:18.174	Max Zeff	13323 W Washington Blvd	Los Angeles	CA	This is an illegal taking of property. This will make property on bluff uninsurable due to the lack of rebuild rights.	yes
2025-03-10 17:52:56.165	Ruchika Sidhu	13323 W Washington Boulevard, Suite 300	Los Angeles	CA		yes

2025-03-10 19:30:48.158	Rose Tarlow	260 Eucalyptus Hill Dr	Santa Barbara	CA		yes
2025-03-10 19:46:39.125	Richard Townhill	1177 Las Alturas Road	Santa Barbara	CA	This clearly deprives home owners of their property rights. It undermines property values for no environmental gain. The lack of transparency clearly indicates that the city wish to pass this measure as quickly and as stealthily as possible.	yes
2025-03-10 19:57:42.074	Jennifer Townhill	1177 Las Alturas Road	Santa Barbara	CA		yes
2025-03-10 19:57:48.323	Paula Kimbrell	2924 Hermosa Road	Santa Barbara	CA	At the back of my residential property is a drainage ditch that the proposed ordinance calls a "minor creek," although it is dry except during winter rains. In the 48 years that I have owned the property, rain water seldom creates significant runoff and has never reached the top of the bank. The proposed ordinance lacks a factual basis for the restrictions it seeks to impose.	yes
2025-03-10 21:04:01.605	Bradford Schaupeter	2804 Clinton Terrace	Santa Barbara	CA	I strongly oppose this proposed ordinance. There is no water accumulation at all during rainfall in what is being apparently labeled a 'minor creek' in our backyard. Even in the biggest torrential downpours of 2024 I could truly walk anywhere in my backyard and not get the bottom my pant legs wet. This is a gross overreach of government and the ordinance should be blocked in entirety. It is a highly foolish proposal that will limit homeowners' access to care for their own yards.	yes
2025-03-10 23:36:17.253	Robyn OHearn	2102 Edgewater Way	Santa Barbara	CA		yes



2025-03-11 00:00:05.812	Ms. Denise Ann Stevens	7753 Jenna Drive, Goleta, CA 93117	Goleta	CA	Seems impractical in application to the many already developed areas near the creek. How about we concentrate on saving some of the undeveloped ag land surrounding the city that is more practical and impactful. Short of the City basically using eminent domain (and pissing off a whole bunch of voters who will NOT forget), there is nothing practical in enacting a creek buffer zone decades after development in many areas.	not sure
2025-03-11 00:13:17.044	Joan Ross	428 De La Vina Street	Santa Barbara	CA	Our property is in the section of De La Vina where we have the Mission Creek right behind us. Due to the upcoming Reach 4 project, we have already lost 50% of our yard via eminent domain. This seems so unfair giving the loss we have already suffered due to no fault of our own. PLEASE reconsider.	yes
2025-03-11 00:35:32.576	Nicholas Pena	417 W Canon Perdido St	Santa Barbara	CA		yes
2025-03-11 00:36:42.162	Carly Johnson	336 Magna Vista Street	Santa Barbara	CA		no
2025-03-11 00:44:31.655	Robyn Brollier	716 Bath St	Santa Barbara	CA		no
2025-03-11 00:47:34.244	Sandy Kaneoka	330 Alamar Ave. unit A	Santa Barbara	CA		yes
2025-03-11 00:52:16.263	Robert Ross	428 De La Vina	Santa Barbara	CA		yes
2025-03-11 01:03:44.822	Dana Pena	417 West Canon Perdido Street	Santa Barbara	CA		no
2025-03-11 01:10:17.885	Franklin Craig Murray	4444 Meadowlark Ln	Santa Barbara	CA		no
2025-03-11 01:11:31.935	Justin Rencher	720 Castillo St. Unit B	Santa Barbara	CA		yes

2025-03-11 01:18:11.058	Emily Graham	276 Brandon dr	Goleta	CA	I do not support how the set back renders preciously purchased properties less valuable, and prevents owners from being able to remodel or rebuild as desired.	no
2025-03-11 01:28:01.655	Bettie Torrez	512 bath st	Santa Barbara	CA		yes
2025-03-11 01:43:33.376	Ethan	1302 San Miguel Ave	Santa Barbara	CA	Several friends and or family are not going to be able to fully utilize their properties and may not be able to stay if this ordinance passes.	no
2025-03-11 02:14:50.505	Haley Honens	449 Venado Dr	Santa Barbara	CA		no
2025-03-11 02:38:13.979	Shelby Garrison	624 Foxen Dr	Santa Barbara	CA	This would be deeply detrimental to thousands of Santa Barbara families. I strongly oppose.	yes
2025-03-11 03:47:44.545	Angelika Berger	865 La Milpita Rd	Santa Barbara	CA	This ordinance would severely limit the use of my property and cancel our plans to add an ADU that would provide affordable housing for people who work but cannot live in Santa Barbara and much needed income for us so we can continue living in Santa Barbara. The creek in our backyard is tiny, only has water in it when it rains heavily and runs maximally a week after heavy rains. It has never had a problem with flooding our property or damaging it. I think it's ridiculous to put restrictions on every little creek, and will cause severe losses for the property owners along the creeks. It's totally unnecessary.	yes
2025-03-11 03:56:09.426	Jessica Phillips	1224 East Mason, Side A	Santa Barbara	CA		yes
2025-03-11 03:58:38.601	Abraham Phillips	1224 East Mason, Side A	Santa Barbara	CA		yes

2025-03-11 04:26:22.705	DAN P BELLINGER	228 WEST ORTEGA UNIT A	SANTA BARBARA	CA	<p>While not directly impacted, I am immediately aware of what this will due to the multitude of property owners who are not but a block away from me as neighbors. The seemingly arbitrary decision to callously enact an ordinance aggressively devaluing my neighbors' homes seems wildly unfair. As identified above, we are proud to have stringent rules and regulations in place for our waterways already. During a time where our nation is ripping out regulations left and right, please do not let our turbulent times be an excuse for you to double down on regulations. Be proud of where we are now; do not break the strong community bond with our neighbors and friends via this action.</p> <p>Especially during a time where our nation is ripping out regulations</p>	no
2025-03-11 04:46:28.257	Helaine Murdock	3748 Brenner Drive	Santa barbara	CA		yes
2025-03-11 06:47:33.689	Susanne Richards	334 N Ontare Rd	Santa Barbara	CA		yes
2025-03-11 14:52:19.013	Star Hunt	25 Camino de Vida	Santa Barbara	CA	<p>But I'm tired of watching home owners lose more and more of their home owners rights in this state! I'm tired of homeowners losing all ability to remove squatters (which needs to be the next petition) their ability to have access to fire insurance, flood insurance and this new thing has now become a land grab!</p>	no
2025-03-12 00:36:31.62	Andy Katsev	3050 Hermosa Rd	Santa Barbara	CA		yes
2025-03-12 01:19:15.589	Louise Moore	1640 Overlook Lane	Santa Barbara	CA	<p>This proposed ordinance is ill conceived. This will decrease property values. Strongly oppose.</p>	yes

2025-03-12 01:29:27.42	Jerry Rocci	PO Box 745	Summerland	CA	As a locally practicing architect, this affects the potential of a couple of our current projects.	yes
2025-03-12 01:52:06.537	Bruce & Alice Payne	2701 Samarkand Dr.	Santa Barbara, CA 93105	CA	In the 41 years of ownership of this lot, We have never experienced more than 6 inches of rain water from winter storms	yes
2025-03-12 03:08:54.078	Donnie Feller	1212 Vallecito Rd	Carpinteria	CA		yes
2025-03-12 06:24:49.761	Kimberly Bertrand			CA		yes
2025-03-12 14:50:34.884	Deborah Atkinson	6588 Calle Koral	Goleta	CA		not sure
2025-03-12 15:37:24.935	Mary Rose Bryson	410 West Figueroa Street	Santa Barbara	CA	I live 150 feet away from Mission Creek; I am impacted by the homeless who live in the creek and who will not have to abide by these restrictions.	not sure
2025-03-12 15:39:04.937	Steven Buesch				Severe government overreach into the rights of property holders. Strongly opposed.	yes
2025-03-12 19:10:05.939	Colette Piacentini	2705 Samarkand Drive	Santa Barbara	CA	Any change in the existing configuration of the back of many properties in the neighborhood would severely impact the wildlife striving in the area. Shelter and nesting for both birds and four legged creatures is now provided by the existing landscape. Please do not create problems by unnecessary construction or clearing.	yes
2025-03-12 22:20:53.993	John Davis	2704 Vernon Rd.	Santa Barbara	CA		yes

2025-03-13 14:56:29.071	Brian Green	406 Tallant rd	Santaarbara	CA	seems to be a bad policy. We are demanded to defend our property from erosion, and at times make repairs to our property and our neighbors....and now this? I have battled the city over cleaning debris from "minor creeks" and they always say it's my responsibility. If it's my duty to maintain the creek how is this policy going to effect the maintenance?	yes
2025-03-13 15:58:27.687	Brian Norling	1645 Shoreline Drive	Santa Barbara	CA	Let's stop this	yes
2025-03-13 17:19:07.159	Coralie Witter	2501 Alta Vista Drive	Newport Beach	CA	This is an unfair and unproductive proposed regulation. It would undermine property owners rights and cause significant harm by not honoring their compliance with past regulations and building codes. It does nothing to further protect the environment. You must grandfather in existing structures and the rebuild of those structures. Should they want to do upgrades or replacement after damage. Changing rules retroactively is deeply unfair. Additionally, this would remove housing from an already tight housing market, further impacting housing affordability for all.	no
2025-03-13 17:35:48.762	Carolyn Murphy	1025 Winther Way	Santa Barbara	CA		no
2025-03-13 17:37:52.845	Dave Kerr	1581 sycamore cyn	Santa Barbara	CA	This is unprecedented no where in California are they imposing restrictions on perfectly safe land . Example an illustration necessary restrictions ( landslide areas)	yes
2025-03-13 17:45:03.398	Liam Murphy		Santa Barbara	CA		not sure

2025-03-13 18:06:47.977	Jos		Santa Barbara	CA	If passed, we would essentially loose our entire property and 90% of our home. We wouldn't be able to rebuild. We would loose everything we have invested in our home (financially and emotionally). Our kids and entire family would be devastated. Our home was built in the 1950's and we haven't had any problems with the creek. So many families in our community would loose their homes, wiping out their savings and generations of memories. This would be especially difficult with the limited housing in Santa Barbara. Please don't take away our hard earned homes and properties! Please don't pass this ordinance.	yes
2025-03-13 18:08:57.043	Jared		Santa Barbara	CA		yes
2025-03-13 18:54:16.289	Colette Piacentini	2705 Samarkand Drive	Santa Barbara	CA	The "minor creek" in the back of our property only trickles a few times in heavy rain but is home to a wide variety of wildlife. Any work, demolition or change in landscape would negatively affect the area's protected environment. If it is not broken, don't fix it please.	yes
2025-03-13 19:28:18.146	Nate Monley					
2025-03-13 19:32:21.136	Liza Reed			CA		no
2025-03-13 19:40:25.938	Brian					no
2025-03-13 20:14:30.796	Maria Giles	148 Walnut Lane	Santa Barbara, CA 93108	CA		not sure
2025-03-13 22:46:26.754	Scott Wilson	3034 Hermosa Road	Santa Barbara	CA		yes
2025-03-13 23:08:25.349	Nancy Duffy McCarron	950 Roble Lane	SANTA BARBARA	CA	enough is enough. we have enough SB city regulations restricting property owners. we need LESS restrictions not MORE restrictions.	yes

2025-03-14 01:22:34.558	Stephen Martorano	PO Box 2653	Santa Barbara	CA	Many Clients and Family	yes
2025-03-14 01:24:24.739	Lucila Serra	1319 Panchita Place	Santa Barbara	CA		not sure
2025-03-14 02:22:35.626	Natalie Taylor		Goleta	CA		no
2025-03-14 02:23:59.251	Devon Reinauer	436 Foxen Dr	Santa Barbara	CA		no
2025-03-14 02:25:17.333	Anna Jordan	270 Redwood Way	Goleta	CA	A close friend of mine stands to lose 90% of her personal property should this pass. This is a shocking ordinance. Please do not go forward.	yes
2025-03-14 02:38:19.312	Megan Burwell	5511 Pembroke Ave	Santa Barbara	CA		no
2025-03-14 06:18:08.476	Lesley Miller	5674 SURFRIDER WAY	Goleta	CA	I am shocked this is even being considered!	no
2025-03-14 11:47:44.584	Nicole Faragasso	850 Gravilla dr	Santa Barbara	CA		no
2025-03-14 14:24:01.144	Kai Jolly	618 N Ontare Rd	Santa Barbara	CA		no
2025-03-14 17:07:45.491	Chelsea Cambron	7465 Hollister Avenue Space 332	Goleta	CA	Unacceptable land grab from the City on established homeowners. Do not pass this regulation.	no
2025-03-14 19:04:37.1	April Braley	120 Oceano Avenue	Santa Barbara	CA	I support this Petition even though it does not impact me because I do not agree with the City's attempt to take and/or control land they do not own.	no
2025-03-14 20:31:09.351	Joseph Stern	2628 CLINTON TER	SANTA BARBARA	CA		yes
2025-03-15 01:49:56.737	Lise Christiansson	7431 San Carpino Dr	Goleta	CA	Stop messing with people lives	not sure
2025-03-16 18:29:51.566	John Abraham	621 E Sola St.	Santa Barbara	CA	You show a creek that I don't even know exists. This needs more definition. The rules are already too hard to follow and too expensive.	not sure

2025-03-16 19:01:21.821	Andy Gill	2716 Clinton Terrace	Santa Barbara	CA	Definition of "Minor Creek" is too broad. Restriction of 15' from top of the either bank + "width of the minor creek" adds up to a lot of area. Who defines the top of the bank of minor creek? "Minor Creek" affecting our property is a drainage swale that goes into a storm drain downstream of our property. There is more runoff in the street gutter during rain events. This ordinance places undue burden on property owners with no discernible environmental benefit, therefore I oppose this ordinance.	yes
2025-03-16 21:44:23.82	Greg Jehle	1130 Cacique #63	Santa Barbara	CA	I live in the Flamingo Mobile Home Park and my mobile home backs up to the creek. Mobile/manufactured homes sit 18" or more off the ground and should not be effected adversely should the creek overflow.	yes
2025-03-17 19:19:19.416	Aaron Gravitz	309 Brevard Ave	Ventura	CA	My childhood home that my mother still owns is within 50 feet of the creek, and this ordinance is completely unfair if something catastrophic were to happen, there is nowhere to move the house to past 50 feet.	yes



2025-03-17 20:53:41.833	Mark Craig	266 Canon Drive	Santa Barbara	CA	I am lucky enough to live adjacent to Stevens Park and San Roque Creek. I can attest to the fact that the creek is healthy and our neighborhood is full of wildlife. This ordinance is not necessary. The families that live next to these watersheds take pride in keeping their neighborhoods clean and wild. The fact that the City wants to make this new ordinance effectively retroactive and apply to properties with previously permitted structures is absolutely ridiculous and shameful. It's one thing to impose these regulations on new construction, but to require people to give up large portions of their lots and reduce or relocate their homes and garages if they need to rebuild is taking it way too far. If any of the people deciding on this ordinance actually owned and lived on an affected property, I'm fairly certain they would see the government overreach this ordinance is proposing. The City needs to find another part of Santa Barbara on which to focus their improvement efforts...the creek areas are already in good hands.	yes
2025-03-17 22:16:47.24	Jennifer Becker	3615 San Remo Drive	Santa Barbara	CA	Development activity adjacent to creeks is already governed by the US Army Corps of Engineers, regional water quality board, CA Dept. Fish and Wildlife and US Fish & Wildlife. These agencies developed policies to ensure that waterways are not harmed by development. The proposed policy constitutes an illegal taking of land and will result in numerous lawsuits demanding compensation for lost property.	yes

2025-03-17 22:41:35.595	Alexander Scribner	3628 San Remo Drive	Santa Barbara	CA		not sure
2025-03-17 22:56:12.278	Aimee Scribner	3628 San Remo Dr	Santa Barbara	CA		not sure
2025-03-18 07:12:30.14	Brian	2002 Goldenrod Court	Wesylake Village	CA	My inheritance	yes
2025-03-18 15:27:46.762	Veronica Flores	1207 Punta Gorda St	Santa Barbara	CA	I do not agree with this ordinance. We remodeled our home a few years ago and there were many restrictions in place to protect the flow of the creek.	not sure
2025-03-18 15:30:24.771	Whitney perry	432 W Islay St	Santa Barbara	CA		yes
2025-03-18 15:31:44.032	Jenna	432 W Islay St	Santa Barbara	CA		yes
2025-03-18 21:13:16.824	Jane Alexander	P.O. Box 904	Santa Ynez	CA	Our family home on San Roque is in the restricted area. We have concerns about potential impacts upon us with this ordinance.	yes
2025-03-19 00:29:04.473	Francisco	1205 Punta Gorda	Santa Bárbara	CA	I have owned my home since 1978 that is right next to Sycamore Crewk	yes
2025-03-19 00:55:07.065	Greg Sharp	PO Box 922	Summerland	CA	this stuff is why Trump is popular. according to the argument supplied by this email, the reasons for this move appear arbitrary.	no
2025-03-19 01:36:16.632	Maren Johnston	217 1/2 E Cota Street	Santa Barbara	CA		yes
2025-03-19 03:16:06.007	Angelica Guzman	1205 Punta Gorda Street	Santa Barbara	CA		yes
2025-03-19 04:45:05.717	Denise Clark	155 Santa Paula Ave	Santa Barbara	CA		no
2025-03-19 13:47:48.865	Adam Guzman	1205 Punta Gorda	Santa Barbara	CA		yes
2025-03-19 16:37:53.142	Jonathan Black	722 Rockwood Dr	Santa Barbara	CA		not sure

2025-03-19 20:36:28.1	Ashley Mines	230 West Cota Street	Santa Barbara	CA	I have lived in a single family home on Mission Creek for about 10 years and there are many things the city can do to prevent flooding of the creek but a 50 foot setback is extreme. They have redone bridges over mission creek downtown and replanted the creek with indigenous plants over the past 15 years. However then they don't maintain it for more than 5 years. They have auctioned off the properties they imminent dominated in the first place only to then render them useless by saying they want a 50 foot setback! Thats the entire length of my property, and they want to tell me I can't do anything with it. This is not the way to go about preventing flooding and keeping creek wildlife especially in an urban area. This ordinance is unnecessary and unfair. There is already regulations in place by the city and guidelines so people don't build properties that will be destroyed during flooding. Despite the creek flooding due to poor maintenance my property has not flooded because it's above base flood elevation. There is no need to prevent all building by the creeks, that doesn't protect anyone or there property it just destroys their livelihood, home investment and displaces us. If something happened to my home or almost any of the properties downtown next to the creek with this ordinance we would have no where to rebuild as our entire lot is within 50 feet of the top of bank, our property is useless at that point. If there was a flood that destroyed homes it would just lead to abandoned lots all over the city since no one could rebuild. This doesn't help the longtime residences like myself that have lived in Santa Barbara for 25 years and love this town and just want to be a part of our beautiful city. We were hoping to build an adu to help the housing crisis and this would prevent that from happening. This severely harms the current housing situation in Santa Barbara, it doesn't help it. Please don't take this extreme measure.	yes
2025-03-20 00:28:01.605	Greg Carroll	444 Alan rd	Santa Barbara	CA	I have two homes on Arroyo burro creek on Alan Road	yes
2025-03-20 02:52:45.279	Kayla Mark	126 N Nopal St	Santa Barbara	CA		yes
2025-03-20 07:29:17.625	Patrick M McCarthy	1311E.Mason St.	Santa Barbara	CA		yes
2025-03-20 17:37:25.401	Dale Lauderdale	3740 Capri Drive				
2025-03-21 18:32:56.893	karni verdnikov	1445 Jesusita Ln	Santa Barbara	CA		not sure

2025-03-21 18:46:20.431	robert thomas	2307 WOODHEAD	HOUSTON	TX	My Santa Barbara home is located on E. Canon Perdido and is directly affected by this proposed ordinance.	yes
2025-03-21 19:03:35.632	Karen T Hartman	1034 Palermo Drive	Santa Barbara	CA		yes
2025-03-21 23:05:31.089	Chiyoko Oshiro	3221 laurel canyon rd	Santa Barbara	CA		yes
2025-03-22 01:29:32.75	Mark McColm	637 Roberts Rd	Paradise	CA	I have commercial properties that would be adversely impacted by this new ordinance. I oppose this highly unfair ordinance.	yes
2025-03-23 00:41:28.373	michelle quinn	1031 RINCONADA RD APT 2	Santa Barbara	CA		no
2025-03-23 01:48:35.07	John A Vrtiak	5 Augusta Lane	Santa Barbara	CA	This is a "V" concrete drainage ditch not a creek at all. It only flows when it rains. A 15' setback would effectively destroy my use and enjoyment of the majority of my back yard!	yes
2025-03-24 00:38:33.448	Chris Fletcher	1421 Sycamore Cyn Rd	Santa Barbara	CA	The "top of creek" effectively means that restrictions are on average 60 ft rather than 50 ft.	yes
2025-03-24 03:28:41.064	PEGGY FLETCHER	1421 SYCAMORE CANYON RD	SANTA BARBARA	CA	I am totally against this ordinance. It takes away property rights, property values, and more without any compensation.	yes
2025-03-24 04:20:26.752	Peter Viani	2920 HERMOSA RD	Santa Barbara	CA		yes
2025-03-24 18:36:18.98	CATHY HARDING	2609 Samarkand Drive	Santa Barbara	CA		not sure

2025-03-24 20:51:00.502	Lebritia Kendrick	1230 Quinientos St.	Santa Barbara	CA	A 50 foot setback is extreme and unnecessary! There are other ways to prevent flooding. I have maintained my property to prevent flooding. The Creeks and Wildlife Department should also maintain the creeks and not just blatantly pass an ordinance to limit their maintenance responsibility. If this ordinance were to become law, half my property would be deemed useless. I am not in favor of this new ordinance!	yes
2025-03-25 12:25:39.57	jonathan gartner	421 Samarkand Drive	Santa Barbara	CA	A minor creek runs through our neighbors' yard. It does not affect us currently (nor for the decade we have lived her) and this new Ordinance would impose severe hardship on us for no benefit. Please reconsider	not sure
2025-03-25 18:25:42.804	Kim Cordes					yes
2025-03-25 20:19:44.138	Shayna Smith	334 Woodley Court	Santa Barbara	CA		yes
2025-03-25 22:38:17.066	Mike Cummings	333 woodley	santa barbara	CA	My mother's home will be negatively impacted by this ordinance. Since potential buyers will hesitate to purchase a property that has the encumbrances imposed by this ordinance, property owners affected by its rules will see significant property value decline. The fact that the authors offer the hope that waivers and appeals can be used on a case by case basis, will do nothing to reverse the loss in market value due to the new encumbrances. Shouldn't the town be focused on fire and drinking water issues? This feels like a broad and invasive solution to an issue that doesn't even exist for many of our waterways.	yes

2025-03-26 01:08:53.248	Jenna Camacho	4251 Pinelake Street, Santa Maria, CA, USA	Santa Maria	CA		yes
2025-03-26 19:42:36.343	Christy Borneman	1859 eucalyptus hill rd	Santa Barbara	CA	Please oppose this ordinance.	yes
2025-03-27 17:22:05.077	Gary Suydam	3630 San Remo Dr.	Santa Barbara	CA		yes
2025-03-27 18:18:31.367	Cathy Johnson		Santa Barbara	CA	Why not Grandfather exciting properties this would be a fair process.	no
2025-03-29 16:15:21.788	Dan Villano	1210 Cacique Street	Santa Barbara	CA		yes
2025-03-29 20:03:46.592	Lisa K Linch-Suydam	3630 San Remo Drive	Santa Barbara	CA		yes
2025-03-29 21:34:09.665	Tim Eaton	1509 Veronica Pl	Santa Barbara	CA	We saved for years to finally purchase a home in Santa Barbara where we can raise our three kids. It is a small home, built in the 1960's, in a quiet neighborhood. This ordinance would render half of our lot (and half of my home) useless, and make it impossible to rebuild/repair if a disaster occurs. This will also negatively impact our home value, which we took us so long to save and finally purchase. If these ordinances are passed, it will severely hinder the ability to repair / rebuild our home if a creek overflows and impacts our home. This regulation is unnecessary and will negatively impact many working class families that are already struggling to live in Santa Barbara.	yes

2025-03-29 21:38:30.811	Kelsey Eakle	1509 Veronica Pl	Santa Barbara	CA	My husband and I were finally able to purchase a home after saving for many years. After years of saving, we were finally able to purchase a home in Santa Barbara where we can raise our three children. Our home, a modest 1960s house, represents years of hard work and sacrifice. However, this ordinance would render half of our lot—and half of our home—unusable, making it impossible to rebuild or repair in the event of a disaster. It would also significantly reduce our home's value, undermining everything we worked so hard to achieve. This proposal is completely unnecessary. Please focus on real problems in Santa Barbara (housing affordability, water supply & conservation, and dozens of other higher priorities).	yes
2025-03-29 21:38:53.808	McKay Eaton					yes
2025-03-29 21:39:18.006	Eli Eaton	1509 Veronica Pl	Santa Barbara	CA		yes
2025-03-29 21:39:38.743	Jane Eaton	1509 Veronica Pl	Santa Barbara	CA		yes
2025-03-29 23:01:25.392	Cindy Ortiz	1549 Veronica Place	Santa Barbara	CA		yes
2025-03-29 23:14:31.86	Leslie Robinson	1519 Veronica Pl	Santa Barbara	CA		yes
2025-03-30 00:06:20.887	M. G.	602 Foxen Drive	Santa Barbara	CA	No new ordinance!! If city has concerns they should provide guidelines and recommendations not ordinances restricting individual home owners	yes
2025-03-30 03:16:24.971	Stephanie Phelan	1525 Veronica Pl	Santa Barbara	CA		yes
2025-03-30 03:28:01.898	Shannon O'Bryan	1531 Veronica Place	Santa Barbara	CA	City should focus on more important issues.	yes
2025-03-30 17:38:43.736	Kelsey eaton	1509 Veronica place	Santa Barbara	CA		yes
2025-03-30 17:38:47.357	Kathy Bazarganan	1514 Veronica Pl	Santa Barbara	CA		no
2025-03-30 18:22:56.727	Jill Link	1524 Veronica Pl	Santa Barbara	CA	I live on the hillside but have to carry flood insurance	not sure

2025-03-31 21:13:16.191	Anthony Elia	1010 La Vista Rd	Santa Barbara	CA	My property at 3732 Dixon St, Santa Barbara, CA is directly impacted. If put in effect, this ordinance will restrict my rights to what I can do to my property beyond restrictions already in place that effectively protect the creeks and environment.	yes
2025-03-31 21:33:13.986	Anne Kimball	1471 Las Positas Pl	Santa Barbara	CA		yes



2025-04-01 02:40:47.796	Cristina Elia	1010 La Vista Rd.	Santa Barbara	CA	<p>Our property at 3732 Dixon St. is directly impacted by this ordinance. I oppose the proposed Creek Buffer Ordinance and urge the City to abandon this unnecessary regulation. While environmental protection is important, this ordinance is redundant, excessively restrictive, and unfair to property owners.</p> <p>Existing federal, state, and local laws already protect our creeks, waterways, and wildlife. Adding another layer of regulation creates hardship without clear benefits. The ordinance would severely limit land use, impacting thousands of homeowners and businesses by restricting development and rendering portions of properties unusable—even for structures built decades ago under past regulations.</p> <p>Beyond property rights, the ordinance could lower property values, complicate insurance, increase permitting costs, and push more owners toward unpermitted work. Despite these consequences, the City has failed to demonstrate meaningful environmental gains or consult affected residents before fast-tracking this measure.</p> <p>At a time of housing affordability challenges, this ordinance would add financial strain. I urge the City of Santa Barbara to reconsider and abandon the Creek Buffer Ordinance.</p>	yes
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2025-04-02 18:55:59.345	Tim Schaeffer	958 Garcia Rd	SB	CA	I oppose the proposed Creek Buffer Ordinance and urge the City to reconsider and ultimately abandon this unnecessary and burdensome regulation. While environmental protection is a worthy goal, this ordinance is redundant, excessively restrictive, and unfair to property owners across Santa Barbara.	yes
2025-04-02 21:35:03.787	Kathleen Hewitt	3735 Capri Dr.	Santa Barbara	CA		yes
2025-04-03 00:12:23.319	Kim Cordes	814 La Roda Avenue	Santa Barbara	CA		yes
2025-04-05 16:19:35.688	Luke Rioux	428 W Valerio Street	Santa Barbara	CA		yes
2025-04-05 22:12:32.937	Cheryle Pearson	10 N Soledad St	Santa Barbara	CA	Please abandon this ordinance as this will affect longtime residents in this area. Especially our seniors.	no

2025-04-06 00:23:36.974	Lisa		Santa Barbara	CA	<p>This ordinance is a quick fix and obvious overreach by the local governing authorities. The genuine problem is debris and boulder removal (similar to a controlled burn) during the months without rain. I have watched and waited for the proper agency and department to clean the creek behind our home.</p> <p>Two years ago, a rogue mulberry tree began growing rapidly in the creek embankment. Once the storms and floods came passing through, breaching the top of the banks due to debris clogging passages and drains farther downstream, the tree fell sideways. For the past two years it has sat there, growing sideways, and is now full grown.</p> <p>I've contacted the council several times and our council rep too. I will wait and watch during every impending downpour, for that massive log to become dislodged and cause massive flooding and damage to our immediate neighborhood. At least I'll have a paper trail for the class action suit to follow.</p> <p>Why are the homeowners being punished for something which is the actual responsibility of several public entities and departments?</p>	yes
2025-04-06 17:41:25.041	Jason Bryan	1211 W Micheltorena St	Santa Barbara	CA		no
2025-04-06 18:04:00.903	Stan Tsunoda	801 Jimeno Rd	Santa Barbara	CA	This is a misguided, "one size fits all" ordinance which is being forced on Santa Barbara homeowners.	yes
2025-04-06 18:07:59.787	Henri Albert	801 Jimeno Road	Santa Barbara	CA		yes

2025-04-07 01:00:30.155	Nicholas Schneider	505 Mountain Drive	Santa Barbara	CA	We have a minor creek that crosses our backyard and ends WITHOUT apparently connecting to a major creek or other waterway. It should NOT be included in this ordinance. The city already has other regulations that would stop problems like the one they are claiming to address. They don't need more regulations that are not well thought out.	yes
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7 April 2025

City of Santa Barbara  
Sustainability and Resiliency Department  
801 Garden Street  
Santa Barbara, CA 93101

**SUBJECT: Comments on Draft Creek Buffer Ordinance**

Dear Sustainability and Resiliency Staff,

SEPPS greatly appreciates the time and effort Staff has invested in preparing the Draft Creek Buffer Ordinance, including meeting with community members, stakeholders, and our office to garner public input. We commend your work and understand the need for clear and reliable development standards, recognizing that creek setbacks have traditionally been applied on a case-by-case basis. We support the objectives of the proposed ordinance to enhance public safety, stabilize creek banks, and preserve natural habitats, and we appreciate the effort to align the Draft Ordinance with the Coastal Land Use Plan (CLUP) for policy consistency.

While we value the efforts to establish clear guidelines and standardize the process for development adjacent to creeks, we are concerned that a one-size-fits-all approach is not suitable for all properties and developments. Site-specific factors must be carefully considered to ensure effective and appropriate implementation.

**Single-Family Residential:** We support the goals of enhancing water quality and public safety; however, it is important to recognize that Santa Barbara is a fully developed city with numerous homes and existing developments along its creeks. Any new regulations must carefully consider these longstanding realities to ensure fair and practical implementation. Single-family homes are not a major source of stormwater runoff or water quality degradation. More significant contributors that negatively impact this sensitive resource, include storm drains, urban downtown runoff, homeless encampments, and general pollution. The proposed ordinance will have a substantial impact on many single-family homeowners, as the new 50-foot buffers along major creeks may encompass a substantial portion of existing developments. This could create non-conforming situations where none currently exist, imposing unnecessary financial burdens on homeowners.

**22.26.170 Creek Area Substantial Redevelopment:** We strongly encourage staff to reevaluate how Substantial Redevelopment should be applied to properties that will be

rendered nonconforming because of the proposed increase in creek buffer areas. The strict application of this section could have substantial unintended consequences for constrained properties, i.e., small lots adjacent to creeks that would be restricted in the extent of repair and maintenance activities. If a property owner were forced to demolish their improvements through the substantial redevelopment provision, how would they be compensated for the potential loss of their real property?

Some properties should be unequivocally exempt from the ordinance. Institutional properties that qualify as Community Benefit under (SBMC 30.170.020.1)—such as museums, educational institutions, public health facilities, and designated historic resources—serve vital community functions and should not be subject to these stringent regulations. These institutions conduct careful, long-term planning and fundraising campaigns for improvements to their facilities. Improvements ensure public safety and accessibility and allow them to continue their impactful services to the community in a safe way.

**22.26.060 Nonconforming Creek Area Development in Creeks and Creek Buffer Areas on Privately Owned Lots:** A.3. The draft ordinance states that the nonconforming creek area can be maintained if the development is not abandoned by the owner; it is considered abandoned if it is not continuously occupied or used for its intended purpose for a period of one year.

It is unclear to us what the intent of this section is and how the City plans to enforce or manage nonconforming development. For example, if a residential property is listed for sale, is unoccupied for a period over a year, and is nonconforming due to the increased creek buffer, will it be considered abandoned? We recommend removing this from the ordinance.

**22.26.070 Exempt Creek Area Development:** We appreciate the sections of the ordinance that allow for maintenance and improvements on private properties within the buffer area which are exempt from permit requirements. However, we recommend that the ordinance provides additional clarity on allowed activities. For example, activities that currently do not require a Building or Grading Permit, such as gardening, should be clearly allowed within the buffer area without the need for further permitting. While we understand this may be the intent of the ordinance, the current language is unclear, and the permitted work appears to be overly restrictive.

We also note that the current language of the ordinance may be contradictory such as sections which state that:

A.

1. *Vegetation maintenance in a creek buffer area, including existing agricultural operations, but excluding removal of mature trees or native vegetation.*
2. *Fuel modifications conducted pursuant to an order of the Fire Department to maintain defensible space clearance requirements for existing development.*

These sections appear contradictory – if fuel modifications to meet defensible space requirements for existing developments were to require the removal of mature trees or native vegetation, would that be permitted?

**22.26.090 Creek Area Development Allowed in a Creek or Creek Buffer Area on Privately Owned Lots Upon Issuance of a Modification:** We understand the need for additional oversight in certain circumstances when a modification is necessary to allow work within a creek buffer. As written, the ordinance designates the Planning Commission as the review body for modifications. We are concerned that the modification process will extend the already lengthy planning process, be costly for applicants to engage the services of technical experts and potentially be challenged by staff and a review body that does not have sufficient technical knowledge to make a well-informed decision. We suggest that modifications for work within creek buffer areas should be reviewed by a technical review committee composed of biologists and other qualified individuals. Given the specialized nature of creek ecology and hydrology, such professionals may be better equipped to assess technical studies and make informed decisions that support environmental sustainability while balancing community needs.

**22.26.160 Determining Creek Top of Bank:** We appreciate Staff's efforts to incorporate language from the Coastal Land Use Plan (CLUP) into the ordinance to ensure continuity. However, what applies within the Coastal Zone may not necessarily be appropriate for the entire City.

Regarding the proposed Top of Bank (TOB) determinations, we understand they are derived from the CLUP with the addition of one new exhibit. Based on discussions with civil engineers in the City, we strongly recommend that the TOB calculation aligns with the methodology used by County Flood Control to ensure consistency in regional regulations. Establishing a uniform approach will prevent confusion, particularly in cases where both City and County jurisdictions are involved.

This alignment is especially critical in legal matters. When litigation arises, courts tend to give greater weight to historically accepted and widely used methodologies, such as those recognized by the engineering community. Standardizing the TOB determination will help mitigate disputes, reduce regulatory uncertainty, and promote equitable enforcement across jurisdictions.



**Affordable Housing:** The ordinance should explicitly support and encourage affordable housing projects, recognizing the critical need for such developments in Santa Barbara, and allow for exemptions or allowances that would not limit the development of affordable housing, consistent with State legislation, nor overburden the review process by adding the need for a modification which takes time and adds an additional cost to projects.

**Implementation Timing:** The ordinance should include clear language defining the timeline for when projects will become subject to the new regulations. This clarity is essential to provide certainty for property owners and developers.

If the ordinance exempts projects deemed "complete" at the time of its effective date, we strongly recommend a careful review of how the City defines a "complete project" compared to State legislation. Discrepancies between local and state definitions often create confusion for applicants, leading to unnecessary delays and regulatory uncertainty. Aligning these definitions—or at minimum, clearly distinguishing them—will help streamline the process and ensure fair, transparent implementation.

**Existing Entitlements:** Projects that have already secured entitlements should not be subject to the new ordinance retroactively. These projects should be allowed to proceed under the regulations that were in effect at the time of their approval, ensuring fairness, regulatory consistency, and protection of property rights. Retroactive application of new standards could impose undue burdens on developers and property owners who have already invested significant resources based on previously established requirements.

Thank you for your consideration of these comments, as well as for your commitment to thoughtful planning, public safety, and the protection and enhancement of the City's creeks. We appreciate your dedication to balancing environmental stewardship with the needs of the community. We look forward to continued discussions and potential revisions to the ordinance that thoughtfully incorporate public input and ensure a fair and effective outcome for all stakeholders.

Sincerely,

**SEPPS Land Use Consulting**



Shelby Messner Janke, AICP

[Shelby@sepps.com](mailto:Shelby@sepps.com)

805.966.2758 x104

**From:** [Denise Spangler Adams](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Kristen Shedden](#)  
**Subject:** NO Creek Ordinance  
**Date:** Sunday, March 2, 2025 4:43:16 PM

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The City Creek Ordinance proposal is confiscation of private property from owners!

Specifically, in my planned CC&R restricted development of 23-custom homes, ten are along Barker Creek. All homes were approved by the City in 1979-1983 to be issued building permits by either the City or County.

Five of these 10 custom homes are within the City's boundaries and due to that fact are subject of the proposed Creek Ordinance. All 5 of these City located Creekside homes need to be exempted, carved out, plus others in our area, too.

The City's proposed Creekside Ordinance creates increased liability exposure to the City, while the **City avoids its responsibility to add more essential storm drains along Barker Pass Rd** that extends to Eucalyptus Hill and Alston Roads, also

**The City proposed Creek Ordinance will—**

- 1) reduce property values immediately by its confiscation of owner property rights;
- 2) make accessing property insurance more difficult, if not impossible;
- 3) cause increased harm to any property owner following any fire, earthquake or other disaster occurrence by reducing structure footprint;
- 4) immediately decrease property values which in turn will require a property tax/ County reassessment resulting in a City- County revenue reduction;
- 5) not improve occupant safety, while it stifles the rights of property owners to keep their own parcel safe;
- 6) apply only to 5 of 9 Barker Pass Creek adjacent homes in my planned development —which were all built as per City required setbacks and other conditions: 11 of 23 approved custom homes are in the City, the other 12 are in the County but all were City reviewed for approval; and lastly,
- 7) eliminate the purpose of the City's lengthy 4 year intense review process of our planned development by both the City and the Eucalyptus Hill Improvement Association (EHIA) which resulted in detailed CC&Rs that 'run with the parcel to each subsequent property owner' as a condition of the City's initial approval.

- *The good news is making it known that the City approval process is pointless, staff can be made redundant, saving taxpayers money for salaries and benefits*

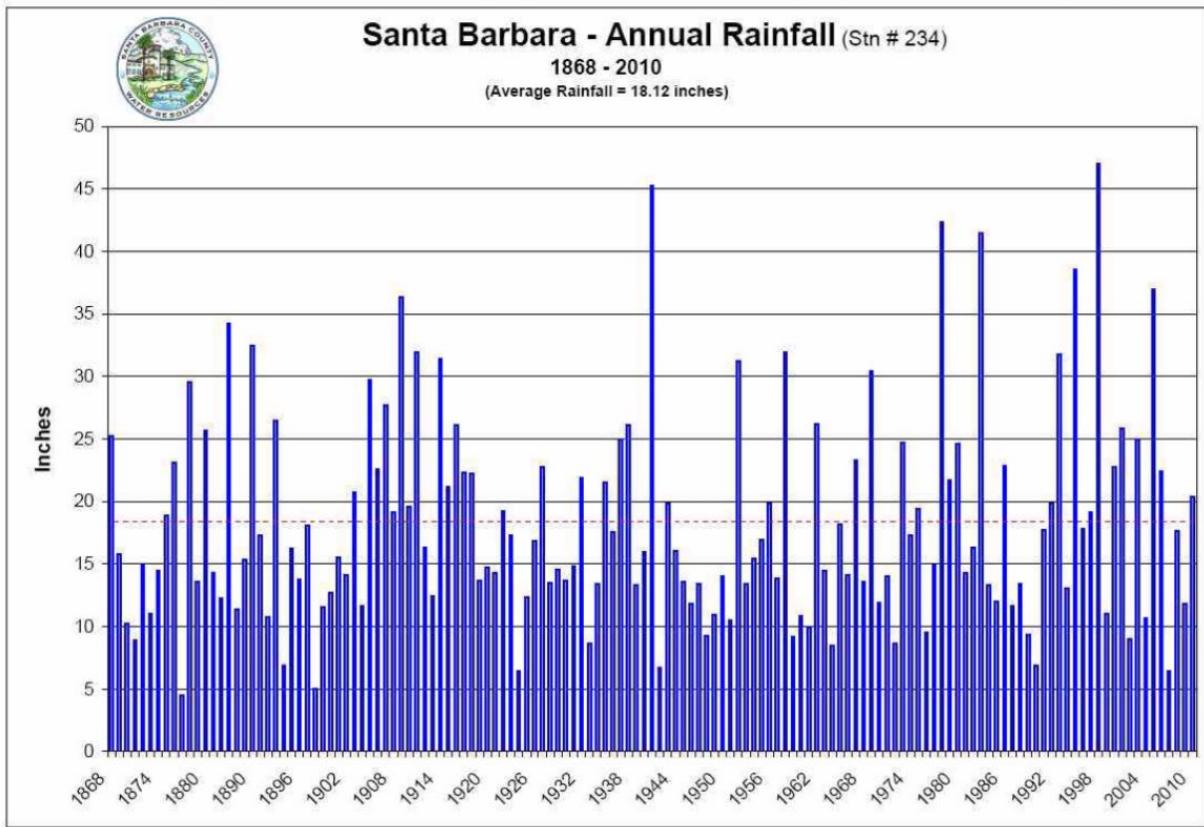
#### **PROVE STORM RISK & DAMAGE CLAIMS**

It is simply wrong for the City of Santa Barbara to come back 47 years later, without any basis of any property damage — despite six El Niño storms — to change the rules which harm contiguous property owners along Barker Pass Creek.

1998 was a major El Niño Year with over 40 inches of rain, compared to the typical 14 inches.

Was there any damage in 1998 to the Barker Pass Road Creekside homes? What about Eucalyptus Hill Rd?

Look at the City-County records for El Niño events in 1986-86, 1991-92, 1997-98, 2002-03, 2009-10, and 2015-16.



Show property owners the City's evidence of damage from a major storm to any of the 5 City Creekside properties in our planned development, or elsewhere in our area.

Otherwise, the proposed Creek Ordinance needs to exempt our area's 5 City creekside custom homes that harms my impacted neighbors, plus owners of parcels supposedly impacted by Barker Pass Road, which typically is a waterless culvert, not a creek.

If for any reason, the City does NOT exempt, carve out these homes, homeowners in my 23-unit meticulously planned development off Barker Pass Road need an explanation with rationale from the City.

#### OUR HISTORY OF CITY APPROVAL: Vista Del Montecito

In 1979-83 after hundreds of pages of discussion (which I read in rat-invested Archives pre microfilm), the EHIA approved construction with specific setbacks and conditions of 23 homes in my planned subdivision.

Our 23 home subdivision was created by Developer the late Bill Levy, Attr Roy Millender (original owner Bello), Investor Harvey Bottlesen (original owner Elegante). Their trusted CPA Edwin Stonefelt was the original owner on Calle Hermosa.

Ten of 23 homes border the Barker Pass Creek that then also runs behind a few Eucalyptus Hill Road properties to the canyon.

**After intense review by the EHIA, the ten homes in our subdivision were authorized by both the City (11) and County (12) for construction with specific setbacks and other stipulated conditions that are spelled out in the CC&Rs that 'run in perpetuity with each parcel'. EHIA's recommendations were approved and incorporated as CC&Rs.**

I personally take it upon myself as an original owner builder to provide CC&R copies to listing realtors, and whenever known, directly to prospective buyers **BEFORE** the close of escrow. I'm explicit: Don't buy here, if you don't like the CC&R development terms of approvals set forth by EHIA and as approved by both the City and County.

Only five known of approximately 80 subsequent property owners have refused compliance with the CC&Rs which City, despite its costly, extended overly bureaucratic review process now claims are not enforceable by the City, while adding: CC&Rs remain in full force however compliance enforcement is "civil legal matter". This City about-face has not **yet** been challenged because accessing the legal process costs a lot of money. This proposed Creek Ordinance is another about-face, slap-on-the-face.

Note: In my 45 years in the neighborhood, to my knowledge, **there has been no owner disclosed Barker Pass Creek water related hazard to any of the ten Creekside homes in our 23-home development** despite the City's approved (proven bogus by my lawsuit) KC Geologic Soil Report (Ken Clements' firm) that is to be provided by sellers to each subsequent home buyer.

- *I was the second to last builder in our 23-parcel development, prior to construction of 120 Calle Bello. I discovered the lies, false findings in the approved KC Geotechnical Soil Report included by Bill Levy with each Land Parcel Purchase which represents geologic drilling for analysis of soil conditions which were proven never done by KC. My 1986-88 lawsuit cost me then age 33, over \$110,000 (\$305,000-2025 dollars). Money I didn't have but borrowed and spent on Court costs to ensure the structural integrity of my property, which later helped other hillside neighbors prevail in their lawsuits of custom homes built by contractors. The City of course takes no responsibilities and claims no accountability despite issuance of building permits after its lengthy, laborious costly, pointless required reviews to obtain building permits.*

Subsequent to construction of the last home in our development — hillside 120 Bello (City), the owner of creekside 310 Elegante (County), added about 2000sf to the West toward the Creek as approved by the County. This project included installation of an elaborate huge concrete drainage pipe.

If there is or was any possible threat or damage from the Barker Pass Road Creek, WHY DID COUNTY APPROVE 310 Elegante's addition closer to the creek? (I don't recall, but assume, for extra protection that either County Building required or owner chose to also construct deep footings below this Barker Pass creekside addition.)

In summation, to reiterate, it is wrong for City to now come back 47 years later, without any basis and no evidence of property damage, to change the rules which harm owners of creek contiguous property owners.

**Your leadership and decision to exempt Barker Creek homeowners is needed!**

Best regards, as always,

Denice Spangler Adams  
*CallDSA@gmail.com*  
350 Calle Elegante  
*Original owner/builder*

**From:** [Denise Spangler Adams](#)  
**To:** [Randy Bower](#); [Melissa Hetrick](#); [Wendy Santamaria](#); [Kristen Sneddon](#); [Oscar Gutierrez](#); [Mike Jordan](#); [Meagan Harmon](#); [Eric Friedman](#)  
**Subject:** Proposed Creek Ordinance  
**Date:** Wednesday, March 5, 2025 12:09:28 PM

If City Council approves the proposed 'Creek Ordinance', a Barker Pass Rd City Creekside property owner can:

- 1) sue the City for knowingly approving, issuing building permits for these 5 custom homes along Barker Pass Rd within the City/EHIA Boundaries;
- 2) stop paying current County tax bill until devalued property reassessed.

In 1979-1983, the City of Santa Barbara had flood maps and other engineering reports that were subject to intense review by the City, County and EHIA, prior to approving the "Vista del Montecito" 23-home development; 11 homes are in the City/ 12 homes in County. This review process is on microfilm in County Building & Planning archives.

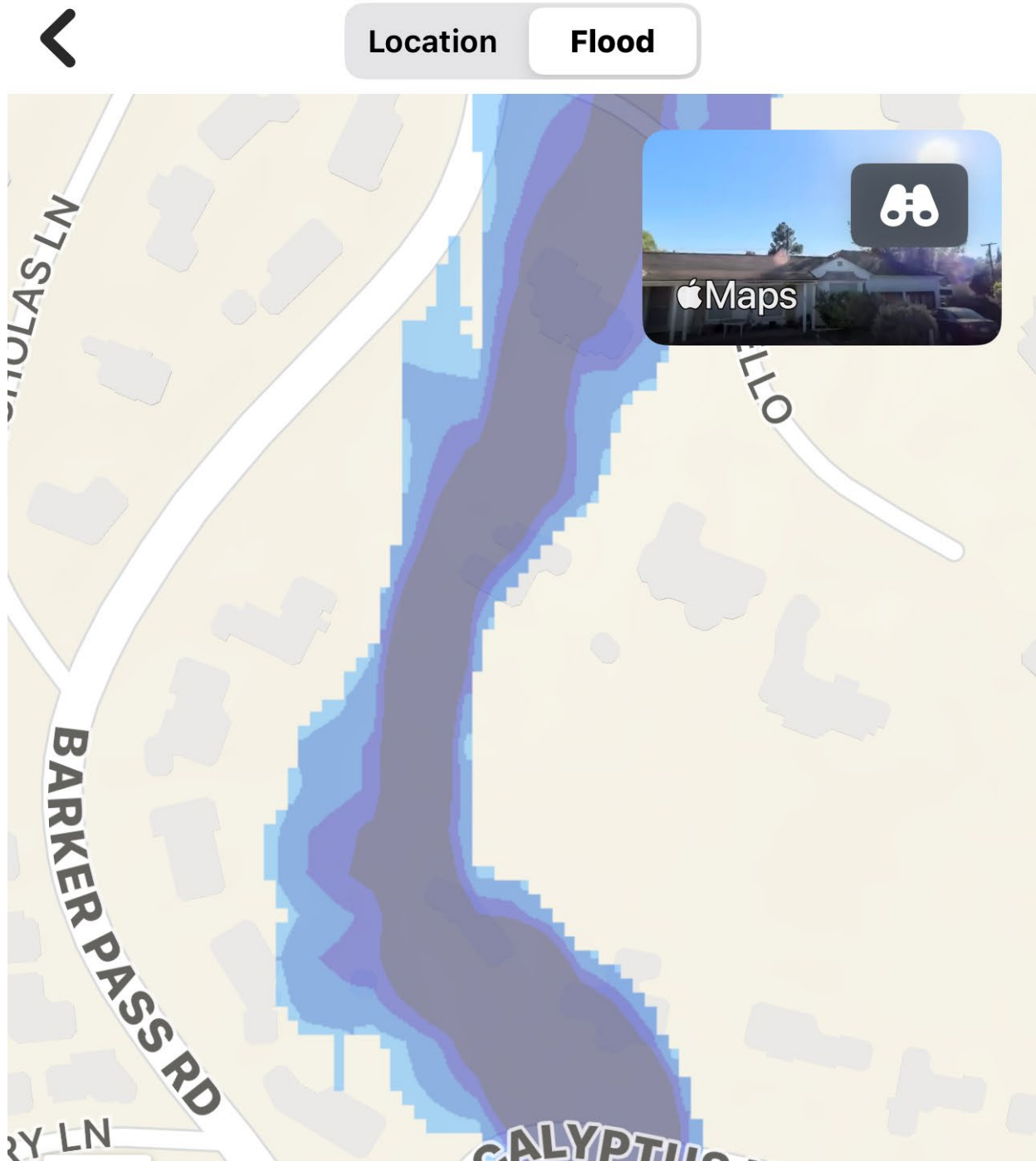
Therefore, the City is liable for approving the 5 homes adversely impacted by the proposed 'Creek Ordinance'; and the County needs to reassess property valuations to reduce property tax on each parcel.

In my 45 years here, no water in the culvert — so-called "creek" — except for a trickle in 1998.

Moreover, our planned development has a large grant of over a million obtained after the Thomas Fire that is under the jurisdiction of Montecito Fire to keep our subdivision Barker Pass Rd creek clean.

Think of the can or worms City is opening. Property owners already have enough problems getting insurance without City adding another liability.

~Denise Spangler Adams  
Original owner builder (hillside-County parcel)





Depth of flooding  
(feet)

Data provided by  
**Risk Factor**



Unlikely to flood in next 30 years

**FLOOD  
FACTOR** 1/10 (Minimal)

[See full details](#)

**From:** [John Ahlman](#)  
**To:** [CreekBuffers](#)  
**Subject:** Creek buffers  
**Date:** Saturday, March 8, 2025 12:19:10 PM

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Although my property is not in jeopardy, I have close friends who will be affected.  
I respectfully do not support under any circumstances support this policy.  
The implications that could surface would present huge challenges.  
Thank you.

[Sent from the all new AOL app for iOS](#)

**From:** [Walter Babine](#)  
**To:** [CreekBuffers](#)  
**Subject:** Proposed creek ordinance  
**Date:** Friday, March 14, 2025 2:06:03 PM

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[You don't often get email from joebabine@mac.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

I am writing to express my concern about and opposition to the proposed Creek Buffer Ordinance. While I do not live along a creek and would not be personally effected by the ordinance, I have close friends who have already suffered physical (to their properties) and financial harm from the less stringent current rules. While most of us would like to live in an area that has not been altered by development, that is simply not possible with the population pressures that exist in this community. Adopting goals that encourage transitioning creek habitats back to what existed one hundred or more years ago is laudable, but the community at large should not expect the costs for this project to be born by creekside residents. The current regulations are onerous, and their administration unacceptably capricious. Making them more stringent would make the situation worse for property owners, and it's not clear that any constituency outside of idealistic biologists would benefit. It's only fair that the City place inordinate weight on the opinions of the real stakeholders in this change, the property owners who would be affected by it. It is a misguided attempt to expand the land use powers of a city bureaucracy at the expense of the people they're supposed to serve. Thank you for your attention to this.

Walter Babine  
207 Cordova Dr.  
Santa Barbara



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**From:** Jerry Bailey <[bnd64@verizon.net](mailto:bnd64@verizon.net)>  
**Sent:** Friday, March 21, 2025 11:34 AM  
**To:** Holly Perea <[hperea@santabarbaraca.gov](mailto:hperea@santabarbaraca.gov)>  
**Subject:** Creek Buffer Ordinance

Council members,

I am concerned of the Creek Committee's proposed ordinance which will potentially jeopardize my home value & limit how I can rebuild should damage of any kind occur. In 1971, with all permits in hand, I constructed my 2-story home adjacent to the top edge of a barranca bank and have lived here with my family since then. In those 54 years, I have not seen any improvements or actions to improve or manage this barranca by the City of Santa Barbara, but I continue to monitor for any blockage or damage which may hinder the flow. Each wintertime, the barranca takes street run-off with no interaction or damage to my home.

My understanding if this ordinance should be approved, that if any damage would occur to my structures, I would not be able to replace it like for like but would have to maintain a 15' buffer from top edge of bank which would be an impossibility considering its existing footprint.

I adamantly denounce this potential ordinance and request your support to stop this in its tracks, so myself and countless other homeowners adjacent described waterways may enjoy the tranquility living in Santa Barbara.

Thank you for your consideration,  
Jerry Bailey  
405 Calle Palo Colorado  
Santa Barbara, CA 93105  
[bnd64@verizon.net](mailto:bnd64@verizon.net)  
(805) 680-3937

**From:** [Jan Banister](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Randy Rowse](#); [Eric Friedman](#); [info@sbcreekneighbors.org](mailto:info@sbcreekneighbors.org)  
**Subject:** Creek Ordinance Removal  
**Date:** Monday, April 7, 2025 10:23:38 PM

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You don't often get email from [jan.banister@compass.com](mailto:jan.banister@compass.com). [Learn why this is important](#)

Greetings,

As the draft creek ordinance stands, it is inequitable to all the stakeholders as it takes away the rights of landowners.

The City, in particular the Creeks Division, would be found guilty of taking away our inalienable rights.

It took almost ten years to stop the City from its overreach before when the City mandated a City Zone Inspection Report on sales of City homes.

A Grand Jury was instrumental in finding the City at fault and stopping this mandate.

We do not need to give the City any more power at the expense of home owners.

Clearly this creek draft is one sided benefitting only the City.

There is no benefit to stakeholders as well as the community as this is written.

I strongly suggest you withdraw this ordinance.

Respectfully,  
Jan Banister

--

**Jan Banister**  
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1101 Coast Village Road  
Montecito, CA 93108  
DRE#: 01244760

<https://www.compass.com/concierge/jan-banister/>



**From:** [Alan Barbara](#)  
**To:** [CreekBuffers](#)  
**Subject:** Yes to Creek Buffers!  
**Date:** Wednesday, March 12, 2025 9:56:42 PM

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You don't often get email from alanbarbara2002@yahoo.com. [Learn why this is important](#)

Hello Melissa Hetrick, Resilience Program Supervisor,

We want to say YES TO CREEK BUFFERS for ALL New Development!

We have proven knowledge that it is easier to do this before development is done.  
We believe this buffer is essential to the health of the stream in absorbing runoff, reducing erosion and provides food and habitat for land and stream species.

Thank you!  
Alan & Barbara Wann  
Santa Barbara, CA

**Richard G. Battles**  
**3778 Hope Terrace**  
**Santa Barbara, CA 93110**  
**(805) 570-2988**  
**[rgbattles2@gmail.com](mailto:rgbattles2@gmail.com)**

March 22, 2025

***Via Email***

Mayor Randy Rowse ([RRowse@SantaBarbaraCA.gov](mailto:RRowse@SantaBarbaraCA.gov))  
Councilmember Eric Friedman ([EFriedman@SantaBarbaraCA.gov](mailto:EFriedman@SantaBarbaraCA.gov))  
Councilmember Oscar Gutierrez ([OGutierrez@SantaBarbaraCA.gov](mailto:OGutierrez@SantaBarbaraCA.gov))  
Councilmember Meagan Harmon ([MHarmon@SantaBarbaraCA.gov](mailto:MHarmon@SantaBarbaraCA.gov))  
Councilmember Mike Jordan ([MJordan@SantaBarbaraCA.gov](mailto:MJordan@SantaBarbaraCA.gov))  
Councilmember Wendy Santamaria ([WSantamaria@SantaBarbaraCA.gov](mailto:WSantamaria@SantaBarbaraCA.gov))  
Councilmember Kristen Sneddon ([KSneddon@SantaBarbaraCA.gov](mailto:KSneddon@SantaBarbaraCA.gov))  
City Staff ([CreekBuffers@SantaBarbaraCA.gov](mailto:CreekBuffers@SantaBarbaraCA.gov))

***Subject: Proposed Creek Buffer Ordinance***

Dear Mayor Rowse, Councilmembers, and City Staff,

**INTRODUCTION**

I am writing to advise you that my wife and I strongly oppose the adoption of the City's proposed creek buffer ordinance (the "Ordinance"). The purpose of this letter is to share with you the serious concerns we have regarding Public Review Draft of the Ordinance dated January 2025 and to provide you with our specific comments on that document.

**BACKGROUND**

My wife and I own a single family home at 3778 Hope Terrace in Santa Barbara. Our home was built in 1987 and we purchased it in 1993. Our property backs up to Arroyo Burro Creek. Our backyard is level for the first 25 feet and then slopes down a considerable distance to the creek. The level portion of our backyard is fully landscaped. In all respects it represents a typical urban backyard with a patio, lawn, flagstone walkway, flower beds, four large vegetable boxes, fruit trees, and numerous other plants. We have an extensive system of rain gutters and french drains that captures and diverts essentially all runoff from our roof and yard to prevent it from flowing down the slope and potentially causing erosion.

A diagram depicting the approximate topography of our property is provided in Attachment A to this letter. As can be seen from the diagram, the bank on the opposite side of the creek is much lower than the top of the slope on our side of the creek. This means that it would be impossible for our property to flood because, if the creek level were to ever rise as high as the level of the opposite bank (something that has never come even close to happening during the 32 years we have lived here), the flood water would flow over the property on the other side of the creek.

In recent telephone conversations, City staff advised us that the top of bank (as defined in the Ordinance) with respect to our property appears to be located at the edge of our landscaped backyard. The Ordinance's creek buffer area would then extend an additional 50 feet from that point. This means that, notwithstanding the considerable distance from the active channel of the creek, our entire landscaped backyard and almost our entire house would be within the Ordinance's 50 foot creek buffer area.

If staff's preliminary determination is correct with respect to the location of top of bank, then upon the adoption of the Ordinance, our house and almost all other structures and improvements on our property (including the landscaped portion of our yard) would become nonconforming.

## **PRIMARY CONCERNS**

Our two primary concerns with respect to the Ordinance are as follows:

- 1. The Ordinance would prevent us from rebuilding our existing house anywhere on our lot if it were to be destroyed by a natural disaster.**

This is not an overstatement or overreaction. I base this conclusion on the following:

Section 22.26.060 D., provides:

“Nonconforming creek area development [e.g., our house] destroyed by a natural disaster such as fire, earthquake, or flood shall be removed from and may not be replaced in a creek or creek buffer area; provided, however the Planning Commission may approve a modification under Section 22.26.090 to authorize a limited encroachment into a creek buffer area for a replacement development having not more than the same floor area, but not necessarily the same layout, as the previous nonconforming creek area development when the replacement cannot be fully accommodated on the lot outside of the creek buffer area. [Emphasis added]

Rebuilding our house anywhere on our lot would require more than a “limited encroachment” into the creek buffer area because almost our entire house is within the proposed 50 foot buffer area, and there is very little buildable space elsewhere on our lot. Therefore, under the clear terms of the Ordinance, we would be precluded from rebuilding. However, even if it were possible to rebuild with only a “limited encroachment”, the Planning Commission could still deny the rebuilding because the Ordinance gives the Planning Commission the discretion to withhold its approval. More specifically, Section 22.26.060 D. states that “the Planning Commission may [not “shall”] approve a modification ... to authorize a limited encroachment ...”. [Emphasis added].

In addition, other sections of the Ordinance require the Planning Commission to make numerous findings and authorize the Planning Commission to impose numerous conditions when considering a modification request to allow reconstruction of a house that was destroyed by a natural disaster. Even then, the Planning Commission is given full discretion to deny the request.

This is not what the public is being told. An email from the City on May 20, 2025, states:

“If there is no space on the lot for reconstruction outside the buffer of the same size house as previously existed, then the structures may be rebuilt on the lot to at least the previously existing square footage within the buffer if they are located as far away from the creek as possible and safety findings can be made for the life of the structure.”

This statement fails to inform the public that, if a proposed reconstruction project involves any encroachment into the creek buffer, Planning Commission approval will be required and the Planning Commission will have the discretion to withhold its approval. It also fails to inform the public that, if a proposed reconstruction project involves more than a “limited encroachment” into the creek buffer, the project cannot be approved.

Imagine how our peace of mind and our ability to enjoy our home would be affected by knowing that we could not rebuild following destruction by a natural disaster. And imagine the consequences if a natural disaster were to actually occur and we were prohibited from rebuilding. The risk of a natural disaster happening is not remote. We have had to evacuate in the past due to wildfire threats. By most accounts, those risks will only increase in the future.

And even if our house is never damaged or destroyed by a natural disaster, the Ordinance will nevertheless have immediate and severe consequences that go far beyond the stigma associated with owning a property that is “nonconforming”. Consider the following:

- Insurance. It is common knowledge that it is becoming increasingly difficult to obtain and maintain property insurance in California. If our insurance carrier were to learn that our property had become nonconforming and could not be rebuilt following a disaster, there is a serious risk that our coverage would be cancelled and that we would be unable to find adequate replacement coverage.
- Financing. If our current lender were to learn that our property had become nonconforming and could not be rebuilt following a disaster, there is a serious risk that the lender would declare our loan to be in default due to the impairment of the lender’s security. The same issue could prevent us from refinancing our current loan and could prevent a prospective purchaser from obtaining financing to purchase our home. It is a certainty that financing would be unavailable on any terms if our property were to become uninsurable due to the adoption of the Ordinance.
- Property Value and Resale. It should be obvious that our property’s value would significantly decrease if our house could not be rebuilt following a disaster, became uninsurable, and/or could not be financed. These are all issues we would be legally required to disclose to a prospective purchaser if we were to attempt to sell. Under those circumstances, if our house could be sold at all, it would be at a dramatically reduced price.

**The Solution:** The concerns addressed above can be easily addressed. Simply revise the Ordinance to clearly state that existing nonconforming creek area development (e.g., our house) can be repaired or replaced without any discretionary approval following damage or destruction by a natural disaster, so long as the repair or replacement does not increase the developed footprint within the creek buffer area.

We are only asking that the existing improvements on our property (which were constructed in compliance with all applicable laws and received all required City permits) be grandfathered. They aren't grandfathered if discretionary approval is required to repair or replace them following a natural disaster.

It should also be pointed out that the very last thing a property owner needs after losing his or her home to a natural disaster is a requirement for seeking Planning Commission approval to rebuild, which would be very costly, result in significant delays, and have an uncertain outcome.

**2. The Ordinance would prevent us from making any reasonable use of our backyard or making any alterations or additions to the existing backyard improvements.**

The Ordinance includes numerous prohibitions with respect to the use of our backyard and future alterations to our existing landscaping. More specifically, the Ordinance would prohibit:

- “The placement or erection of any solid material, building, or structure regardless of type”. (So, no playhouse for our granddaughters, no bird feeder, no fire pit, and no flower pots.) Section 22.26.020 A.1.
- “Grading, removing, dredging, mining, relocating, or extracting any materials”. (This rules out almost any projects, plantings, or other landscaping improvements we might want to undertake.) Section 22.26.020 A.2
- “Placement of new agriculture, trees, or landscaping”. (So, my retirement wouldn't be spent gardening and working in the yard as I had planned, and my wife would no longer be allowed to plant new non-native vegetables, herbs, or flowers in her vegetable boxes.) Section 22.26.020 A.3.
- “Removal of vegetation or trees”. (So, we couldn't remove any vegetation or trees, even if they were dead or diseased. We also couldn't replace any existing vegetation or trees because replacement would first require removal. In short, we would be stuck forever with the vegetation and trees we now have.) Section 22.26.020 A.4.
- “[T]he construction or placement of a fence, landscaping, wall, retaining wall, curb, steps, deck, walkway, or paving”. (So, we would have to let go of all the plans and dreams we have for further improving our yard in the future). Section 22.26.020 A.6.

Is it really reasonable or necessary for the City to prohibit these types of activities on our private property?

The Ordinance also raises numerous unanswered questions regarding allowed activities in our backyard:

- To what extent would we be allowed to replace existing landscaping with new and/or different landscaping, plant non-native plants, and make other additions or alterations to existing landscaped areas?



- If landscaped areas are damaged or destroyed by a natural disaster, would Planning Commission approval be required for repair or replacement?
- Would the term “developed footprint” (which is not defined) apply to landscaped yards?
- What would qualify as exempt landscape repair and/or maintenance activities?
- What would constitute prohibited creek area development as it pertains to landscaped areas?
- Would landscape repair and maintenance activities come under the exemption for “vegetation maintenance” in Section 22.26.070 A. 1.?
- What “similar items” would be included under the exemption for “yard furniture, recreational equipment, and other similar items” in Section 22.26.70. Would the exemption apply to any items that are not fixed to the ground?

The fact that we even have to ask these questions demonstrates the unreasonableness of most of the Ordinance’s new restrictions as they pertain to yards and existing landscaping appurtenant to existing single family homes.

If the Ordinance were to pass, every improvement we have made to our backyard would become nonconforming, which would severely restrict our ability to use, enjoy, and improve our yard in the ways that we always have in the past.

**The Solution:** Again, the concerns addressed above can be easily addressed. Simply revise the Ordinance to clearly state that existing landscaped areas (i) are grandfathered to the same extent as other nonconforming creek area development (i.e., structures), and (ii) are subject to Section 2.26.020 B. That section provides: “Alterations to nonconforming creek area development are allowed provided that the work does not increase the developed footprint or result in or occur concurrently with creek area substantial redevelopment.” This would require that the term “developed footprint” be defined to include all existing landscaping and related outdoor improvements.

## **SPECIFIC COMMENTS**

In addition to the concerns discussed above, we believe that the Ordinance is poorly drafted. Our specific comments in that regard are set forth in Attachment B to this letter. In providing these specific comments, we want to make it clear that, even if those comments were to be addressed in a revised version of the Ordinance, we will still remain strongly opposed to the adoption of the Ordinance unless our two primary concerns, as discussed above, are addressed.

## **CONCLUSION**

I recently retired after practicing law in Santa Barbara for 40 years. My practice focused primarily on real estate, land use, and the representation of local governmental agencies. Based on my professional experience, it is honestly difficult for me to believe that the City is seriously

considering an ordinance as extreme and unreasonable as this. Does the City really think it's a legitimate goal to attempt to move as many houses as possible outside of the creek buffer areas after having issued building permits for the construction of those very houses? It's simply too late to turn back the clock. It would also be fundamentally unfair, inconsistent with principles of sound planning, and ultimately illegal for the City to now take away so many of the property rights and permitted uses that the owners paid for when purchasing their properties and that they reasonably expected to continue in perpetuity.

There are few things that are more important to people than protecting their homes and their property rights. If the City were to adopt the Ordinance, it would have severe impacts on thousands of property owners in Santa Barbara. The City must give great weight and serious consideration to those impacts.

A far more reasonable approach for achieving the stated purpose of the Ordinance would be for the City to instead consider public education and outreach, incentives, and/or rebates to encourage voluntary efforts by property owners to reduce risks associated with flooding and erosion, enhance water quality, reduce runoff, protect and enhance riparian habitats and wildlife corridors, and preserve scenic beauty. The City should also recognize that the City's existing regulations, as well as the regulations of other agencies (e.g., the U.S. Army Corps of Engineers and the California Department of Fish and Wildlife) already cover many of the issues that the Ordinance seeks to address and provide significant protection for the City's creeks.

For the reasons set forth above, we implore the City to abandon this ill-conceived Ordinance.

Thank you for your consideration of these comments.

Respectfully submitted,



Richard G. Battles

cc Planning Commissioners ([PCSecretary@SantaBarbaraCA.gov](mailto:PCSecretary@SantaBarbaraCA.gov))

Commissioner Brian Barnwell  
Commissioner John Baucke  
Commissioner Lucille Teresa Boss Ramirez  
Commissioner Donald DeLuccio  
Commissioner Benjamin Peterson  
Commissioner Devon Wardlow  
Commissioner Lesley Wiscomb

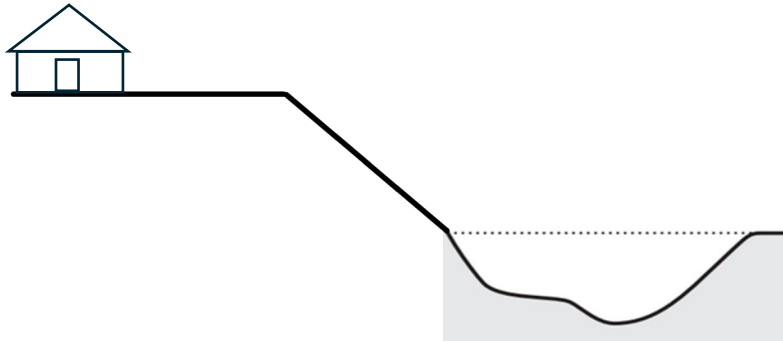
City Administrator Kelly McAdoo ([KMcAdoo@SantaBarbaraCA.gov](mailto:KMcAdoo@SantaBarbaraCA.gov))

City Attorney Sarah Knecht ([SKnecht@SantaBarbaraCA.gov](mailto:SKnecht@SantaBarbaraCA.gov))

## ATTACHMENT A

### Diagram of Approximate Topography at 3778 Hope Terrace

(Not to Scale)



#### NOTES:

The dotted line depicts the height of the opposite creek bank projected onto the slope on our property. It does not depict the FEMA 100-year flood surface elevation, which is at or slightly above the dotted line. It also does not depict the typical water level in the creek. When flowing (which is only for a short period of time following measurable rainfall), the typical water level in the creek seldom exceeds one foot. In the 32 years we have lived at this property, we have never seen the water level rise to more than a few feet.

The distance from the back of our house to the edge of the active channel of the creek is approximately 88 feet.

## **ATTACHMENT B**

### **Specific Comments on Creek Buffer Ordinance**

1. The method for determining top of bank is unclear and involves an unacceptably high level of subjectivity in making the determination.
2. Section 22.26. 020. A. defines “top of bank” as a point or line formed at the intersection of a creek bank and the hinge point at the upper generally level ground as determined under Section 22.26.160. That definition appears to be inconsistent with the diagrams under Section 22.26.160, some of which show the top of bank in locations that do not correspond to “the hinge point at the upper generally level ground”.
3. The methodology in the Ordinance for determining top of bank could, in many cases, result in the top of bank being located an unreasonably long distance from the creek. In the case of our property, the methodology would (according to City staff) place the top of bank approximately 63 feet from the edge of the creek channel, with the buffer area extending an additional 50 feet from there (for a total of 113 feet). The Ordinance fails to include a reasonable outside limit for how far from a creek the top of bank can be deemed to exist.
4. For minor creeks, the City is considering using the center of the creek to determine the location of the buffer area. This approach eliminates most the uncertainty associated with the top of bank approach and greatly simplifies the process. There’s no reason this same approach could not be used for major creeks, with adjustments possibly being made to take into account the varying widths of major creeks. Another approach the City should consider would be to use the edge of the creek channel, which is term used (but not defined) in the Ordinance. That would make it unnecessary to account for the varying widths of major creeks. Both of these alternative approaches would address the concern that the top of bank approach may result in the buffer being located an unreasonably long distance from the creek.
5. The Ordinance fails to include a process for establishing the actual location of top of bank in any specific case. It’s essential for every property owner to know definitely where the top of bank is located with respect to their property. That determination cannot be deferred until such time as a proposed project is submitted to the City for approval. Unless property owners know definitely where the top of bank is, they will be unable to determine whether and to what extent their property is subject to the Ordinance’s restrictions, what activities are permitted, where those activities are permitted, and what disclosures must be made to insurance carriers, lenders, and prospective purchasers.
6. Although the City may have considered the buffers adopted by other municipalities and regulatory agencies when it came up with its own proposed creek buffer, 50 feet is nevertheless an arbitrary number that does not have any nexus to actual impacts associated with any particular property or creek. A buffer of 50 feet would, in almost every case, result in tremendous adverse consequences for property owners. Yet, in many cases, a 50 foot buffer might provide none of the benefits that the Ordinance seeks to achieve. Our property is a case in point where a buffer of 50 feet would encompass our entire back yard and almost our entire house yet would (i) provide no protection from flooding because of our property’s topography (see Attachment A), and (ii) result in no protection of the creek, which is located 63 feet away on

the other side of our fence. In short, the Ordinance fails to take into account that, in many cases, a buffer of 50 feet is unnecessary and/or unreasonable.

7. The Ordinance fails to include a clear exemption to ensure that it is not interpreted or applied in a way that results in unreasonable or otherwise unintended outcomes. The City should consider an exemption modeled after the “common sense” exception under the California Environmental Quality Act, as set forth in Section 15061(b)(3) of Title 14 of the California Code of Regulations. For example:

This Chapter applies only to activities which have the potential to increase public safety risks associated with flooding and erosion, adversely affect water quality, increase runoff, threaten or adversely affect riparian habitat or wildlife corridors, adversely affect scenic beauty, or impair the implementation of the City’s General Plan. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on public safety risks associated with flooding and erosion, water quality, runoff, riparian habitat, wildlife corridors, scenic beauty, or the implementation of the City’s General Plan, the activity is not subject to this Chapter.

8. Under Section 22.26.060 D., a house that is replaced following destruction by a natural disaster and that has a limited encroachment into a creek buffer area may not have more than the same floor area as the original house. A property owner should not be prohibited from increasing the square footage of their replacement house in that situation, so long as the additional space does not increase the developed footprint within the creek buffer area.
9. The term “limited encroachment” under Section 22.26.060 D. is not defined, making it impossible to understand or apply.
10. The Ordinance fails to address the situation where a house is damaged but not completely destroyed by a natural disaster.
11. The definition of “creek bank” under Section 22.26. 020 makes reference to a “stream” channel, rather than a “creek” channel. The term “stream” is not defined in the Ordinance. Similarly, Section 22.26.110 makes reference to a “stream” in conjunction with a “creek” bed.

**From:** [Jennifer Becker](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Randy Rowse](#); [Wendy Santamaria](#); [Mike Jordan](#); [Oscar Gutierrez](#); [Kristen Sneddon](#); [Eric Friedman](#); [Meagan Harmon](#); [General Planning Counter](#); [Allison DeBusk](#)  
**Subject:** Comment on proposed creek buffer ordinance  
**Date:** Friday, March 21, 2025 10:12:16 AM

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Some people who received this message don't often get email from jennyole@gmail.com. [Learn why this is important](#)

To the Sustainability and Resilience Commission,

I recently learned of the plan to impose stringent new property use restrictions on homeowners living within 70 feet or more (50 feet from top of bank) from the centerline of major creeks in Santa Barbara. It is difficult to know exactly how my property will be impacted, because the only map provided on the website is an arcGIS map showing streams. The ordinance specifies that the 50 foot buffer will be imposed from the "top of the bank", without specific information on how to identify the boundary. Given the significant effect such an ordinance will have on property values and the ability of owners to rebuild or utilize their property, the city should provide a detailed description of the boundary of influence for each homeowner in affected zones. Some properties will be almost entirely encompassed by the 50 foot buffer zone. Although variances have been proposed to accommodate impacted owners in the event of catastrophic property loss, the process to obtain a variance is burdensome, costly and time consuming.

Why is this ordinance being proposed for a region where the majority of land is already developed? Existing laws provide robust protection for blue line streams, preventing construction activity that negatively impacts water quality, erosion and watercourse alteration. Development near streams in California falls under the oversight of the California Department of Fish and Wildlife, Army Corps of Engineers, the Clean Water Act, EPA, Stream Protection Rule, and the federal Fish and Wildlife Service.

The requirement to plant only native plants within the buffer zone does not satisfy any scientific evidence to support improvements in water quality, water efficiency, fire mitigation, or wildlife support. Many non-native plants are more effective in these aspects than native plants. Several years ago our HOA invested in landscaping to reduce water usage. Our new landscaping, composed primarily of fire-resistant South African succulent species adapted to dry conditions, will be entirely encompassed by the 50 foot buffer zone of San Roque Creek. Will we need to rip out our drought and fire resistant succulents to plant highly flammable buckwheat and creosote?

While the goal of preserving the natural beauty of Santa Barbara's many waterways is admirable, that goal can best be achieved by educating the public on existing laws created to protect waterways. A buffer zone measured from the center of the stream bed that encompasses most of the slope of the stream would be a reasonable compromise that is consistent with existing state and federal law.

Sincerely,  
Jennifer Becker  
3615 San Remo Drive

**From:** [Hattie and Michael Beresford](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Randy Rowse](#)  
**Subject:** Draft Creek Buffer Ordinance  
**Date:** Thursday, March 6, 2025 11:10:01 AM

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Dear City Council and Development and Planning Commissions

I read your Public Review Draft of the Ordinance regarding development along creeks. I support most of the rules regarding creek buffers but few of the “modifications” to the rules which are exceptions. I notice that height and density of redevelopment and new development structures are addressed as well. I do not support any of the exceptions (“modifications”) to the current rules.

Healthy, unobstructed creeks are necessary for the safety of the public and the environment. I note that current properties are not affected by the new rules except in the ways of new development and replacement development.

Making exceptions for density and height for projects that include “affordable” or “low cost” units is counter productive. Density degrades the quality of life, for which we’ve all paid dearly in Santa Barbara. The low percentage of “affordable” or workforce units in these major developments that are given variances, creates a counterproductive situation. By increasing the population by building 80% market units and offering only 20% “affordable” units (or even 30%), there will be an additional need for more “affordable” units because there will be additional need for laborers. The progression of need will never end, and without increasing the infrastructure there will be less and less for the current residents and those who follow.

That said, thank you for attempting to create buffer zones for creeks. Had that been done 100 years ago, we would have avoided many disasters and had a lovely linear park along our major creeks (as proposed in the 1920s by the Olmstead Brothers — <https://catalog.hathitrust.org/Record/103058055>. )

Regards,  
Hattie Beresford

**From:** Angelika Berger <angelikabe108@gmail.com>  
**Sent:** Monday, March 10, 2025 9:40 PM  
**To:** Sustainability <Sustainability@SantaBarbaraCA.gov>  
**Subject:** Creek Ordinance

You don't often get email from [angelikabe108@gmail.com](mailto:angelikabe108@gmail.com). [Learn why this is important](#)

I am very upset about this ordinance in the name of "sustainability" you are robbing Santa Barbara residents who are property owners along any creek of full use of their property and decreasing the value of the properties in those zones significantly. We are living next to a "minor creek" that has only water after a heavy rainfall and is dry again after after a few days. it has never risen above the banks. We have an easement from the city for the pipes for water run-off from the street on our property and when these pipes were corroded and eroding the soil on our property, we lost trees and about 30 feet of soil, it took the City more than 3 year to repair the problem, while the erosion was going on. you should be assisting your residents to protect their property and not confiscate it!

Angelika Berger

865 La Milpta Rd

Santa Barbara 93105



**From:** [Ella Boehme](#)  
**To:** [CreekBuffers](#)  
**Subject:** Support for Creek Buffer Ordinance  
**Date:** Thursday, February 6, 2025 2:58:09 PM

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To whom it may concern,

I am writing as a resident of Santa Barbara to express my support for the proposed Creek Buffer Ordinance. Our waterways are the life of our community and ecosystem, and it's vital that they are protected. Practicing stewardship for these areas will not only be healthy for the native plants and animals who call it home, but also for us people who live there as well.

This ordinance will mitigate risks of flooding and erosion by encouraging the growth of native vegetation along the banks, and I think that is of the utmost importance when our climate swings between extremely dry weather and heavy rains.

I strongly support this ordinance and hope it is able to be put into place. Thank you for all your time and energy put into protecting our waterways, and therefore our community and natural spaces.

Thank you,  
Ella Boehme

April 2, 2025

Melissa Hetrick, Resilience Program Supervisor

Sent by Email: [mhetrick@santabarbaraca.gov](mailto:mhetrick@santabarbaraca.gov)  
[CreekBuffers@SantaBarbaraca.gov](mailto:CreekBuffers@SantaBarbaraca.gov)  
[SLopezLozano@SantaBarbaraCA.gov](mailto:SLopezLozano@SantaBarbaraCA.gov)

Dear Ms. Hetrick (et al.)—

I would like to offer a few comments on the draft Creek Buffer Ordinance. Full disclosure: I am married to Stephanie Moret, a current member of the City's Creeks Advisory Committee. We have certainly discussed this proposed ordinance, but the opinions expressed here are my own. I encourage Ms. Lopez-Lozano to distribute this to the Committee members, if appropriate.

A bit about my background: I am a geologist and hydrologist with 40 years of experience in public agencies, private consulting, and academia. I am a licensed geologist in Washington state and California, and a licensed civil engineer in Washington and Colorado. I currently hold faculty positions at the University of Washington in the Department of Earth and Space Sciences, and at the University of California Santa Barbara in the Bren School of Environmental Science & Management and at the Earth Research Institute. My career focus has been the fluvial geomorphology and hydrologic response of human-disturbed environments, which includes over 100 projects as lead and/or supervising geomorphologist involving watershed analysis and restoration design; and authorship or co-authorship of more than 90 peer-reviewed journal articles, book chapters, and other publications. I was an original member of the Basin Planning Program at King County (WA) and its second program manager, which analyzed the human and ecological impacts of stormwater from new and existing development, and I was director of the Center for Urban Water Resources Management at the University of Washington for a decade. I have authored or co-authored four of the most highly cited academic research papers on the topic of urban stormwater (*Stream-channel incision following drainage-basin urbanization* [1990], *Urbanization of aquatic systems: Degradation thresholds, stormwater detection, and the limits of mitigation* [1997], *Forest cover, impervious-surface area, and the mitigation of stormwater impacts* [2002], and *Long-term stormwater quantity and quality performance of permeable pavement systems* [2003]). I was also a committee member and coauthor of the National Research Council's review of the National Pollutant Discharge Elimination System (NPDES) program, *Urban Stormwater Management in the United States* (NRC 2009).

To be absolutely clear—I am a strong proponent of stream buffers and have advocated for them throughout my career. I helped write one of the first such ordinances in western Washington in the mid-1980s, and I believe there is no better way to protect the physical and ecological functions and benefits of a watercourse than by keeping disturbance away from it.

That said, my work in both the public and private sectors has also highlighted the importance of recognizing the limitation imposed by the urban environment—both the social need for public support, and the ecological realities of urbanization's multifaceted impacts on urban streams. I believe the draft ordinance makes a credible effort to balance the need for protection with the limitations imposed by the built environment, but I believe you have misstepped in a few key

areas. I would be sorry to see this effort fail through some unforced errors and modest overreach.

There are a few areas where I hope you will reconsider the current intent and wording of the draft ordinance in pursuit of the desired protections where they are most needed, while avoiding unnecessary actions most likely to create public resistance:

**1. What features need a “buffer”?** I believe this is the most important issue that needs further consideration in the present draft, because it touches everything else in the ordinance. Right now the regulatory targets are *creeks*, defined as “a naturally occurring watercourse that conveys water seasonally or year around and having a bed and banks that may be in a natural state or artificially stabilized.” Your FAQs invoke the definition of a creek from both the State’s Fish and Wildlife Code and the City’s Coastal Land Use Plan, but I have searched both of these documents and have not found any such definition (if they do exist, including them here would be useful). Indeed, the Coastal Land Use Plan does provide a map of “creeks,” and although it bears a close correspondence with the “Major Creeks” of the current draft ordinance, it does not recognize the plethora of “Minor Creeks” that are also proposed to be subject to buffer requirements (Figure 1, next page).

What is a “Minor Creek,” and what sort of buffer protection is warranted for it? Paragraph 22.26.020.D.3 of the draft states that minor creeks are “any creek that is not a major creek or a flood control project creek,” which returns us to the prior definition: a naturally occurring watercourse with seasonal or perennial flow. I have looked at a number of these watercourses near my home on the East Side—some are likely fragments of original natural drainages but now segmented by intervening roads and long stretches of pipes; others are likely wholly artificial watercourses created by an upstream pipe outfall. Most are dominated by *urban stormwater*, not any form of natural watershed runoff processes. For example, the “headwaters” of the minor creek shown south of Rubio Road (Figure 2) is exclusively runoff from the surrounding houses and driveways, collected by Rubio Road and discharged at the low point of the block. Its flow is not even “seasonal”; it starts and stops within minutes of rainfall, because it is fed entirely by overland flow from pavement. It is an above-ground stormwater conveyance, not a creek (minor or otherwise). It may merit some protections (see below), but the lumping of this and other such drainages into an ecological framework for protection and restoration is unsupportable.

Other examples, such as a minor creek shown as passing directly *through* an existing house (Figure 3), do nothing but compromise the credibility of the entire mapping project.

The resolution of this problem in the current draft is to update the mapping before moving forward with the ordinance. Yes, the welcome screen of the map states “This map is for general reference only as a screening tool and may not accurately show creeks subject to Chapter 22.26 of the Santa Barbara Municipal Code,” but this is not enough. I imagine this map may have been originally prepared for other purposes (e.g., to show *all* surface-water conveyances throughout the City, regardless of origin or purpose), but it lumps far too many types of features into the same category, and it places the onus on the public to figure out (and then to argue, or appeal) whether the ordinance should apply. That is a job for the municipality, and I’m not aware of any such critical areas ordinances where the mapping update didn’t occur until after the ordinance was adopted.



Figure 1. Maps from the Santa Barbara Coastal Land Use Plan (top) and the draft Creeks Ordinance map (bottom), showing the plethora of “minor creeks” (light blue lines) identified only by the latter.



Figure 2. Map of the “minor creek” (blue line segment) originating from a storm drain outfall at the end of Rubio Road (imagery from the draft Creek Ordinance map).



Figure 3. A mapped “Minor Creek” passing through the footprint of an existing house.

**2. How should the buffers be determined?** I believe it is critical to distinguish between any critical area regulations that precedes or post-dates development. Where and when I worked on the topic (King County, Washington State, in the mid/late 1980s), the focus of their ordinance was on undeveloped land to be subdivided. Rational, well-supported principles of hazard avoidance and ecological protections could be incorporated into land development plans with some loss of nominally “developable” land, but the process was well-understood and predictable by all parties—landowners, developers, and subsequent homeowners. We withstood multiple “best available science” appeals, and the ordinance stands to this day.

Overlaying a new set of zoning regulations on an all-but-fully developed city is fundamentally different, and it is not enough to allow appealable off-ramps for situations that simply don’t meet the sniff test for credibility. So, for example, the City of Bellevue (WA) addresses this issues as follows: “Buffer and Setback on Sites with Existing Primary Structure(s). Where a primary structure legally established on a site prior to August 1, 2006 [*the effective date of the ordinance*], encroaches into the critical area buffer or structure setback established in this section, the critical area buffer and/or structure setback **shall be modified to exclude the footprint of the existing primary structure**” (emphasis added). In other words, the structure is not legally nonconforming (but would still be subject to subsequent buffer-related rules for substantial modification), the buffer itself is reconfigured such that activities within the structure’s footprint simply do not apply.

The purpose, character, and dimensions of a buffer should be tailored to nature of the watercourse being protected. This principle is incorporated in part by the variable proposed buffer widths for streams of different types (i.e., major vs. minor), but the present draft fails to recognize the distinctions among watercourses lumped within “minor streams” (see #1, above). A channel that carries predominately or exclusively urban stormwater runoff (i.e., a surface stormwater drain) will never support the ecological functions envisioned for a natural channel. Is *some* protection warranted, if only because its water quality should not get any worse on its path to the Santa Barbara Channel? Surely, yes—but restrictions needed to meet any achievable goals would surely be less than those needed to protect the broader range of functions in a truly natural watercourse supported by a broader range of watershed processes.

**3. How should the buffer ordinance be applied?** Based on my experience elsewhere, I expect that the greatest resistance will come from established property owners who discover that prior or planned activities have been constrained—triggered (at minimum) by other actions that may have nothing to do with the watercourse on their property, or (at most) by complaints or proactive enforcement by the City. I can think of nothing more likely to erode support for



this this proposed ordinance than a fear that its implementation will erode property values or preclude previously “acceptable” actions.

The discussion of “Creek Area Substantial Redevelopment” is particularly problematic. The text in 22.26.170 is somewhat ambiguous, but it appears to imply that any one element of “substantial redevelopment” (e.g., roof replacement) of a structure located anywhere on a parcel that contains a creek and/or creek buffer will result in needing to meet all requirements of the creek buffer ordinance. If this is not the intent then the wording should be clarified (particularly the passage in 22.26.170.B, “with respect to an existing structure on a lot containing a creek buffer area...”). If it *is* the intent, then expect strong (and, in my opinion, warranted) pushback from homeowners who might need to completely reconfigure their yards simply because they need a new roof on their house (Figure 4).



Figure 4. View of an isolated watercourse segment in the back yard off the northeast end of De La Vina Street. Arrow shows location on the draft ordinance map.

In summary, I hope you will take these comments in the spirit they are intended—I fully support buffers around creeks and other hazardous and ecologically sensitive features. My entire professional career has focused on better understanding, protection, and enhancement of these resources. The approach needs to be credible, defensible, and well-aligned with the community values in order to survive. I believe that Santa Barbara, where I have lived for the past 17 years, is broadly and strongly supportive of such efforts—but I encourage you not to overreach, and not to pursue marginal (or nonexistent) gains at significant public or private cost. If that perspective aligns with your own, I would be happy to offer further support to this effort.

Sincerely,

*Derek Booth*

Derek Booth

25 Rubio Road, Santa Barbara, CA 93103

**From:** [The Bourbeau's](#)  
**To:** [CreekBuffers](#)  
**Cc:** ["Tom Bourbeau"](#)  
**Subject:** CREEK BUFFER ORDINANCE  
**Date:** Sunday, March 9, 2025 4:38:31 PM

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Hello,

I am writing regarding the proposed Creek Buffer Ordinance.

After receiving the notification postcard I checked the city website creek map and found that a concrete swale that runs along the bottom of a hill has been classified as a small creek. This drainage ditch, which was constructed by the developer of the neighborhood discharges onto Cliff Drive and clearly should not be classified as a creek. If it does the definition of creek in the proposed ordinance “means a naturally occurring watercourse that conveys water seasonally or year around and having a bed and banks that may be in a natural state or artificially stabilized” is clearly too broad.

With regards to declaration of small creeks, I have 2 questions that I request to be answered:

1. How, when, and by whom was the small creek database developed?
2. How (site visit, Google Earth, etc.) and by whom was the database validated?

The ordinance proposes to take away from citizens significant property rights. Any process to do so should be thoughtfully considered and accurate.

Regards,

Thomas and Tina Bourbeau  
1634 Miramesa Drive  
Santa Barbara, CA 93109

**From:** [jeff brent](#)  
**To:** [CreekBuffers](#)  
**Subject:** Creek buffer ordinance.  
**Date:** Monday, March 10, 2025 2:22:42 PM

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To whom it may concern,

I am against this ordinance. It takes away my property rights. What or who thinks that this is a good idea to take away single family homeowners property rights? It is not the job of bureaucratic city employees to take away property rights.

Why is the the ordinance even proposed? Is it the AUDs? The new hotels or high rise apartments? Another way to get \$\$ for permits?

Does the city do any maintenance on creek behind my house? No. They don't so don't tell me they have any concerns about the habitat.

Do they worry that the pipes that run under Veronica springs road will become plugged ? No, they don't..the city doesn't have any equipment that can reach those pipes. So don't tell me that they are concerned about flooding..

I worked for the city for 30 yrs. I bought a house, raised my kids here..and love my city. If this ordinance passes I will be heartbroken and will have lost all faith in city government and its employees.

I don't want to give my name or address because I know how vindictive and arrogant some city employees are who are directly connected to this issue.



**From:** [Tash](#)  
**To:** [CreekBuffers](#); [Jan Bandeira](#)  
**Subject:** Santa Barbara Creek Buffer Ordinance  
**Date:** Sunday, March 9, 2025 9:10:00 AM

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You don't often get email from [tbbandeira@gmail.com](mailto:tbbandeira@gmail.com). [Learn why this is important](#)

Dear Creek Buffers,

My family has owned the land at 250 W. Alamar since 1921. Over the past 104 years, we have witnessed the creek's natural cycles, both high and low. In my 68 years, I have only seen one serious cause for concern—in 1995.

One major issue is that the creek gradually fills with rocks over time, which impedes water flow. A simple and effective solution would be to periodically use a tractor to remove these rocks, deepening the channel and improving water movement. This has been done in the past with great success.

Based on my family's long history with this land, my recommendation is simple: every three to five years, clear large rocks from the creek using a tractor. This routine maintenance would significantly aid in water flow and help prevent further damage to surrounding properties.

Finally, I want the right to make decisions regarding my own property. I do not want anyone dictating what I can and cannot do with it. If the land becomes unusable, its value will drop significantly. Two years ago, I spoke with the permit department about converting my garage into an ADU, and that process is still underway.

Sincerely,  
Jan Brooks ([brookie960@gmail.com](mailto:brookie960@gmail.com))

**From:** [Gaylord Brown](#)  
**To:** [CreekBuffers](#)  
**Subject:** SB Creek Buffer Ordinance  
**Date:** Sunday, March 9, 2025 10:03:31 AM

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You don't often get email from gbrown21@socal.rr.com. [Learn why this is important](#)

This ordinance is a shameless land grab by the City of Santa Barbara. This is in essence evoking imminent domain without compensation! This proposal must not be passed!

**From:** [Mary Rose Bryson](#)  
**To:** [CreekBuffers](#)  
**Subject:** Creek buffers  
**Date:** Friday, March 21, 2025 6:59:06 AM

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You don't often get email from maryrosebryson@gmail.com. [Learn why this is important](#)

Dear ordinance committee members,

I appreciate your concern for the citizens who live adjacent to creeks, and trying to anticipate potential flooding impacts on their property by mitigating property damages, but your proposed solutions do not address prevention of flooding, they put the onus of mitigation on the property owners instead of the government.

This problems created by the alluvial flood plain we live on, with historic, alternating, drought and flooding conditions, have not been treated by City government with serious drainage solutions. Olive Street was originally named Canal Street because that's where all the rain water drained. Laguna Street is another example of the reality of our city's history of flooding.

There used to be a small wash at the bottom of Paseo del Descanso, where it meets Puesta del Sol, that flooded every time it rained hard. As kids we loved it. The property owners on each side of this wash did not. The City eventually installed drains and now the wash is dry.

I live by Mission Creek downtown. The fence to the creek has been continually cut down by the homeless, the drug addicts and their dealers, the graffiti vandals, etc. The encampments they create on the creek, which include furniture, stolen bikes, mounds of human waste, etc. should be more concerning to City government than homeowners trying to pay property taxes and working to keep their property values high. Why isn't the City creating ordinances about this type of creek desecration?

Please reconsider this ordinance and start thinking about keeping creeks clean and planning serious drainage solutions.

Thank you.  
Mary Rose Bryson

**From:** [Charles Burwell](#)  
**To:** [CreekBuffers](#)  
**Subject:** input from Bethany Congregational Church  
**Date:** Monday, March 10, 2025 11:54:00 AM

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You don't often get email from chuckburwell@gmail.com. [Learn why this is important](#)

Dear Council members,

I was just informed about this proposed ordinance for restrictions around creek banks in Santa Barbara. Our church parking lot and playground border one of these creeks and would be severely impacted by this ordinance as currently written. We would ask that you include provisions for existing facilities to remain in place as they are currently constructed.

Thank you for considering these comments.

Sincerely,

Chuck Burwell  
Senior Pastor  
Bethany Congregational Church  
556 N Hope Ave, Santa Barbara, CA 93110  
805-687-1115

**From:** [pamelabury](#)  
**To:** [CreekBuffers](#)  
**Subject:** Oppose Creek Buffer Ordinance  
**Date:** Monday, March 10, 2025 7:09:58 PM

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We strongly oppose the proposed Creek Buffer ordinance.

Here are the stated aims of the ordinance, followed by questions and comments:

- reduce public safety risks associated with flooding and erosion  
How does the City justify imposing such aggressive setbacks indiscriminately under the pretext of erosion risk? Has the City conducted a study to assess historical erosion rates in different creek sections over the past 50 or 100 years? Has the City considered encouraging flood-proofing upgrades rather than outright prohibiting rebuilding?
- enhance water quality

Water quality is affected by runoff from the entire city, not just the properties near creeks. Stormwater from streets and public infrastructure that ends up in creeks carries contaminants from far beyond these buffers. Homeowners want nearby creek beds to be healthy and clean—homeowners are not the ones causing pollution.

- protect and enhance riparian habitats and wildlife corridors

A creek runs through our property. We already are frequently visited by coyotes, lynx, squirrels, rabbits, skunks, opossums, owls, hawks, numerous other birds, and many species of butterfly. Federal, state, and local laws already protect riparian habitats. Why are additional, more restrictive regulations necessary? What does the city plan to do to encourage wildlife?

- preserve scenic beauty

You don't need such a broad restrictive ordinance to prevent unsightly or unsafe structures from being built. What stops you now from working with property owners on clean-up and/or native planting? Is this punitive ordinance really necessary?

Sincerely,

John & Pamela Bury  
315 N. Ontare Rd.  
Santa Barbara

Greetings!

In addition to my previous comments, please add the following – I have not received an acknowledgement, response or timing of the hearings of the comments I have provided. The recent meeting did not consider them. Please advise as to when responses will be made especially on the inverse condemnation issue & any City Attorney Offices reports, opinions or statements.

Part of the Creek Buffers Ordinance should be a consideration of the primary element of any plan ----- the water in our creeks. The City is utilizing its police authority to levy restrictions and penalties. However, nowhere in the proposed Ordinance are the following considered –

1/ Creek Water - the key ingredient of the plan is creek water as the principles indicate that the ordinance is being enacted to “protect and enhance riparian habitats and wildlife corridors”. For that, water is needed. The City seems to be doing everything in its power to restrict the riparian flow of water – dams & other restrictions bar all down-creek waters. I believe that except for rain, there is little to no flow of water in most of the creeks. An example is Lauro Creek & Reservoir that bars all water (even during rains) from following its riparian corridor. Without water in creeks, it is impossible to achieve “scenic beauty”, restore creek habitat, or achieve any of the other goals of the Ordinance. Simply put, without water, there will be no habitat, no wildlife, etc. only a mess ready to be a fire corridor as they currently are..

2/ City Participation – our City should lead the renewal of our creeks – without water, our creeks will die; its habitat, fish, etc will evaporate. Each will become a garbage pit – just take a look at lower Mission Creek near Sola & Haley – invasive plants, garbage, a mess~! In contrast, take a look at downtown San Luis Obispo that has a walking park along its main creeks, with water, trails, the public skipping on the trails, etc. What is the City going to do positively, to lead. This should be stated BEFORE the City elects to create chaos with its residents in taking their property, restricting them, leading to a true mess.

The Committee has not focused on what the City will do to help, to rebuild our creeks, to make them alive, to encourage their flora & fauna --- to make us a better City, more desirable City, more livable City, etc. – all to make sense out of this grand plan that simply looks like pushing our creeks into further degradation as its now stated. Start with a welcoming hand & try to understand their needs.

Thanks for your consideration

***Tim***

**S. Timothy Buynak, Principal**



**Buynak Ventures**  
**523 Brinkerhoff Ave.**  
**Santa Barbara, CA 93101**  
**805.963.1950**  
**[TBuynak@BuynakLaw.com](mailto:TBuynak@BuynakLaw.com)**

[Guide Posts](#) | [Website](#) | [Offices](#)

**From:** [Kim Cantin](#)  
**To:** [CreekBuffers](#)  
**Subject:** Ordinance on creeks upcoming and 335 Hot springs road  
**Date:** Monday, March 10, 2025 8:40:05 AM

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You don't often get email from redsetterstitch@gmail.com. [Learn why this is important](#)

Hello,

I wanted to express my concern about the ordinance I understand is being proposed by the City that wants to take the current buffer zone of 25 feet and doubles it to 50 feet and strips the property owners of any rights in their own homes and lots that were established long ago under the current rules.

I am a survivor of the Montecito Debris flow that killed my husband, son, dog, obliterated my home and had my daughter buried alive for 6 hours under 20 feet of mud and debris for six hours until her rescue ...I was washed away 200 yards and found severely injured in an intersection wrapped in electrical wires. I have suffered enough and could go on and on about the handling of events and emergency orders.

I don't want any land grab or encroachment on my lot that has already been damaged enough. Nor do I want to take any hair cut on value of that lot due to this ordinance. I've suffered enough. So have my many neighbors in Montecito.

I want to urge you to not pass this land grab ordinance and instead use your time to fix the state of our gem of a City - State Street etc.

There is a lot of good work to be done - please don't put efforts into hurting even more - those already so terribly impacted.

Thank you

Kim Cantin  
805 883 8495  
335 Hot Springs Road  
Montecito CA 93103



**From:** [Mark Carney](#)  
**To:** [CreekBuffers](#)  
**Subject:** Creek Buffer Ordinance - 1611 Castillo Street  
**Date:** Monday, April 7, 2025 4:05:31 PM

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You don't often get email from [rmcarney@rppmh.com](mailto:rmcarney@rppmh.com). [Learn why this is important](#)

To Whom it May Concern:

This firm represents Hideout Castillo SB, LLC (“Hideout”), the owner of 1611 Castillo Street in Santa Barbara. 1611 Castillo Street is located at the corner of Castillo and Arrellaga streets and lies adjacent to Mission Creek. Throughout the past two years, Hideout has pursued the approval of two separate applications to add seven additional housing units to the three multi-family units currently located on the site. The first application, which proposes the addition of two special ADUs to the site, has been fully approved and its building permits are “ready to issue.” The second application, which proposes an AUD project that would add five multi-family units to the site, has been considered by the Board of Architectural Review at two Concept Review hearings, most recently on March 17, 2025.

Both the approved ADU project and the pending AUD project are located outside the current 25-foot setback from top of bank, as required by the SBMC. If the new ordinance were adopted in its present form, however, then both special ADUs and a portion of the AUD project would be located within the expanded creek buffer area. In that event, Hideout would lose all of its substantial investments in land acquisition costs, carrying costs, property taxes, planning fees, engineering fees, architecture fees, legal fees, and time; and the City would lose the opportunity to add seven new units to its workforce housing inventory.

Therefore, Hideout requests the City to add language to the draft ordinance that would “vest” its rights to construct the special ADUs and the AUD project. Specifically, Hideout requests the inclusion of language which provides that “any project for which: (a) a building permit has been issued or is ‘ready to issue’; (b) any discretionary application has been deemed complete; or (c) a Project Design Approval or other discretionary land use approval has been granted, may be completed and used in accordance with the plans and specifications upon which that permit or approval was granted, provided that any such permits, applications, or approvals have not expired.”

Thank you for your consideration of our request.

Mark Carney

**R. MARK CARNEY, PARTNER** | REICKER PFAU | 1121 State Street, Suite B | Santa Barbara, CA 93101 | Phone: (805) 966-2440 | Fax: (805) 966-3320 | Email: [rmcarney@rppmh.com](mailto:rmcarney@rppmh.com); [www.reickerpfau.com](http://www.reickerpfau.com)

**From:** [Greg Carroll](#)  
**To:** [CreekBuffers](#)  
**Subject:** Overreach  
**Date:** Thursday, February 27, 2025 2:50:46 PM

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[You don't often get email from greg@gcdevel.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

This creek buffer ordinance is another example of the incessant overreach in the city of Santa Barbara.... I am 76 years old and own two homes on Arroyo burro Creek....

I have been a custodian of Arroyo Burro Creek for longer than most of you have been alive.... I deeply resent your occasional oversight on properties that I've occupied for over 40 years..... and the city and county only pay attention to .....after a storm.....

Where the hell were you when YOUR tree fell in YOUR creek from YOUR park and took out a good portion of my property..... and now you're going to insist that I do what you were either too incompetent or too uncaring to do

I can assure you of this.... your attempt for inverse condemnation of my property or properties .. or any other form of city management of my own private property ..will be highly contentious and well publicized ....highlighting the inefficiencies of the city and these poorly conceived efforts

If the "People's Republic of Santa Barbara" endeavors to dictate what I can or cannot do on my own private property, .....you have better get ready for a fight .... and one that will be played out on the national stage.....

You are going to be on the wrong side of this one

Greg Carroll  
805-687-4592

**From:** [Chris Dahlstrom](#)  
**To:** [Melissa Hetrick](#); [Eric Friedman](#)  
**Cc:** [Susie Dahlstrom](#); [Sarah Knecht](#)  
**Subject:** Creek Buffer Ordinance Open House  
**Date:** Friday, February 7, 2025 3:52:49 PM

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Some people who received this message don't often get email from [chris.dahlstrom@hotmail.com](mailto:chris.dahlstrom@hotmail.com). [Learn why this is important](#)

Ms Hetrick,

We are 37-year homeowners along San Roque Creek and received a notice on January 30, 2025 for an open house related to the City's Draft Creek Buffer Ordinance. Having received the notice on the above date and the date for this open house on February 5, 2025, the time allowed by the City was entirely inadequate. The City must provide sufficient notice to its residents of more than four business days to check their work/life schedules, read the draft document, prepare comments and consider the ramifications to property/homeowner.

Unless the City has an intention to fast-track this policy through the action/approval process that would undeniably have impacts to the property owner including but not limited to: the reduction of property values; preclusion of home improvements; restrictions on the property; reduction of property rights; and, soft eminent domain by circumscription of those certain property areas owned by the property owner, we highly maintain that the City be transparent and provide adequate notice of such meetings/workshops to allow the property owner to become informed and educated on policy that the City is proposing.

Therefore, we request that the City Creeks staff set another workshop and provide adequate public notice. Typically, public agencies provide at least 14-business days notice to its constituents of such proposed ordinance or policy scoping meetings or workshops. This is particularly important as transparency in government is necessary and can be a significant issue when the public is blindsided by the lack of notice or ability to become involved.

We look forward to your timely response and appreciate the City's consideration to set another workshop that allows adequate time for the residents to become informed of this policy proposal.

Regards,  
Chris and Susan Dahlstrom  
424 N. Ontare Road  
Santa Barbara

**From:** [Ken Drachnik](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Wendy Santamaria](#); [Mike Jordan](#); [Oscar Gutierrez](#); [Kristen Sneddon](#); [Eric Friedman](#); [Meagan Harmon](#); [Randy Rowse](#)  
**Subject:** Against Creek Buffer Ordinance  
**Date:** Monday, March 3, 2025 12:52:35 PM

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Some people who received this message don't often get email from kdraks@gmail.com. [Learn why this is important](#)

I am against the proposed Creek Buffer Ordinance impacting my property at 1228 E Quinientos.

The torrential rains in Jan of 2023 and 2024 raised the creek level near my home to new heights, but the water crested 5 to 8 feet below the bank. A new bridge at Quinientos/ Clifton eased the flow to the bay and a new bridge (in process) at Carpenteira street will future open the flow - meaning there is little chance of flooding near my property.

The premises of this ordinance are flimsy at best - there won't be any *improvement to water quality* - its a creek and my homes and others nearby don't contribute anything to the creek - in fact WE CLEAN IT UP in the Summer.

The city clearly has means to protect infrastructure by upgrading / widening bidges as they are in the process of doing now. So CONTINUE TO DO THAT.

This ordinance will reduce my property value by scaring away buyers due to "flooding" that has NEVER occurred. There is a house and property between my home and the creek, and they have reinforced the creek bank to reduce / minimize erosion.

*Protect aquatic Habitats* - this is nonsense. Its a creek and preventing me from improving my property will have NO IMPACT ON AQUATIC HABITATS.

*Preserve scenic beauty* - again a made up reason. The creek is a creek and our local properties, that have existed for 20+ years, are not going to impact any scenery.

This ordinance is overbearing, appears to devalue my property - if not "steal it from me". I am wholly against it.

What I am for, is the city, upgrading / reinforcing creek walls where they are narrow or just dirt and subject to erosion / collapse. That is a much better use of the City's time and taxpayer dollars than devaluing my property.

Ken Drachnik  
1228 Quinientos st  
Santa Barbara, CA

**From:** [Tim Eaton](#)  
**To:** [CreekBuffers](#)  
**Subject:** Opposition to City Creek Buffer Ordinance  
**Date:** Saturday, March 29, 2025 3:00:49 PM

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You don't often get email from tim.m.eaton@gmail.com. [Learn why this is important](#)

To whom it may concern:

I am writing to oppose the Santa Barbara's Creek Buffer Ordinances that would limit the ability to use land up to 50 feet away from the top of a creek's bank.

After years of saving, my wife and I were finally able to purchase a home in Santa Barbara in 2024 where we will raise our three children. Our home, a modest 1960s house that is about 1,600 square feet, represents years of hard work and sacrifice. However, this ordinance would render half of our lot—and half of our home—unusable, making it impossible to rebuild or repair in the event of a disaster. It would also significantly reduce our home's value, undermining everything we worked so hard to achieve.

This proposal is completely unnecessary and will negatively impact hundreds of working class families who are striving to get by in Santa Barbara. While the intentions may be good, the negative unintended consequences of this are real. If our home was impacted by a disaster, this ordinance would make it virtually impossible to rebuild or repair our home unless we went through a lengthy, and likely expensive, appeals process. This will make it even harder for non-affluent individuals and families to survive in Santa Barbara.

Please focus on real problems in Santa Barbara (housing affordability, water supply & conservation, and dozens of other higher priorities) vs. introducing unnecessary additional regulation.

Please let me know if questions. I am more than willing to talk in person to those who are trying to implement this to explain my point of view.

Sincerely,  
Tim & Kelsey Eaton  
1509 Veronica Pl  
Santa Barbara, CA 93105

**From:** [Anthony Elia](#)  
**To:** [CreekBuffers](#)  
**Subject:** Creek Buffer Ordinance  
**Date:** Monday, April 7, 2025 6:29:08 PM

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You don't often get email from tonelia2001@yahoo.com. [Learn why this is important](#)

Hello,

My wife and I are the owners of the property at 3732 Dixon Street in Santa Barbara, which sits adjacent to the Arroyo Burro Creek. I am firmly opposed to the proposed Creek Buffer Ordinance. This measure is unnecessary, as existing federal, state, and local environmental regulations already provide strong protections. Adding another layer of regulation would impose unreasonable burdens on property owners like myself and many others in similar situations.

The ordinance would restrict how we use our own land, lower property values, make the permitting process more difficult and costly, and could even result in the displacement of long-standing homes and businesses. It seems to give the City broad and vague authority over private property, opening the door for future overreach.

What's especially troubling is the lack of genuine community engagement and the absence of clear, proven environmental benefits from this proposal. I, along with many concerned residents, urge the City to reject this ordinance and instead pursue more practical, balanced, and fair approaches to environmental protection—ones that respect both nature and the rights of property owners.

Thank you,

Anthony Elia

**From:** [Tina Elia](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Tony Elia](#)  
**Subject:** Creek Buffer Ordinance  
**Date:** Monday, April 7, 2025 6:37:54 PM

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You don't often get email from sea8462@yahoo.com. [Learn why this is important](#)

Hello,

My husband and I own the property at 3732 Dixon Street in Santa Barbara, which borders the Arroyo Burro Creek. I strongly oppose the proposed Creek Buffer Ordinance. This regulation is unnecessary, as there are already robust protections in place at the federal, state, and local levels. Introducing another layer of regulation only adds complexity and places an undue burden on property owners like myself and many others in similar circumstances.

The ordinance would significantly restrict how we can use our property, diminish property values, complicate and increase the cost of the permitting process, and potentially lead to the displacement of long-established homes and businesses. It appears to grant the City overly broad authority over private land, raising serious concerns about future misuse or overreach.

Even more concerning is the lack of meaningful input from the community and the failure to demonstrate any clear environmental benefits that justify these sweeping changes. Like many fellow residents, I urge the City to reconsider and abandon this ordinance in favor of more balanced, reasonable, and transparent environmental policies that protect both our natural resources and the rights of property owners.

Thank you,  
Cristina Elia

**From:** [Michelle Erickson](#)  
**To:** [CreekBuffers](#)  
**Subject:** Creek Buffers  
**Date:** Friday, January 31, 2025 5:17:42 PM

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You don't often get email from mlknab@yahoo.com. [Learn why this is important](#)

Greetings,

I live along a seasonal creek that only has water present when it rains, and sometimes for a few days thereafter. The creek flows from the edge of my property into a culvert and goes under Argonne Circle. The banks on both sides of the creek before the culvert are severely eroding and I have concerns about their stability. Erosion solutions implemented by previous owners and neighbors are also rapidly deteriorating. I fear we are one big rainstorm away from both banks collapsing, blocking the culvert, and flooding my and my neighbor's property.

My thoughts:

I support any ordinances establishing a minimum buffer for future development. *I love creeks!*

I propose that any property that currently encroaches on that buffer be allowed to maintain their current footprint, even if the property is remodeled. *Property is too valuable and construction too expensive in this town to force a previously permitted structure to be changed. There could be incentives for modifying the footprint to*

I support finding win-win (property owner & city/creek) solutions for property owners encountering problems that affect the stability of creek banks and threaten to destroy their property. *I love natural habitat but we can't always preserve it in a natural state and protect existing property. I'd like to see the city/creeks department advise how best a bank might be secured and quickly approve reasonable proposed changes.*

Thank you,  
Michelle Erickson



To the City of Santa Barbara,

We're writing to strongly oppose the City of Santa Barbara's Creek Buffer Ordinance for all the following reasons:

- The one-size-fits-all buffers approach, combined with the proposed buffer sizes, are unreasonable and unfair in dense urban areas with very different conditions on each site. See Appendix A.
- It is a radical measure and a government overreach that disregards property rights and potential financial impacts to property owners. See Appendix B.
- Existing regulations already address safety concerns. Moreover, the ordinance incentivizes owners to hold on to aging structures indefinitely, it fails to address risks posed by wildfires, and arguably puts residents at higher wildfire risk both in the short and long term. See Appendix C.
- The City makes multiple claims to justify the ordinance on environmental grounds, yet no studies, data, or quantifiable goals have been provided to back them up other than a City-sponsored, 22-year-old study by a private company and a 25-year-old creek survey. The premise of the study was that buffers were needed in Santa Barbara, and its objective limited to designing an implementation plan. See Appendix D.
- The ordinance is vague and introduces a great deal of subjectivity and uncertainty, especially around modifications, tipping the scale in favor of the City and leaving owners with few and prohibitively expensive options in case of disagreements.
- It attempts to greatly expand existing state and federal laws by liberally interpreting them as well as the discretionary opinions and decisions of agencies like the CDFW and the CCC and codifying them into new local law. It then extends that interpretation to completely new jurisdictions (CCC guidelines to the entire city, CDFW guidelines and processes for streambed alteration projects to areas outside of creeks). This is most evident in the language around required findings and conditions for modifications.
- The ordinance introduces a double standard for private and public development, with private development being more restricted.
- Instead of focusing on the root cause of the City's current inconsistent application of existing law around creeks, the ordinance seeks to "streamline" processes by denying most land use. The ordinance's approach is arguably an easy way, for the City, of solving its current internal problems. However, it is not the right and fair way.
- Despite being aware of past opposition to a similar measure, the new Creek Buffer Ordinance project started in 2023 and it wasn't until January 2025 that the City involved property owners, giving us just a few weeks to digest a complex topic and submit public comment.
- Since January 2025, City staff has repeatedly misled property owners and the public about key facts of the ordinance and has tried to downplay the extent of the regulations in both one-on-one conversations and public statements. See Appendix E.

We strongly encourage City officials to read through the entire text of the ordinance if they haven't done so yet, and to question whether the direction the Sustainability & Resilience Department has decided to take aligns with their expectations.

We also encourage City officials to take a step back and reassess the role and methods of the Creeks Division. Should they be funded with taxpayer dollars to continue to pursue attacks on private property? Is the purview of the Creeks Division too broad, their decisions too aggressive, and their concerns too narrow, and will that lead the City to costly litigation?

Finally, we ask the City to reconsider its position on this matter and to pursue new studies, this time focusing on real data and pragmatic solutions to actual problems that are adapted to our urban areas, taking into account land use and legal realities, and involving residents from the start before proceeding with any further action.

Sincerely,  
Joan Fargas & Emily Uhland

## Appendix A – Arbitrary Buffers

The proposed one-size-fits-all buffers have multiple problems:

- The conditions of creeks and creek-side areas in each property differ vastly. Many areas see no active erosion or have reinforced banks that prevent erosion, and many areas have seen no flooding historically or are outside of FEMA floodways. However, generic buffers are applied indiscriminately in the name of safety.
- Buffer sizes are way too large for a dense urban area, eating into very large portions of many lots and existing structures.
- The choice of 50 feet for major creeks is arbitrary and based on what other jurisdictions have implemented, not on the realities of Santa Barbara. A 50-foot setback is not required in the majority of cases to protect from erosion now or any time soon.
- They ignore the topology of the area and they apply to all land indiscriminately, including elevated areas.
- Minor creek buffers are completely arbitrary and an invention of the Creeks Division that hasn't been implemented anywhere else (at least not in the region).

City staff have said they can't afford to survey each property to come up with personalized buffers. However:

- According to the City, that is precisely the current process for any new development, and it has been in place for a very long time.
- This same discussion took place in 2003 when the City tried to implement buffers for the first time. Twenty-two years later, the City still hasn't come up with a better idea than generic buffer sizes.
- If the City can't afford to survey each site to define sensible buffers for an ordinance, perhaps it shouldn't try to codify specific buffer sizes in the Municipal Code in the first place.

The following are just a couple of examples of the impact of the proposed buffers on real, actual properties. Parcels are outlined in yellow, and the red areas represent the approximate extent of the buffers at any given point:

- The bright red/orange areas are calculated by taking 60 feet from the centerline of major creeks and 20 feet from the centerline of minor creeks. This is an approximation, and it assumes a constant creek width of 20 and 10 feet, respectively. In many cases, this is an underestimation of the actual distance separating the top of the banks. Note that this is the same method City staff have used at least at some point during the development of the ordinance to visualize its impact.
- The darker red areas are calculated by taking 50 and 15 feet from the estimated top of the bank at each location for major and minor creeks, respectively. The top of the bank is estimated with the help of topological maps and satellite views. This is also an approximation, as the top of the bank determination isn't straightforward to begin with, much less on a map.
- As it can easily be seen, the proposed buffers cover very significant portions of many parcels.



Figure 1. Arroyo Burro at Brenner Dr.

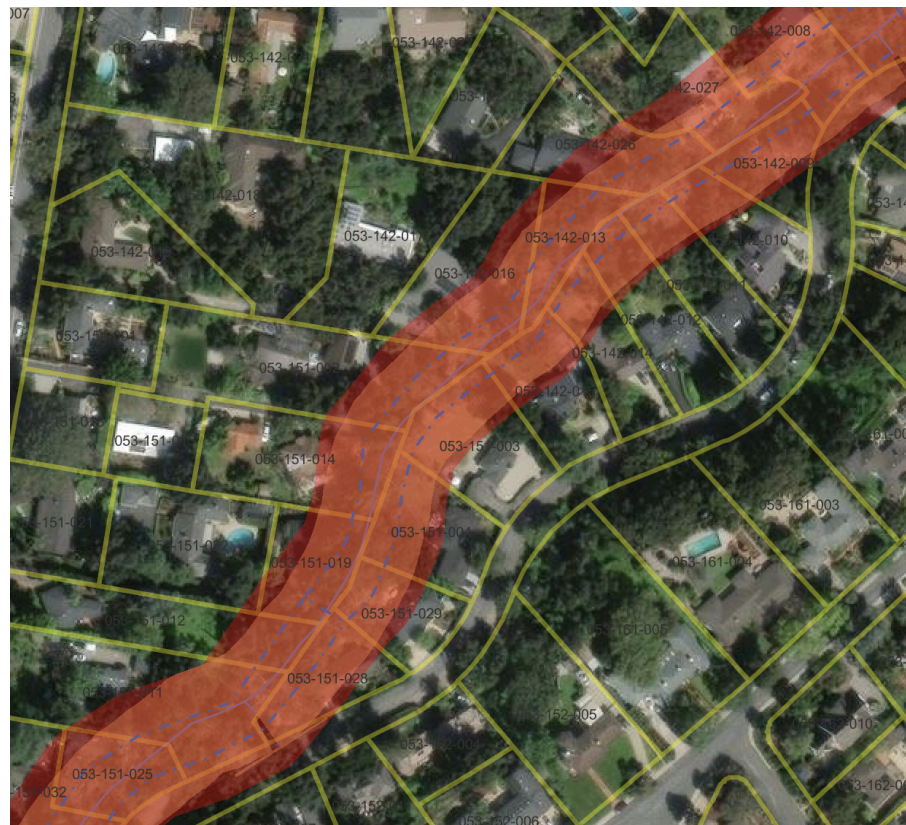


Figure 2. San Roque Creek along Canon Dr.

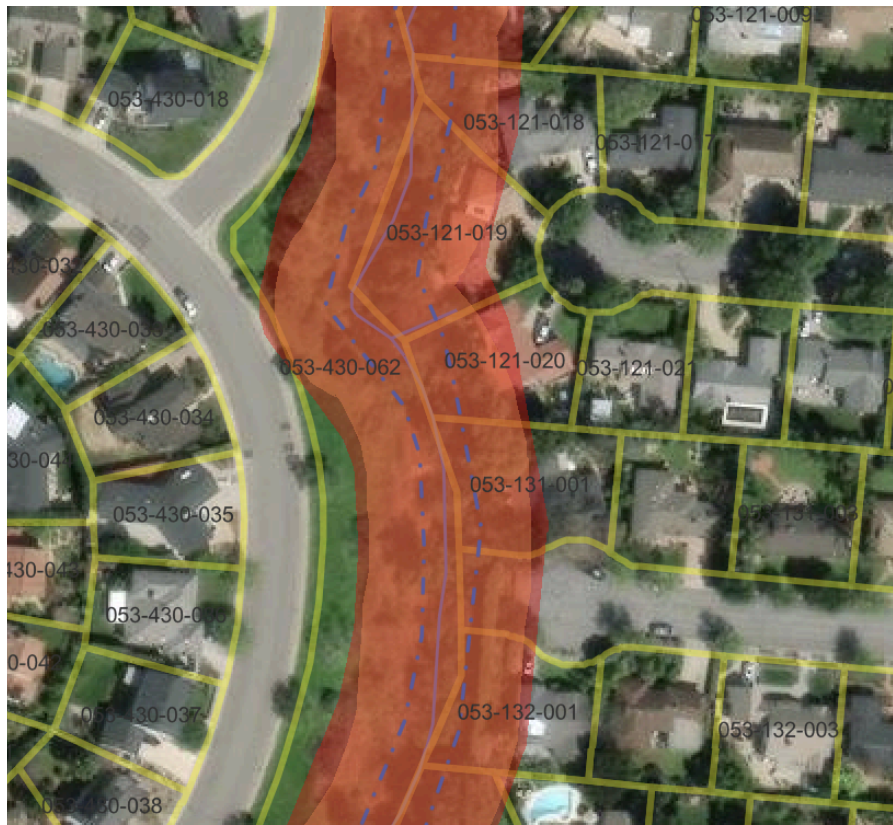


Figure 3. Arroyo Burro between Lincolnwood Dr and Grove Ln.

## Appendix B – Extremely Severe Restrictions

All new development is prohibited by default in the ordinance, and “development” is redefined in creek buffers to mean the placement of any new object (including live plants), regardless of whether it’s attached to the ground. The scope of the general prohibition is so extreme that the ordinance has to explicitly allow for land uses that until today wouldn’t even be considered development, such as setting up patio chairs and tables.

More than 2,000 properties are affected by this ordinance, or about ~8% of all properties in the City.

### Extremely limited uses allowed without City approval

Only the following is allowed within buffer zones without City approval:

1. Vegetation maintenance, including existing agricultural operations.
2. Fuel modifications conducted pursuant to an order of the Fire Department to maintain defensible space clearance requirements for existing development.
3. Removal of solid waste or similar debris.
4. Planting of native plants.
5. Placement of yard furniture, recreational equipment, and other similar items that are not fixed to the ground.
6. Geologic testing or borings.
7. Maintenance of existing (“nonconforming”) structures.

When it comes to maintenance of existing structures, though, it is important to highlight that:

- **The bar to qualify for “substantial redevelopment” is lowered, singling out creek buffer areas and treating them differently than the rest of the city.** That means that some maintenance activities (like reinforcing a roof or a staircase or replacing a fence) are considered redevelopment and therefore do require approval of a modification, which is an arduous and expensive process and is likely to come with onerous requirements by the City if approved at all.
- Maintenance or repair of existing private roads, driveways, trails, utility easements and facilities, and parking lots does require a zoning clearance.
- **The owner loses the ability to continue, maintain, or repair their property if it goes unoccupied for more than 1 year.**

### Zoning clearances

The following development is allowed with approval of a zoning clearance, which may or may not be granted. Again, very limited use cases are covered here:

- Habitat creation, restoration, or enhancement activities.
- Development for safety, educational or public access purposes. For example, “limited” safety/security lighting, or “see-through” fences no closer than 10 feet to a creek.
- Some stormwater management practices.
- Access improvements for individuals with disabilities.
- Maintenance or repair of existing private roads, driveways, trails, utility easements and facilities, and parking lots (with conditions).
- Installation of wheel stops, striping, and traffic control signs in existing parking lots.
- Removing structures, paving, and hardscape from creek buffer areas and restoring the surface to a native condition.

Zoning clearance decisions are made in consultation with the Creeks Division and are final and non-appealable. **While City staff claims the lack of appeals process reflects the objective and ministerial nature of these approvals, there is reason to doubt this will be the case in practice.** For example, “Limited safety or security lighting” is a fairly subjective standard.

### **Modifications**

Problems with modifications:

- There is no guarantee the City will grant them.
- They are only available for a few scenarios:
  - Replacement of development destroyed by a natural disaster.
  - Substantial redevelopment.
  - New single unit residence up to 1,200 square feet of *livable* space in undeveloped lots, excluding garage or accessory space, *inside and outside of the buffer*.
  - A couple of other cases.
- Major loss due to natural disasters is mentioned in the ordinance, but major loss due to other reasons isn't. This is a red flag.
- The City is planning on using modifications to relocate structures outside of the buffer zone, potentially adding cost to projects. Moreover, the ordinance makes no guarantee as to the resulting structures after they are “pushed out” of the buffers. Single story houses would likely turn into multiple story houses with a very narrow footprint and potentially impacting the property value. Residents with reduced mobility, including elderly residents, could be forced to give up their single story homes.
- The ordinance doesn't explicitly guarantee that rebuilding would result in the same or equivalent outdoor structures like patios, swimming pools, etc. Because of the vagueness and the spirit of the ordinance, it is fair to assume owners are likely to be forced to give those structures up in order to squeeze as much of the main house/ADU/garage development outside of the buffer.
- Modifications require all the technical findings and all the restoration activities that today are reserved to streambed alteration projects, California Coastal Commission guidelines for ESHAs, and projects requiring CEQA review, regardless of whether the development would trigger any of those requirements today. The ordinance takes the worst-case scenario for each and puts it all together under required findings and conditions.
- To even be considered for a modification, a property owner needs to spend tens of thousands of dollars in technical studies. While these may be needed for development today in some cases, they all aren't needed in all cases.
- Because of the barrier to entry, lack of guarantees, environment restoration conditions, and requirements to move structures away from buffers at any given opportunity, modifications would be effectively reserved for complete rebuilds.
- **The lack of guarantees on multiple fronts is likely to decrease property values even when no additional structures are planned/expected.**

### **Everything else**

**Anything else is simply not allowed within a creek buffer under any circumstance**, unless the City has no other option than to comply with state housing laws (like certain types of ADUs).

A few examples of what is unequivocally forbidden:

- Landscaping or planting of non-native trees and plants, for example lemon trees or tomatoes.

- Additions to a house that encroach into a buffer, even if the new development is safe from erosion as determined by a geologist and meets floodplain development standards.
- Building a new deck, or hardscaping.

### **Summary**

The ordinance describes its purpose by saying *“It is the goal of the City to minimize negative impacts to creeks, to restore creek habitat where feasible, and to move as many structures as possible to outside of creek buffer areas”*, then proceeds to turn creek buffers into untouchable areas and to use every possible opportunity to force owners to relocate or give up their structures.

**The restrictions, together with the lack of clear guarantees when it comes to exceptions, will negatively impact property values.**



## Appendix C – Safety

### **Erosion**

Erosion is a risk that is already factored into new development today. One can't build new structures without technical studies supporting the development's soundness. The ordinance doesn't change that. In fact, the ordinance underscores the validity of the current process by stating that state-mandated ADUs (which the City is legally forced to approve ministerially) are allowed as long as *"It is not reasonably foreseeable that construction and maintenance of the accessory dwelling unit in the proposed location will result in erosion of the creek bank"* and *"It is not reasonably foreseeable that installation of creek bank stability or erosion protection will be required to protect the accessory dwelling unit from creek bank erosion for a period of 75 years following the date of issuance the building permit for the unit."* In other words, if state mandated ADUs are safe then they are allowed because the State mandates it; but all other structures are prohibited in the name of safety. The contradiction is glaring.

The 2003 study the City uses to justify the ordinance<sup>1</sup> states that many creek sections (more than 50% in some cases) have been altered over time to reinforce banks with the goal of preventing or reducing erosion risks. That includes engineering work undertaken by the City/County. It also states that there isn't active erosion in many creek sections (highly correlated with bank reinforcement activities). However, the proposed ordinance makes no distinctions and applies city-wide generic buffers.

### **Flooding**

Flooding risks are already managed today with floodplain regulations. In order to build within a floodplain, one must meet certain standards to ensure safety. These standards and regulations allow the City to participate in FEMA's NFIP (National Flood Insurance Program), and they have been in place for a long time.

As in the case of erosion risks, state mandated ADUs are allowed in creek buffers as long as they meet existing floodplain regulations, again highlighting the City's contradictions.

It is true, as City staff have said multiple times, that development within the floodway is severely constrained today. However, the proposed creek buffers extend well beyond the floodway in the vast majority of cases.

### **Aging structures**

The ordinance allows for existing structures to be maintained, but it doesn't allow for substantial redevelopment without a modification approval. Given that modification approvals are unlikely and very costly in any case, and that any significant safety improvements to protect against flooding or erosion would result in substantial redevelopment, owners will tend to hold on to aging structures that aren't up to Code. This unintended consequence will undermine, at least in some cases, one of the goals of the ordinance.

### **Wildfire**

The ordinance is so restrictive that it prevents owners from creating defensible spaces as recommended by Cal Fire, making it even harder for homeowners to secure wildfire insurance and increasing risks.

In 2021, the City Council adopted the 2021 Community Wildfire Protection Plan (CWPP), which designated new City High Fire Hazard areas. Among them were riparian corridors along the San Roque Creek and Mission Creek (see Figure 4, in yellow). This change resulted in many dropped insurance policies in those areas. On the other hand, the new designations reflect the City's acknowledgement that riparian areas pose a significant wildfire risk to parts of the city. Given that one of the long-term goals of this ordinance and the Sustainability & Resilience Department is to restore riparian corridors, it is not a stretch to assume that more parts of the city will become high fire hazard areas in due time if this ordinance is approved.

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<sup>1</sup> Creek Development Standards - Questa Engineering (2003)



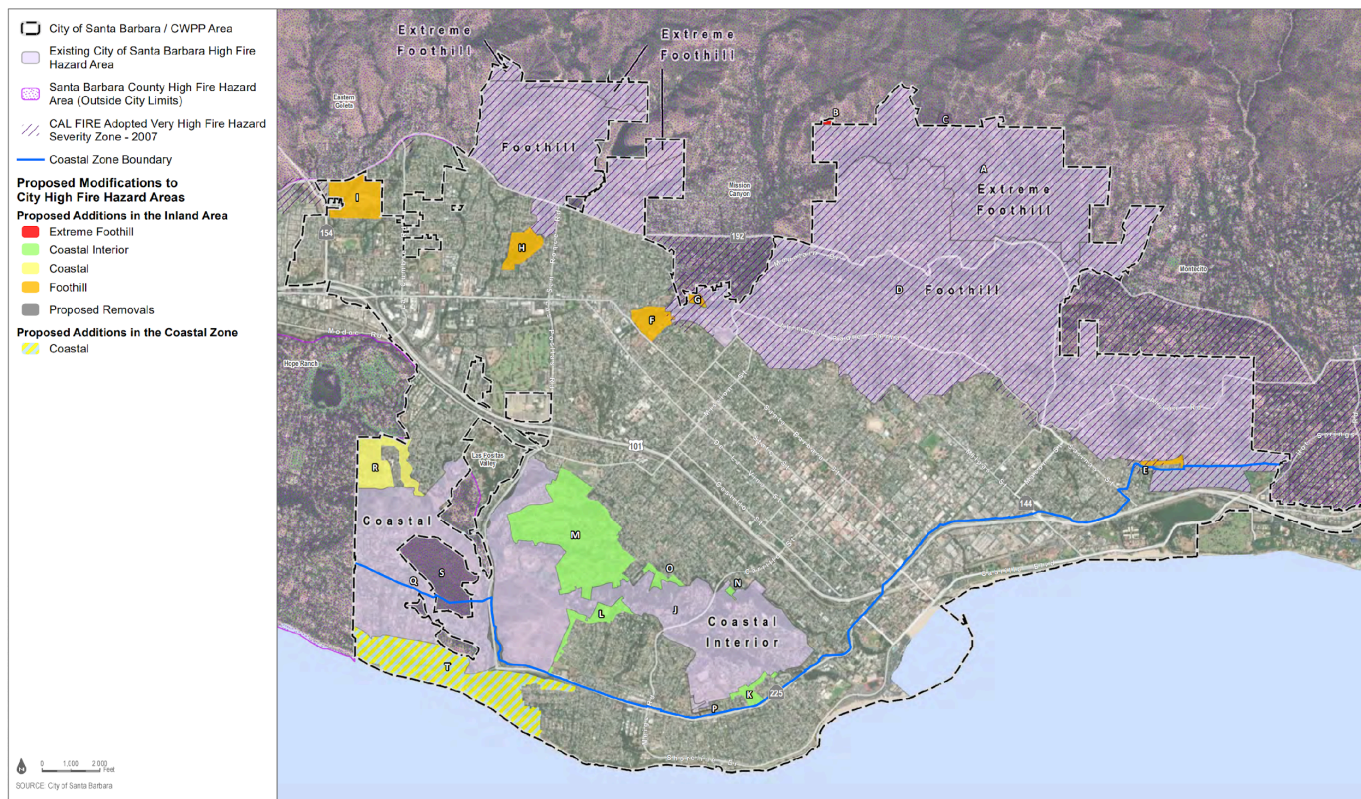


Figure 4. City High Fire Hazard Map adopted as part of the 2021 Community Wildfire Prevention Plan (CWPP).

## Appendix D – Environmental Concerns

Water quality is affected by runoff from the entire city, not just the 50/35/15-foot zones near creeks. Stormwater from streets and public infrastructure that ends up in creeks carries contaminants from far beyond these buffers. However, the City hasn't provided any evidence supporting the claim that creek buffers setbacks will improve water quality.

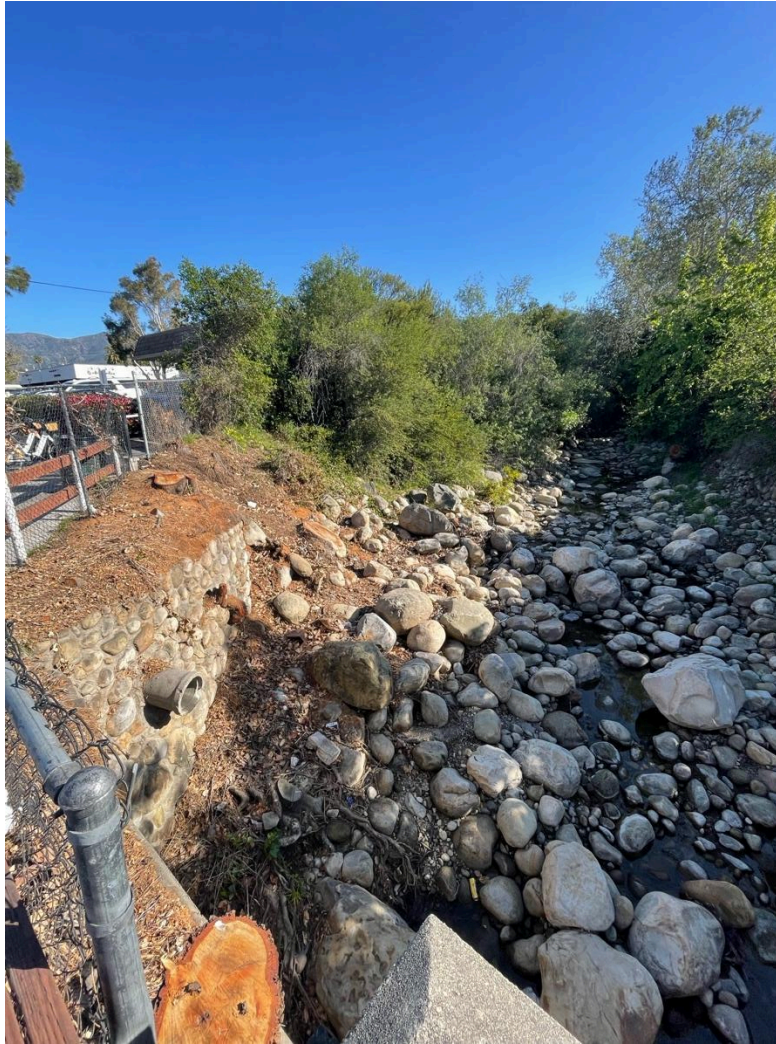


Figure 5. This City pipe drains into the Mission Creek (intersection with De La Vina). One of the countless examples of storm runoff from different parts of the city ending in creeks.

As recently as December 2024, the Creeks Advisory Committee sat through a City staff presentation on *future* studies related to water quality. One such study aims to identify which pollutants the City should be concerned about, measure their concentrations, compare them to known benchmarks or safety thresholds, and trace them to their sources. Without knowing which contaminants to address or where they originate, it is unclear how the City can justify creek buffers on water-quality grounds.

Federal, state, and local laws already protect riparian habitats. The City abides by CEQA already. At a minimum, the City must explain why additional, more restrictive regulations are necessary and outline specific, measurable goals.

The 2003 study the City uses to justify the ordinance<sup>2</sup> makes no quantitative claims regarding expected environmental improvements resulting from creek buffers, either.

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<sup>2</sup> Creek Development Standards - Questa Engineering (2003)

## Appendix E – Misleading and Incorrect Information Shared by the City

In both one-on-one conversations and public meetings, City staff have made misleading and incorrect statements. This has led some property owners to believe this ordinance doesn't impact them any more than already existing regulations, which is categorically false.

The following is a compilation of misinformation shared by the City we're aware of.

### **MISLEADING: Creek buffers are required by the City's General Plan.**

- The General Plan only says buffers should be implemented, but it doesn't specify the size or the specific restrictions to be imposed. It also doesn't ask for one-size-fits-all buffers.
- In the General Plan, justifications for creek buffers are for public use in nature (to improve the visual appearance of the City) or for flood damage prevention. However, floodplain regulations already exist precisely for that reason, and they allow the City to participate in FEMA's NFIP (National Flood Insurance Program).

### **MISLEADING: Creek buffers are required by the City's Coastal Land Use Plan.**

- The Coastal Land Use Plan does not apply to the entire city. It just applies to the coastal zone (roughly up to 0.5 miles from the ocean).
- Current restrictions in coastal zone creek buffers (established in the Coastal LUP) are less onerous than the ones being proposed for the entire city.

### **FALSE: Creek buffers are required for compliance with the California Environmental Quality Act (CEQA).**

- CEQA doesn't require creek buffers on a City wide basis. Under CEQA, each project is reviewed and buffers, if any, are determined based upon the unique conditions of that project site. The ordinance seeks to impose generic, arbitrary buffers on all properties near creeks. That has nothing to do with "CEQA Compliance."
- If buffers were required for compliance with CEQA, that would mean the City has been operating out of compliance for decades.

### **FALSE: The ordinance does not introduce additional restrictions.**

- The ordinance includes many new restrictions. The most straightforward example is the prohibition on non-native plants or trees—but there are many more.
- In the ordinance, all development is prohibited by default unless explicitly allowed. That is the opposite of today's model.
- The ordinance overrides the City-wide standard definition of "substantial redevelopment" with a new, more restrictive one that is specifically tailored to creek buffers. This would make it more difficult to perform significant maintenance of existing structures (for example reinforcing a roof or staircase structure).

- It gives the Creeks Division even more discretion to decide what is allowed in creek buffers, and they are known for denying most requests.
- The ordinance eliminates the ability to appeal decisions through procedural means. The only way to contest a decision is by suing the City. This is cost-prohibitive for nearly everyone. The City did this so that their decisions to deny applications will be final in the vast majority of cases.
- The coastal zone and Mission Creek have existing creek buffer regulations, but even those areas would see additional restrictions under the new ordinance.

**INCOMPLETE: You can rebuild after a natural disaster.**

- The City may allow you to rebuild after a costly and lengthy process, but it is not guaranteed.
- Even if allowed to rebuild, the City can and will force you to change the layout of your house/building in order to minimize encroachment into the buffer. That applies to houses/buildings but also to outdoor structures like decks, patios, pools, etc.
- The entire process takes a very long time during a time of distress for the occupants.
- The ordinance states, in 22.26.060: “Nonconforming creek area development destroyed by a natural disaster such as fire, earthquake, or flood shall be removed from and may not be replaced in a creek or creek buffer area; provided, however the Planning Commission may approve a modification under Section 22.26.090 [...]”.

**IRRELEVANT: It is not the City's intention to limit rebuilding after a natural disaster.**

- The City's intentions are irrelevant. The text of the ordinance is what matters at the end of the day, and it is very clear that rebuilding after a natural disaster will result in a costly and lengthy process, and the outcome is uncertain.

**INCOMPLETE: Existing structures can be maintained and repaired without approvals.**

- The ordinance allows for maintenance and repairs of existing structures within the buffers ("nonconforming" structures) without approval. However, not all maintenance and repairs are covered by this exemption. For example, replacing or altering more than 50% of a roof's structure, or replacing or structurally altering more than 50% of an accessory staircase are considered new development, not maintenance. The same is true when replacing more than 50% of a fence, for example.

**MISLEADING: Development is allowed. A property owner just needs to ask for permission.**

- The ordinance prohibits all development by default. Most development is prohibited outright without even an option to ask for approval. For the rest of cases, the City may give an approval but is not required to.
- The ordinance explicitly removes the ability to appeal a decision, which means only the judicial route is available to property owners. Given the costs and efforts involved, most owners won't have the means to contest decisions.

**FALSE: The ordinance will help streamline processes.**



- The ordinance establishes several new processes that do not exist today, and does not eliminate any existing processes.
- The ordinance makes the process for approvals more onerous and constrained. Most development is completely banned, without the possibility of approval.
- Very little is allowed without approval, which means that more scenarios will require approvals.
- The only way this statement can be true is if the City intends to deny most requests outright. If that's the case, they are correct that the ordinance will result in less overhead for the City (but not less overhead for the property owner, who is still required to conduct and pay for costly studies just to be considered).

**FALLACY: The ordinance will help streamline processes for development outside of buffers.**

- One could easily come up with a law that frees property owners from unnecessary processes like environmental reviews when attempting to develop more than 50/35/15 feet away from a creek. In order to accomplish that, it is not necessary to make it more difficult to develop close to creeks, which is what the ordinance does.

**MISLEADING: The ordinance will improve safety.**

- Safety regulations already exist today, something that the City repeatedly forgets to mention. In floodplains, structures must meet certain development standards. Structures cannot be located in erosion-risk areas and they need to be certified by a geologist.
- Given that only basic maintenance is allowed by the ordinance without triggering "substantial redevelopment", property owners will hold on to aging structures that aren't built according to the most up-to-date safety standards.

**UNSUBSTANTIATED: The ordinance will improve water quality.**

- No studies, data, or measurable objectives have been provided that support this claim.
- Storm runoff from large parts of the City ends up in creeks today, through pipes, roads, overpasses, etc.
- The same applies to ocean water quality.

**MISLEADING: The proposed ordinance applies only to new development or substantial redevelopment.**

- The ordinance redefines "development" and "substantial redevelopment" in creek buffers, making them more restrictive than they are today:
  - "Development" is redefined to include things like installing patio furniture (even if not attached to the ground), landscaping, building a walkway, etc.
  - "Substantial redevelopment" in creek buffers covers more activities than in the rest of the City.
- In at least one instance, City staff have said new development or substantial redevelopment happen when "you're completely rebuilding a building", which is not true. As mentioned, "development" includes much more than building a structure (for example planting a plant), and "substantial redevelopment" includes things like replacing more than 50% of your roof structure or 50% of a fence.

**INCOMPLETE: You can get a modification to develop on severely constrained lots.**

- There is no clear definition of what a "severely constrained" lot is. The City originally estimated that only 40 properties, approximately, met their informal criteria out of the 2000+ impacted by this ordinance. The City's opinion and that of a property owner are likely to differ significantly on this matter.
- Modifications, if approved, come with very onerous habitat restoration conditions that the City is introducing in the ordinance. For example, an owner could be forced to replant 10 native trees for every tree that was removed during development, or an equivalent measure as determined by a biologist (at the owner's expense). Any required restoration must be monitored for at least a period of 5 years (also at the owner's expense).

**QUESTIONABLE: Permits for state mandated ADUs don't require a discretionary process according to the ordinance.**

- The ordinance establishes that the Community Development Director, in consultation with the Creeks Division, will not issue a permit unless it is determined that there isn't enough room outside of the buffer area and that the intrusion into the creek buffer area is the minimum necessary to locate the ADU. The Creeks Division and property owners will likely disagree on what constitutes the "minimum necessary", and no clear and objective definition has been provided, making this a discretionary decision.
- It is also unclear how the City will treat existing outdoor structures like patios (as in, will they be considered "available" space for an ADU and therefore replaceable?).

**MISLEADING: Creek definitions, including minor creeks, are similar to those of neighboring jurisdictions (Goleta, County).**

- Goleta, in its conservation element, defines 12 creeks within the City. According to their municipal code, a creek is "designated by a blue line on the largest scale of the latest edition of the United States Geological Survey map or a creek or stream which supports fish at any time of the year, or has significant water flow 30 days after the latest significant storm." (15.09.070 of the City of Goleta's code). Geological survey maps and the official city ESHA maps do not show any "minor creek".
- Goleta's version of creek buffers ("Streamside Protection Areas") does not apply to anything resembling minor creeks as defined by the City of Santa Barbara.
- Santa Barbara County's definition of a creek is "Appears as a solid or dashed blue line on a USGS 7½-minute or 15-minute quadrangle map" (35.110.010 of the County's Code). The City's "minor creeks" do not appear on those maps.
- Santa Barbara County has some regulations for drainage in general, with the possibility of setbacks to ensure adequate drainage from a lot. That's a far cry from the strict regulations the City of Santa Barbara wants to enforce around "minor creeks".

**INCOMPLETE and MISLEADING: The ordinance is partly based on the creek definition from the California Department of Fish and Wildlife (CDFW).**

- The CDFW does not require buffers around creeks. State law requires CDFW involvement whenever a streambed alteration project is to take place. In the CDFW's own words, "the need to submit a Notification

to the Department is triggered by the substantial obstruction or diversion of the natural flow of a river, stream, or lake; or the substantial change to the bed, channel, or bank of a river, stream, or lake; or use of material from the bed, channel, or bank of a river, stream, or lake; or the deposition of waste or debris where it may enter a river, stream, or lake."

- The California Fish and Game Code (section 1602) already establishes what can be done in creeks. The ordinance does nothing more than to add more regulations on top of that by creating arbitrary buffers that extend beyond the creek itself.



**From:** [Mary E. Ferris](#)  
**To:** [CreekBuffers](#)  
**Subject:** Homeowner concern about proposed ordinance!  
**Date:** Monday, February 24, 2025 11:06:59 AM

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Please reconsider this excessive restriction to our private property as a homeowner who is adjacent to a city creek. Fifty feet is way to much, and restricting even patios and plantings would eliminate my entire backyard, to say nothing of what would happen if I had to rebuild my home after a natural disaster.

I can understand that you may want to put limits on NEW development of vacant land, but to impose this on those of us who have lived in the city for 30 years and bought the property without these restrictions is SO UNFAIR. It's like you are stealing our property from us!

Mary Ferris  
3731 Brent St, SB 93105

**From:** [Chris Fletcher](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Randy Rowse](#); [Kristen Sneddon](#); [info@sbneighbors.org](mailto:info@sbneighbors.org); [Keith DeMartini](#); [City Clerk](#); [Brian D'Amour](#)  
**Subject:** DRAFT CREEK BUFFER ORDINANCE, circa MARCH 2025  
**Date:** Friday, April 4, 2025 12:30:22 PM

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**Subject: DRAFT CREEK BUFFER ORDINANCE, circa MARCH 2025**

Dear City of Santa Barbara Officials, et. al.,

We fully oppose the Draft Creek Buffer Ordinance that the City of Santa Barbara Creeks Division is trying to impose upon all creek side properties and properties near creeks within the Santa Barbara City limits.

This stealthily proposed ordinance restricts our property rights, reduces our property values, and transfers the cost of the Creeks Division's long game for property restrictions into liabilities for the subject properties. Property owners are not compensated in any way for accepting this ordinance and its evolving list of goals. The only promise is a so-called "streamlined process" administered by a bureaucracy using autocratic methods of its own choosing and design. The Draft Creek Buffer Ordinance is capricious and has immediate property enjoyment restrictions within the creek buffer zones throughout the City. The ordinance is wide open to zealous and callous administration with absolutely no apparent affordable and thoughtfully streamlined appeal process.

The Creeks Division's Creek Buffer Ordinance is not going to simplify anything. Since most destroyed structures cannot be rebuilt in their former creek side locations because this draft ordinance, those properties would have to go through a costly "streamlined" Creeks Division's procedures to get a chance at an exception, not to mention, the normal costs and delays to get through the City's current permitting regulations to build just about anything a little bit different from the original plans.

Even if one may have enough property on which to rebuild their relocated house, our house as an example, would very likely require a new fire hydrant because we would no longer be close enough to the current Fire Department hydrant. Further, that new fire hydrant would have to be located across the creek opposite of the public roadway. If the current bridge is not acceptable to the Fire Department or Water Department for a creek crossing, then a new bridge would be required. The cost of a new fire hydrant and water line extension alone could be \$50,000 and if a new bridge is required, the cost could be in excess of \$750,000.

Of course, the Creeks Division has failed to publicly fess up to where the money will come from to pay for its “land-use-grab of 2025” and the ordinance's very real consequential costs to all and each of the differently situated dwellings within the proposed creek buffer restrictions.

Most property owners that live along Santa Barbara’s major and minor creeks are respectful and sensitive to the creeks’ importance in our environment and to the wildlife living among us. We are not out there trying to destroy these resources. We protect them. If we’ve chosen to live near a creek for its riparian values; we feel fortunate and pretty well aware.

The Creeks Division’s “ordinance bombing campaign of 2025” makes all Santa Barbara citizens emotionally and financially invested in residing along the City’s creeks feel terribly anxious and terribly fearful for our finances. It is shameful that the Creeks Division is panicking people with careless regulatory threats based on so little harm in turn for so much cost and so very little benefit.

Sincerely,

Chris Fletcher

**From:** [Peggy Fletcher](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Randy Rowse](#); [Kristen Sneddon](#)  
**Subject:** DRAFT CREEK BUFFER ORDINANCE  
**Date:** Sunday, March 23, 2025 8:11:15 PM

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Some people who received this message don't often get email from [watercolorsbypeggyfletcher@gmail.com](mailto:watercolorsbypeggyfletcher@gmail.com).

[Learn why this is important](#)

Dear City of Santa Barbara Officials, et. al.,

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Sincerely,

Peggy Fletcher

Resident along Sycamore Canyon Creek for over 3 decades.

**From:** [Steve Fort](#)  
**To:** [Stephanie Lopez Lozano](#)  
**Cc:** [CreekBuffers](#); [Melissa Hetrick](#); [Eric Friedman](#); [Randy Rowse](#)  
**Subject:** 2/19 Creeks Advisory Committee - Public Comment - Item 8.a. - Creek Buffer Ordinance  
**Date:** Saturday, February 15, 2025 9:24:42 AM

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## **Public Comment Draft Creek Buffer Ordinance**

To Whom It May Concern,

My wife and I own the property at 816 Grove Lane. I am writing to comment on the City's proposed Draft Creek Buffer Ordinance.

Please remove the drainage east of the north end of Grove Lane from consideration as a Minor Creek. This drainage is directly fed by at least three storm drains in or adjacent to Foothill Road at the intersection of Grove, Morada, and Foothill. Also, the drainage is used by COMB to drain their facilities located in the area of Ontare Hills Road (confirmed via telephone with COMB while it was happening). **We are in a situation where the City, Caltrans, and COMB are using our property for drainage without our permission and with no easement, and now the City is proposing to restrict our ability to use our property and burden our property with a de facto easement with no compensation. We believe this may be a taking.**

The Fifth Amendment to the U.S. Constitution includes the following language:

“nor shall private property be taken for public use, without just compensation.”

Unless the City and other government agencies are intending to propose to compensate us for use of our property, and the impacts of their drainage including erosion, please remove the drainage east of the north end of Grove Lane from consideration as a Minor Creek.

Additional comments on the Draft Creek Buffer Ordinance are as follows.

What Support Exists? - Do any owners of property adjacent to what the City is proposing to be called Major, Minor, and Flood Control Creeks support the proposed ordinance? Who is in support of the draft ordinance?

22.26.020 – Definitions - Section A.6. – Creek Area Development - How can the City propose to classify work that doesn't require building or grading permits as “creek area development”. The City has no jurisdiction over work that does not require permits.

22.26.090 - Modifications – There are too many unknown existing and future conditions to attempt to categorize what requires a modification. Anyone who is familiar with the entitlement process in the City is aware of the problems resulting from the discretionary power of the Creeks Division and the City's overly burdensome and inflexible storm water regulations. To propose to offer that Modifications approved by the Planning Commission may be available is disconcerting at best, and simply discourages a property owner from

bothering to request same (resulting in work that gets completed with no oversight). The likelihood of Creeks and Planning staff support for a Modification is minimal. The ordinance forces property owners to spend tens of thousands of dollars to request approval of a Modification from the Planning Commission with a staff report that will in all likelihood be stacked against them.

22.26.090.E.1. - Modifications – Why is the ordinance proposing to regulate the amount of development outside the proposed creek buffer area?

22.26.110 Conditions of Approval of a Modification – Potentially requiring the owners of single family residences to mitigate impacts at off-site locations is absurd. We aren't developers reaping profits from selling lots resulting from a Tract Map. **Who is compensating me for, and mitigating for, the impacts of the City, Caltrans, and COMB dumping drainage on our property?**

22.26.120 – ADUs – Section B.5. is unacceptable and possibly inconsistent with State housing law. This is simply giving staff the discretion to randomly require a geologic analysis for what is supposed to be a ministerial approval of an ADU.

The draft ordinance is lacking flexibility. It grants too much discretionary power to staff. The City is attempting to double down on what everyone knows is already the most problematic component of the City's entitlement process. I recommend the City address the current problems with the entitlement process before creating another layer of regulations.

I believe very few, if any, owners of property adjacent to what the City is proposing to be called Creeks are in support of this ordinance. If EDC, Urban Creeks Council, et al are so concerned about water quality, they can work with the City, Caltrans, and COMB to stop dumping run off into drainages, and they can contact me and other property owners about purchasing our properties.

Sincerely,

Steve Fort  
816 Grove Lane

**From:** [Joe Frawley](#)  
**To:** [CreekBuffers](#)  
**Subject:** Creek Buffer Ordinance and associated Local Coastal Program (LCP) Amendment  
**Date:** Monday, March 3, 2025 4:44:52 PM

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### **Creek Buffer Ordinance and associated Local Coastal Program (LCP) Amendment.**

**Members of the Santa Barbara Creekside Committee, I am a physician and have lived in Santa Barbara by a creek since 1980. The proposed regulation has several severe problems.**

- 1. The substantial redevelopment clause would have caused me to redesign my entire house when 2 years ago I had to replace our 30 year old roof. This should not require us to redesign our whole house.**
- 2. As was diagramed so explicitly and beautifully in the creek proposal itself, creeks like humans are quite varied, so to have a one size fits all standard, 50 foot setback, is not good practice and is bound to be unfair and harmful to many people including myself.**
- 3. The reason stated for this proposal in the memorandum of February 19, 2025 was frustration with dealing CEQA (California Environmental Quality Act) requirements and I quote; "This process is a source of frustration to City decision makers, staff, applicants, landowners, consultants, and community groups alike as the lack of clear requirements often creates a prolonged period of analysis and inconsistent outcomes over time. " I am sorry that it is frustrating for the City and others to deal with CEQA but this ordinance will not stop the frustration. Each house and property and creek are still different as you have shown in the proposed ordinance and will still require multiple attempts to work around CEQA to comply with its regulations.**
- 4. The ordinance amounts to a uncompensated taking of private property.**
- 5. Finally, this undermines the value of my property by arbitrarily limiting what a future buyer can do to this house and land and may force the new owner to reorient from an east-west orientation which currently allows sunlight to come into the living room from the south. In order to keep the same square footage, the new owner would be required to use a north-south orientation with loss of that lighting and the beauty of this house.**

P. Joseph Frawley, M.D.



March 10, 2025

To the Planning Commission of the City of Santa Barbara

The proposed creek ordinance oversteps. The existing 25 foot setback is sufficient for the needs of the city and the creekside owners. It cedes too much power and responsibility to future Planning Commissions and Administrators. The restrictions on using the land are repressive. What of home orchards in backyards along the creeks?

The lack of an appeal process is an example of how badly written is this 49 page document. This ordinance is being pushed through too quickly. Stakeholders and creekside owners have not had sufficient time to respond to such a huge change in setback rules and regulations. The 8000 creekside owners feel bullied by an overly aggressive city government. This is too much property and control to cede to the city. The 25 foot setback is where it should be and does what is needed.

We have owned along Mission Creek for since 1945, four generations. If our two buildings were burned or destroyed it would be more difficult if not impossible to rebuild. Even renovation is made cumbersome by the ordinance. This proposed ordinance will lead to litigation.

The Funke Family

115 -135 Kimberly Avenue

Santa Barbara California

# 503 234 4403

March 23<sup>rd</sup>, 2025

115 – 135 Kimberly Avenue

Santa Barbara, CA 93101

#503 234-4403

To the Santa Barbara Creek Commission, the Santa Barbara Planning Commission and the Santa Barbara City Council:

This is the second comment letter that the Funke Family has sent concerning the proposed Santa Barbara Creek ordinance. We attended the recent zoom meeting and have reviewed the ordinance.

The 50 foot setback asks too much of Creekside taxpayers and owners. It will not accomplish what is set forth in the opening paragraph of the ordinance. Nothing in the ordinance can be shown to accomplish the goals set forth in the preamble. The 25 foot setback should be retained and not enlarged.

This ordinance seems to us to be a taking or condemnation by ordinance. If the city wants to take property, we know they have tough city attorneys to do so because we have had to deal with them.

The top of bank calculation component is unclear and useless. Who wrote this? The only thing clear is that the calculation is meant to give the city more and owners less.

The lack of an appeal process is an example of city hall throwing its weight around.

This ordinance will make normal lending and development unlikely. We expect that if the ordinance passes, it will soon be followed by an ordinance to have public trails and right of ways through the back yards of Creekside owners, as has been attempted in the past.

The restrictions on use and repair within the new setback is draconian. We cannot have citrus trees in our back yard! We will be paying property taxes on land that cannot be used. This ordinance should be turned down or sent back for revision. The 25 foot setback should be maintained.

Sincerely

The Funke Family, Santa Barbara Residents since 1910, owners on Mission Creek since 1945.

**From:** [Cathy Garcia](#)  
**To:** [CreekBuffers](#)  
**Subject:** New law  
**Date:** Saturday, March 1, 2025 12:32:54 AM

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[You don't often get email from cathygarcia48@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Do not steal our land and lower property values. You do not have the right.  
Cathy Garcia

I hope that I am signing the petition by submitting this.  
Sent from my iPhone

**From:** [Jarrett Gorin, AICP](#)  
**To:** [Erin Markey](#)  
**Cc:** [Melissa Hetrick](#)  
**Subject:** Request for Individual Notice - Creek Buffer Ordinance  
**Date:** Tuesday, February 18, 2025 9:35:31 AM

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Hi Erin and Melissa,

I am an interested party and property owner that will be affected by your proposed Creek Buffer Ordinance. I became aware of this ordinance through communications from City staff because I am processing several applications that would be directly impacted by this ordinance.

I live within 15 feet of a purported "Minor Creek" and I have not received any mailed notice about the ordinance or any associated public meetings. I understand that owners along "Major Creeks" may have received a mailed notice. Owners along purported "Minor Creeks" have the potential to be directly and adversely affected by this ordinance as well, and should also receive notice for the City beyond getting lucky and happening to see an add in a paper..

I hereby request that the City provide individual notice to me, via E-mail, at least 10-days in advance of every single public meeting related to the Creek Buffer Ordinance consistent with California Government Code Sec. 65092(a). Please respond and confirm that I will receive this notice going forward.

It would also great if the City would provide a means for interested parties to sign up for individual notice via E-mail on your Creek Buffer Ordinance web page. This would ensure opportunities for public participation by impacted parties at upcoming hearings.

Thanks in advance!

---

**Jarrett Gorin, AICP**

**Principal**

Vanguard Planning Inc.

735 State Street, Suite 204

Santa Barbara, CA 93101

(805) 966-3966

(805) 715-7005 FAX

[jarrett.gorin@vanguardplanning.com](mailto:jarrett.gorin@vanguardplanning.com)

[www.vanguardplanning.com](http://www.vanguardplanning.com)

**Please consider the environment before printing this E-mail**

**From:** [Tim Gorter](#)  
**To:** [CreekBuffers](#)  
**Subject:** Draft creek ordinance  
**Date:** Tuesday, April 1, 2025 4:42:37 PM

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You don't often get email from tim@tim-gorter-architects.com. [Learn why this is important](#)

Hello,

I recommend in the ***strongest way possible*** that the draft creek ordinance be updated on page 26 to include FEMA 100 year flood surface elevations for the two Case 1 diagrams.

Otherwise, in the case of a long or wide gradually sloping "canyon" cross section at the creek, property owners run the very real risk that a top of bank is established very far from the creek, in a way that has no relationship to the watercourse in any way. If the FEMA 100 year flood surface elevations are included in those diagrams, and top of bank is considered in relation to these surface elevations, that very unfortunate scenario can be avoided.

For example, if you look at the Case 1 Lower diagram, and imagine that the "canyon" at the creek slopes gradually up for a Height of 200 ft, the top of bank would be 300 ft from the watercourse, and the setback (for a major creek) would be 350 ft from the watercourse (300' + 50'). This could be the case despite the fact that the FEMA 100 year flood surface elevation is only (let's imagine) 50 ft from the watercourse.

It is important that top of bank is grounded in the reality of what could actually happen to the water level in the creek in a 100 year flood event.

If you believe that these definitions would not be twisted to disadvantage property owners, then you do not know how horrible it has been to deal with the creeks department on development projects over the years. This ordinance must be written in a way that doesn't let it be manipulated by an overzealous creeks department. Including the FEMA 100 year flood surface elevations for Case 1 diagrams so as to tie the distance to the top of bank to the 100 year flood event achieves this purpose.

Thank you,

|||||

Tim Gorter, AIA o +1 805-367-3373 m +1 805-280-9694

w <https://tim-gorter-architects.com/>



**From:** [Donald W. Tricia L. Green](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Donald W. Tricia L. Green](#); [Kristen Sneddon](#)  
**Subject:** Proposed Creek Buffer Ordinance  
**Date:** Monday, April 7, 2025 2:37:49 PM

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[Some people who received this message don't often get email from dntgreen@msn.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

The communication and outreach by the City to affected property owners regarding the new proposed creek ordinance has been totally inadequate. The postcard with photos of overflowing creek beds sent to property owners in January 2025 failed to inform recipients of the much larger scope of this ordinance—namely that it also applies to so-called “minor creeks” (basically unnamed, occasionally seasonal minor flows). And there was only one public meeting scheduled by the City, so if you were unable to attend that meeting you were out of luck.

I only realized my property would be affected after reading an article in NoozHawk about the scope of the ordinance and a group of citizens speaking out against it. I subsequently received a letter from this citizen’s group that was far more informative than the communication from the City. Thankfully the comment period on the ordinance has been extended twice, allowing for further citizen input.

As the ordinance moves through the review process, I ask that all future opportunities to review and comment in a timely manner be communicated DIRECTLY to affected property owners via LETTER and/or EMAIL and that that more than one public meeting held be held, well publicized in advance to allow for the widest possible public attendance and participation.

P. L. Green  
District 1

Sent from my iPad

**From:** [Schuyler Greenawalt](#)  
**To:** [Erin Markey](#); [Melissa Hetrick](#)  
**Subject:** Re: Creek Buffer Ordinance Mailing List  
**Date:** Thursday, February 20, 2025 9:00:29 AM

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Hello Melissa/Erin -

This is Schuyler Naphen (Greenawalt) from the meeting last night. Thank you for giving the public the opportunity to speak on the proposed Creek Buffer Ordinance. You mentioned in your presentation last night a list of 40 properties that you have deemed most impacted by the proposed ordinance. Would you be willing to share this? As I said last night, I'm on San Roque creek on Canon Drive. Between Stevens Park and Upper State Street, I'm seeing roughly 10-12 homes that I would certainly consider to be on that list, and given that this is a city wide ordinance, I'd frankly love the opportunity to check your list against mine in my neighborhood.

I have also been working with ANACAPA Architecture on a plan to redevelop the lower portion of my property, and have already invested roughly \$30k towards this effort. My property is subject to a dizzying array of overlays and restrictions. I am:

1. On the Historic Inventory
2. High Fire
3. Sensitive Habitat
4. Archeological
5. FEMA Flood Plain
6. Severely Limited by Slope

We have come up with a master plan that replaces my existing garage with an entirely concrete structure, moves it further back from the creek (but still well within the 50' buffer, as there is nowhere else to place it) and includes an 800 square foot ADU also built entirely of concrete. The plan also includes bioswales and living roofs to vastly improve stormwater quality. The rub is this - with the pace at which projects can move through the system, it's an absolute fire drill to get this into the system before the proposed ordinance goes into effect. These would be improvements that would vastly improve both safety and water quality. I am far along enough in this process to know that I can jump through every single one of the regulatory hoops above, but the Creek Buffer Ordinance, as written, would almost certainly be a hoop I can't jump through. As I asserted last night, my only incentive if that happens is to leave old, substandard structure in place indefinitely - which as I pointed out does nothing to promote safety or environmental quality. Would you be willing to come meet me and the team from ANACAPA to discuss my project and our concerns onsite?

Best

-Sky

Schuyler Greenawalt

**From:** [alex harrison](#)  
**To:** [CreekBuffers](#)  
**Subject:** Concerns with the Creek Buffer Ordinance  
**Date:** Monday, April 7, 2025 6:35:33 PM

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You don't often get email from alexharrison1223@gmail.com. [Learn why this is important](#)

Hello,

Under this ordinance, my house on the 400 block of De La Vina St will be a "nonconforming creek area development" once the County of Santa Barbara Flood Control and Water Conservation District completes the Mission Creek Improvement Project Reach 4 (now planned for 2026).

A thirty-five foot buffer within the Flood Control Project Reach seems excessive if the county's improvement project has reinforced the banks to mitigate erosion.

I ask that a 25 foot buffer is considered for properties within the Flood Control Project Reach.

My home was built in 1925. It is very possible it will need a "substantial redevelopment" in the future. I see this would involve asking the Planning Commission for a modification under Section 22.26.090 - which would then need to meet the required findings of Section 22.26.100. Would it also need an environmental analysis, a biological evaluation, a soils/geotechnical/hydrology evaluation, and a topographic survey?

I ask that Section 22.26.170 be changed so that substantial redevelopment occurs when more than 80% of the structural elements of the roof, exterior walls, or foundation are replaced.

Thank you for your time,  
Alex Harrison



**From:** [Karen Hartman](#)  
**To:** [CreekBuffers](#)  
**Subject:** I Oppose the Creek Buffer Ordinance  
**Date:** Friday, March 21, 2025 12:24:15 PM  
**Importance:** High

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You don't often get email from [khartmancpa@comcast.net](mailto:khartmancpa@comcast.net). [Learn why this is important](#)

To the City of Santa Barbara,

**I oppose the Creek Buffer Ordinance and I urge the City to reconsider and abandon this unnecessary and burdensome regulation.**

I am a homeowner on 1034 Palermo Drive and my single family home backs up to the Arroyo Burro Creek. The proposed ordinance would require a 50 foot buffer zone from the top of the creek. This buffer zone would go into my home and possibly include all of my home. This is outrageous! The way the ordinance is written, I wouldn't be able to do any new development or **improvements** to my property including the structure or landscaping. Not only will this negatively affect my property value, but it is too extreme! This is creating an undue hardship and will impact thousands of residents. My home was built in 1960 and is in compliance with regulations that existed and have been established for over 50 years. It is basically a land grab surrounding the creeks. The city must listen to homeowners. I never received any notification from the City of Santa Barbara about this proposed ordinance. The only communication I received was information from the sbcreekneighbors.org.

Again, I urge you to reconsider and abandon this proposed ordinance.

Thank you,  
Karen Hartman

*Karen T. Hartman, CPA  
Cell 805-637-3550  
[khartmancpa@comcast.net](mailto:khartmancpa@comcast.net)*

**From:** [Klaus Heinemann](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Wendy Santamaria](#); [Mike Jordan](#); [Oscar Gutierrez](#); [Kristen Sneddon](#); [Eric Friedman](#); [Meagan Harmon](#); [Randy Rowse](#)  
**Subject:** Creek Buffer Ordinance // Public Comment (in opposition)  
**Date:** Wednesday, March 12, 2025 12:28:47 PM

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You don't often get email from klaush@mcn.org. [Learn why this is important](#)

**From:**

**Klaus Heinemann, Ph.D.**

**1505 Grand Ave, Santa Barbara, CA 93103**

**klaush@mcn.org**

**408-731-0794**

**3/12/2025**

**To:**

**Santa Barbara City Council**

**City Hall**

**735 Anacapa Street**

**Santa Barbara, CA 93101**

**Subject: Opposition to Proposed Creek Buffer Ordinance**

**Please forward this message as appropriate**

**Dear Members of the Santa Barbara City Council,**

**As a homeowner directly impacted by one of Santa Barbara's minor creeks, I am deeply concerned about the proposed Creek Buffer Ordinance, which would increase setback requirements and add additional layers of oversight for property modifications. While I support responsible environmental stewardship, these changes could unfairly burden homeowners like myself, limiting our ability to maintain and improve our properties without providing clear ecological benefits.**

**The proposed expansion of buffer zones and additional permitting requirements would severely restrict how homeowners can use and enhance their properties. For those of us with homes near minor creeks, these restrictions could prevent routine upgrades such as deck expansions, fencing installations, and even necessary erosion control measures. Instead of applying a rigid, one-size-fits-all regulation, the city should consider more**

**flexible policies that evaluate creek impacts on a case-by-case basis.**

**Adding more bureaucratic hurdles, such as new zoning approvals and planning reviews, will not only increase costs for homeowners but also create unnecessary delays and legal ambiguities regarding what is permitted on private property. These measures could reduce property values and discourage responsible land stewardship rather than promote it. I urge the City Council to reject this proposal and seek a more balanced approach that respects both environmental concerns and homeowners' rights.**

**Sincerely,**

**Klaus Heinemann**

**From:** [Jed Hendrickson](#)  
**To:** [CreekBuffers](#)  
**Subject:** Oppose the Creek Buffer Ordinance  
**Date:** Thursday, March 6, 2025 7:31:26 AM

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You don't often get email from jedhendrickson@gmail.com. [Learn why this is important](#)

I oppose the Creek Buffer Ordinance and urge your no vote.

Jed Hendrickson  
Santa Barbara, CA

**From:** [Kathy Hewitt](#)  
**To:** [CreekBuffers](#); [Melissa Hetrick](#)  
**Subject:** santa barbara city creek buffer ordinance  
**Date:** Thursday, April 3, 2025 2:18:48 PM

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Some people who received this message don't often get email from kathleenhewitt805@gmail.com. [Learn why this is important](#)

Hello,

My husband and I live at 3735 Capri Dr. Our home backs up to Arroyo Burro Creek. We DO NOT approve of the city taking any of my property, especially 50ft. It would render our home value to zero. The city needs to fix the embankment without taking anyone's property. There are hundreds of properties that this would affect and could possibly leave people homeless. Finding a different solution can be done and there should be other solutions that don't threaten anyone's property or lives.

We would imagine that if this ordinance is passed, there will be lawsuits filed that will be costly to both parties. We hope it doesn't come to that, but if it does, we will be involved.

Sincerely,  
Kathleen and Charles Hewitt

VIA EMAIL

March 20, 2025

Melissa Hetrick  
City of Santa Barbara  
Resilience Program Supervisor, Creeks Division  
620 Garden Street  
Santa Barbara, CA 93101

RE: Creek Buffer Ordinance

Dear Ms. Hetrick,

We have briefly reviewed the January, 2025 draft of the Creek Buffer Ordinance and have the following thoughts and questions for your consideration. There is a long history of competing policy objective found in our General Plan relating to resource protection and we understand that the draft ordinance aims to introduce regulatory clarity. However, it may not be possible to both (simply) increase watershed protection while also encouraging housing. If the draft ordinance were amended it may be found consistent with our General Plan and several other State housing laws that encourage housing production. For a wider context, please refer to the [February 25, 2025 news story by Cal Matters](#) where UC Professors say that, with the exception of ADU law, California is simply not seeing real housing production envisioned via housing related legislation.

*"The ADU boom stands alone. No other form of housing production took off in California during this period."* UC Davis professor Chris Elmendorf and UC Santa Barbara professor Clayton Nall

1. The draft ordinance takes cues from the City's Environmental Resources (ER) Element, and its Possible Implementation Actions to *"...increase creek buffers in an effort to reduce potential watershed impacts from development..."* However, those actions speak only to expanded buffers along existing 'major' creeks. The proposed ordinance introduces the term of, and theoretical territory for, 'minor' creeks. Therefore, the proposed ordinance appears to significantly increase the City's jurisdiction over new geographic area and function. Before the proposed ordinance can be further evaluated, please provide a total area (or an extrapolated area from the proposed new lineal feet of regulated land) of the increased area of jurisdiction along with the total number of parcels potentially affected.
2. The cited ER policies were considered nearly 20-years ago, well prior to our current housing crisis. Our more recently ratified General Plan, and specifically our Housing and Land Use Element policies may conflict with the proposed ordinance, particularly:
  - Housing Element Policy 1.4 to, *"Reduce and, where feasible and practical, remove unnecessary City-imposed constraints that impede housing development,"*
  - Housing Element Policy Programs HE5, HE6, HE8, & HE9 that are specifically intended to reduce regulatory jurisdiction and *"reduce the need for site-specific technical studies and streamlining..."* associated with residential projects and specifically ADU's,

- Most of the Policies within Housing Element Goal 2 that are intended to prioritize affordable housing over other General Plan policies, and,
  - Land Use Element Policy GL1., that specifically directs the City to, “*Prioritize the use of available resources capacities for additional affordable housing...*” Consider here that the [Gardens on Hope senior housing project](#) could not be constructed under the ordinance as proposed.
3. Section 22.26.120 of the proposed ordinance appears contrary to other City codes and policies with respect to allowing ADU’s ‘by right’ and with a building permit only. As written, at least two departments or people within the City must use some level of discretion to determine what may or may not be ‘sufficient’ room on a lot for an ADU, and furthermore introduces a new 75-year standard to measure ‘potential erosion.’ We believe that the City is asking for cost prohibitive studies and that the City may lack the corresponding technical expertise to properly evaluate an applicant sponsored study, which sets up a complicated process wherein an applicant may have to pay for ‘peer reviews’ by the City, potentially equivalent in cost and procedures to an Environmental Impact Report.
  4. Discretionary Modification procedures are introduced regarding potentially new, non-conforming development and for only certain limited private development in a buffer. Establishing legal non-conformity is highly technical exercise with real legal consequences. Before your office embarks further in this direction, a permit history review on every parcel that has the potential to be regulated for potential non-conformities by this new ordinance should be conducted and disclosed to affected property owners.
  5. The ordinance, as proposed, may further erode the City’s property tax base given that owners or applicant’s may simply make improvements to their properties without permits after considering costs and risks associated with compliance under the proposed ordinance. It may be useful to consider an ‘amnesty’ period under which potential illegal non-conformities created by this ordinance can be deemed legal. Alternatively, under an adaptive management program for a period of time this ordinance can be reconsidered if it is not having the desired outcome.

Thank you for taking the time to consider our thoughts and questions and we’d appreciate responses via email and in advance of the next scheduled public hearing, which we understand is proposed for the Sustainability Council or Planning Commission.

Sincerely,

Jay Higgins, AICP, City Planning Commissioner 2015-2022

Addison Thompson, City Planning Commissioner 2007-2008, 2011-2018

John Jostes, City Planning Commissioner 2004-2012, Creeks Committee Member 1995-2003

cc. City Council Members via [HPerea@SantaBarbaraCA.gov](mailto:HPerea@SantaBarbaraCA.gov)

Thank you for the opportunity to provide comments on the draft Creek Buffers Ordinance (Ordinance), dated January 2025. These comments address two concerns associated with the Ordinance's application to activities undertaken to mitigate naturally occurring erosion, and do not address the reasonableness of the Ordinance's effect on the construction of ADUs or other structures. First, the Ordinance both fails to provide a process for property owners to feasibly ascertain what the City deems "top of bank." Second, the Ordinance unreasonably applies the same restrictions and permitting to both ADUs and activities undertaken to protect property and structures from naturally occurring erosion.

Specifically, the language in Section 22.26.160 regarding how to determine the top of the bank is confusing and does not provide property owners with a reasonable means of determining which "case" is applicable to their property. As such, it is not possible for existing property owners to understand how this ordinance will affect their property rights. When the City proposes to impose strict requirements based on the "top of bank" categorization identified in Section 22.26.160, it must also provide a process for homeowners to easily determine which "case" applies to their property.

In addition, the Ordinance fails to distinguish between different types of "creek area development," resulting in the same permitting requirements applying to vastly different types of activities. There is simply no justification for treating activities designed to prevent naturally occurring erosion from damaging property in a manner identical to the treatment of construction of ADUs or other accessory buildings. Moreover, Section 22.26.090 requires the more expensive and onerous modification process to address naturally occurring erosion *before* it threatens existing structures, whereas abatement of an *actual* threat from erosion requires only a clearance pursuant to Section 22.26.080. It is fundamentally unfair to penalize proactive homeowners by requiring a more onerous and expensive review process for addressing naturally occurring erosion before it threatens a structure than for actions required when the threat has become imminent. In fact, the Ordinance incentivizes homeowners to ignore natural erosion until their structures are threatened, even if the erosion harms creek resources. Waiting until there is an emergency may also reduce options for addressing the emergency, with the result that creek resources are less protected than if the erosion had been addressed prior to the emergency. Finally, the Ordinance contains no provision for protecting property subject to natural erosion until an actual structure is threatened. This unfairly deprives property owners of the ability to protect and preserve their side yards.



In sum, we strongly urge the City to more clearly define “top of bank” and to provide a process for homeowners to easily determine which case applies to their property. In addition, we encourage the City to use the clearance process to allow activities designed to prevent naturally occurring erosion threatening side yards and structures, rather than the modification process.

Thank you for considering these comments.

Caryn Holmes

Jean Holmes

**Marcela Horta**

2045 Monterey St  
Santa Barbara, CA. 93101  
marcelahorta86@gmail.com  
805-689-1208

March 07, 2025

**City of Santa Barbara - Creek Buffer Ordinance**

Dear Sustainability & Resilience Department,

I am writing to express my concerns regarding the proposed ordinance on creek buffers, specifically the limitation of 15 feet on the buffer side of properties. As a homeowner, I have lived at 2045 Monterey Street for 14 years and have observed no instances of creek overflow, even during heavy rainfalls. Despite this, I have significant reservations about how this ordinance would affect my property, and I hope you will consider my concerns carefully.

First, my property consists of a narrow strip of land, with a width of 50 feet in the front and narrowing to 34 feet in the back. The proposed 15-foot buffer limitation on the creek side of my land would significantly restrict any future development or construction possibilities. As a result, this would severely hinder my ability to expand or make necessary improvements to my property, limiting its potential use and value.

Furthermore, in the event of a natural disaster, rebuilding would become particularly difficult with these buffer restrictions in place. The constraints on construction and land use could delay repairs, making it harder to recover in a timely and efficient manner. This would only add to the hardship that homeowners would face in such a situation.

Additionally, I am deeply concerned about the impact this ordinance will have on my property value. With the limitations imposed on land use, the future marketability of my home will be significantly reduced. Prospective buyers may view this as a deterrent, lowering the overall appeal and worth of my property.

Finally, in my 14 years of living here, I have never witnessed any flooding or overflow from the creek, even during periods of heavy rainfall. This further leads me to question the necessity of such restrictive measures in the absence of any apparent risk. I fear that without the ability to rebuild after a disaster, I may be forced to sell my home, as it would no longer meet my needs or maintain its value.

I respectfully ask that your department reconsider the impact of this ordinance on homeowners like myself and the broader community. I urge you to take into account the challenges this will present for property owners, particularly those with limited space or narrow lots.

Thank you for your time and consideration. I look forward to hearing from you and hope that we can work toward a solution that serves the needs of both the environment and the property owners affected by these potential changes.

Sincerely,  
Marcela Horta

**From:** [Samantha Ireland](#)  
**To:** [CreekBuffers](#)  
**Subject:** Concerns Regarding Proposed Creek Ordinance  
**Date:** Tuesday, March 18, 2025 4:17:36 PM

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You don't often get email from [samantha.ireland@kw.com](mailto:samantha.ireland@kw.com). [Learn why this is important](#)

Dear City Staff:

I am writing to express my concerns regarding the proposed Creek Ordinance and its potential impact on my property rights. I have been a homeowner in Santa Barbara for 32 years, and my property includes a creek along the back property line. While I understand and appreciate the City's efforts to promote sustainability and environmental protection, I am concerned that the new ordinance may impose restrictions that could limit my ability to use and maintain my property.

After reviewing the proposed ordinance, I am particularly concerned that its language suggests increased limitations on property rights. However, I understand from discussions with others that the intent may actually be to provide more flexibility than the existing ordinance. If that is the case, I strongly urge the City to revise the ordinance language to clearly reflect this intent. Clarity and transparency are essential to ensuring that affected homeowners fully understand how these regulations will impact them.

I would appreciate further clarification on how this ordinance would affect current property owners, particularly in terms of maintenance, improvements, and potential use restrictions. I also encourage the City to engage with residents to ensure our concerns are considered before finalizing the ordinance.

Thank you for your time and attention to this matter. I look forward to your response and any additional information you can provide.

Best regards,  
Samantha Ireland  
420 Calle Alamo  
Santa Barbara CA 93105

email: [samantha.ireland@kw.com](mailto:samantha.ireland@kw.com)

**From:** [ljohnson@2036.net](mailto:ljohnson@2036.net)  
**To:** [CreekBuffers](#)  
**Subject:** Creek Buffer Ordinance  
**Date:** Monday, April 7, 2025 1:00:54 PM

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[You don't often get email from [ljohnson@2036.net](mailto:ljohnson@2036.net). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

City of Santa Barbara

The proposed Creek Buffer Ordinance is simply put an attack on property rights. Many aspects of the Ordinance are subjective.

To be specific, if our home suffered major damage the City can deny us the ability to rebuild. If we are allowed to rebuild, we couldn't anyway because of the proposed Buffer. We would own a lot.

Additionally, there is no stopping the City from modifying the ordinance in the future.

Linda Johnson  
3667 Rockcreek Rd.

## DEVELOPMENT ALONG CREEKS - January 2025 Draft PUBLIC REVIEW

Thank you for the opportunity to comment.

First, please note that no FEMA nor Army Corps document defines “top of bank”.

The January 2025 Draft is based on 45-year-old County language for determination of top of bank. Hydraulics engineering has greatly advanced since then.

1. The definition of “Top of Bank” (page 3 of the Draft) references an intersection of a “creek bank” and a “hinge point”. An intersection involves lines and planes. No lines or planes are identified in the definition.
2. The phrase “generally level ground above” is subjective.

### 22.26.160 “Determining Creek Top of Bank”

“The top of the bank is determined by the creek channel geometry.”

Reliance on creek channel geometry is simplistic, and can yield an absurd result: “top of bank” located outside the 100 year flood plain.

The revised standard reduces development potential, violating SB330.

### **A much simpler and objective definition of Top of Bank is:**

the less restrictive of

- the outer extent of the 100 year flood plain
- the outer extent of a FEMA approved floodway

Steve Johnson  
saj@stevej.com

**From:** [Robert LaRoche](#)  
**To:** [CreekBuffers](#)  
**Subject:** Creek Buffer Ordinance  
**Date:** Saturday, March 8, 2025 3:21:34 PM

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You don't often get email from larocheb@gmail.com. [Learn why this is important](#)

To whom it may concern -

My name is Robert La Roche and I am the owner of real property located at:

109 Citrus Ave.  
Santa Barbara, CA 93103

I am writing to you to express my opposition to the Creek Buffer Ordinance that is being considered by the city. This ordinance will greatly affect property owners rights and property values in the future. If my property loses value I will demand a reduction in the amount I pay in property tax, multiply that by however many parcels will be affected and you are talking about real money.

So again I will state my complete opposition to this ordinance.

Thank you in advance,

Robert B. La Roche

**From:** [LaSalle](#)  
**To:** [CreekBuffers](#)  
**Subject:** Public Feedback  
**Date:** Sunday, April 6, 2025 11:39:42 AM

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You don't often get email from jlasalle73@yahoo.com. [Learn why this is important](#)

I'm not a property owner  
I live in Santa Barbara  
I am an environmentalist

I think this ordinance, as proposed, does more harm than good. It is yet another level of bureaucracy for property owners, and doesn't truly protect the watershed. More time and money spent for not a great result.

Regards  
Joy LaSalle,  
Santa Barbara, CA



**From:** [Dale Lauderdale](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Randy Rowse](#); [Wendy Santamaria](#); [Mike Jordan](#); [Oscar Gutierrez](#); [Kristen Sneddon](#); [Eric Friedman](#); [Meagan Harmon](#)  
**Subject:** Santa Barbara City Creek Buffer Ordinance  
**Date:** Saturday, March 22, 2025 1:39:39 PM

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Some people who received this message don't often get email from dale.lauderdale@gmail.com. [Learn why this is important](#)

My wife and I (Carolyn and Dale Lauderdale) have owned and resided in our 3740 Capri Drive home for the past 45 years. This May we will turn 81 and 87 years old. Our home is one of hundreds that were built adjacent Arroyo Burro Creek with Santa Barbara City's blessings (properly zoned and permitted). We have been good stewards of our home / investment.

We have refinanced our home several times since 1979 and used the additional funding for education and home improvements (remodeling, maintenance, property upgrades, retaining wall etc.). All, I might add with the expectation (or should I say assumption) that our investments would provide for our future financial security. Our property was appraised in April, 2016 at \$1,050,000. One would expect it to be worth more in 2025.

The proposed 50 foot buffer zone does not, as I understand it, impact our ability to live in our home until we are forced to sell (a death, assisted care or skilled nursing). However, we have looked toward selling our property when prudent or necessary to fund (in large part) a retirement home or other required care facility.

The proposed ordinance effectively destroys the value of our home for resale purposes. Who would want to purchase it knowing it doesn't comply with the ordinance? What bank would be willing to finance such a purchase? What Insurance Company would insure it? And if unsaleable, we would have to use retirement funds simply to pay off the mortgage.

We can't imagine that this ordinance, if passed, will not be challenged in the courts. Let's hope, for the financial well being of the property owners and the City of Santa Barbara, that it won't come to that.

**From:** [Scott Lederhaus](#)  
**To:** [CreekBuffers](#)  
**Cc:** [jfargas@sbcreekneighbors.org](mailto:jfargas@sbcreekneighbors.org); [Ron Wilmot](#)  
**Subject:** Santa Barbara Creek Buffer Ordinance  
**Date:** Friday, March 7, 2025 5:21:47 PM

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You don't often get email from [slederhaus@gmail.com](mailto:slederhaus@gmail.com). [Learn why this is important](#)

I recently learned about this buffer ordinance that is being considered for homes along the creeks. I live at 3119 Argonne Circle and according to your map this puts my home next to a minor creek.

I am opposed to this ordinance since almost the entirety of my home sits within about 50 feet of the edge of the creek. My home was built in 1947 and my wife and I remodeled the home about 12 years ago and we live full time in this home.

My understanding is that if my home were to burn down then the city would not allow my home to be rebuilt. This is absurd and certainly there should be consideration for pre-existing structures. This is ridiculous and I have the utmost disdain for the city to take this type of retrospective approach to management of the creeks. Absurd.

Scott Lederhaus, MD  
909-518-4370

**From:** [Scott Lederhaus](#)  
**To:** [CreekBuffers](#)  
**Cc:** [jfargas@sbcreekneighbors.org](mailto:jfargas@sbcreekneighbors.org)  
**Subject:** Creek buffer issue  
**Date:** Monday, March 10, 2025 9:38:42 AM

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I saw on-line, after being notified by a neighbor, there was a meeting between the Santa Barbara Board and some homeowners who were aware of this ordinance. What they said made a lot of sense. But, this meeting was hidden from the public in a way that not everyone would have known about the meeting or what it was about.

I am opposed to the creek buffer ordinance as this is something that not only will upset each and every homeowner on the creeks, but will devalue our properties. If this were to cause the value of my home to depreciate \$1,000,000 then who will pay for that? I would say that the city is liable for that depreciation. This would cause attorneys to be involved, perhaps a class action lawsuit against the city and who would benefit from this? The attorneys. The city would lose money, likely lose the lawsuit and the citizens will all be upset at the city for such a poorly thought out process.

In addition, the homeowners were only notified of this via a card in the mail, something that looked like trash mail. We should have been formally notified via a letter, etc. As well, there was no follow up with a letter after the card notification. Not many knew about the public meeting. There has been no notice on what this would affect or how this would be implemented.

Does this ordinance include restrictions on putting on a new roof if my roof is within the 12 feet of the creek's edge? How about a window replacement? What about an air conditioning unit within the 12 foot zone. And if my home were to suffer a fire then it's anybody's guess what that would include or how it would affect rebuilding after a fire. It sounds like the city would be involved and force draconian solutions to the problem.

After looking at some online information put up by a neighbor, I learned that this ordinance includes planting of vegetation within the setback which is another imposition on homeowners. Who is to say what plants could/should be planted on my property? Or how I would be forced to plant 10 new oak trees if I cut down one of my oak trees. I have three gigantic oak trees on my property and there would be no room to plant more trees.

My home was built in 1947. I have been in the home since 1/1/2004. Prior to 2004 there were some renovations and since 2004 we added a bedroom all with the city's approval, blue prints, etc.

This ordinance has to be shut down certainly for the long-time homeowners. Any new construction on an empty lot is another story, but existing neighborhoods cannot tolerate such imposition.

I would like to know who made the decision to enact this legislation and where do these legislators live and why this action is being considered particularly with the economy on the brink? This does not touch on the hard financial times which will be an issue at least for the next year or two?

I understand that one of the board members lives on a creek and due to conflicts of interest will not be involved in this process. This would imply that all the rest of the board are personally not affected by this decision and have nothing to lose. I would like to hear from the one member who decided he/she should not be involved in this process due to conflicts of interest. What is his/her position and what does he/she think about this ordinance?

I have a lot more to add but I will end here. Certainly I want to be notified about any future meetings and decisions.

Thank you for your attention to this matter.  
Scott Lederhaus MD  
3119 Argonne Circle  
909-518-4370

**From:** [Walter Lewis](#)  
**To:** [CreekBuffers](#)  
**Subject:** Draft Creek Ordinance - Public Comments  
**Date:** Wednesday, February 26, 2025 1:41:45 PM

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You don't often get email from [walter.lewis2030@gmail.com](mailto:walter.lewis2030@gmail.com). [Learn why this is important](#)

To whom it concerns,

We have a property adjacent to Lighthouse Creek and do not know why this is categorized as a "Major Creek"? In addition, a 50' setback is too restrictive. This creek is in the bottom of a ravine that is 35'+ deep and will not flood as it is dropping from the Mesa to the ocean. There are many existing homes that have a 0' set-back and are built up to the top of bank. A 50' setback (or buffer area) would take out most of our existing house!

Specific comments are as follows:

Pg, 4 22.26.020 Definitions, D, h. Lighthouse Creek – Strike "Lighthouse Creek" as a Major Creek and change to be a Minor Creek. How did someone establish that this is a "major creek" in the first place?  
Pg 6, 22.26.030 Creek Buffer Areas Designated, B. Strike "Lighthouse Creek". The City has a generator and other facilities within the Creek Buffer Zone. If this gets approved, will the City be required to move its facilities out of this Buffer Zone? What about existing powerlines, etc?

Pg 7, 22.26.060 Nonconforming Creek Area Development in Creeks and Creek Buffer Areas on Private Land, A., 3. A one year period is too short (especially if a house is getting remodeled). Propose to change this to one and a half years.

Pg 8, 22.26.060 Nonconforming Creek Area Development in Creeks and Creek Buffer Areas on Private Land, C., I am not sure what this is trying to say?

Pg 8, 22.26.060 Nonconforming Creek Area Development in Creeks and Creek Buffer Areas on Private Land, D. I propose this be deleted. If there is a fire, we should be allowed to replace the nonconforming creek area development to its original footprint. If not this causes irreparable damage since there will not be sufficient land left to rebuild since the 50' buffer takes out much of the existing house and the City's front yard set-backs constrain the build out towards the front and the City's height restrictions limit building upwards, thus you can never get the current square footage back.

Pg 9, 22.26.060 Nonconforming Creek Area Development in Creeks and Creek Buffer Areas on Private Land, F. propose adding a new #3. The Building addition or site alteration is allowed to be cantilevered over the creek or creek buffer area.

Pg. 10 22.26.070 Exempt Creek Area Development, B., 3 & 4. I propose these sections be replaced. If private citizens cannot be within the buffer zone, neither should the City facilities. Or, should the City facilities be upgraded or improved, the City will be required to move their facilities out of the buffer area within 1 year.

Pg 12, 22.26.080, A., add a new #8. Replacement of Nonconforming Creek Area Development that have been destroyed due to acts of nature (fire, tornado, tsunami, etc) to their original footprint and square footage.

Pg 15, 22.26.080, E.1.a., change 1,200 square feet to "1,200 square feet or the existing square

footage, whichever is greater.”

Pg 26 & 27, 22.26.170 A.1.a., b., c. this section that uses 50% does not allow for homeowners to perform major repairs/replacements on their property. I propose this language be revised to allow for repairs to nonconforming developments provided that no new additions be allowed in the buffer area, except cantilevered improvements.

Let me know if you have any questions. I can be reached at 703.380.0369

Regards,

Walter

**From:** [Ricardo Lopez](#)  
**To:** [CreekBuffers](#)  
**Subject:** Santa Barbara Creek Buffer Ordinance  
**Date:** Saturday, March 8, 2025 4:14:49 PM

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To Santa Barbara City Council Members/

I am a homeowner of a property which has a small creek running behind it. I STRONGLY oppose the pending ordinance increasing the buffer zone to fifty (50) feet.

The current permit process, building costs and insurance costs in Santa Barbara alone, currently make building anywhere along my property prohibitive. Environmental protection is a worthy goal, but these proposals add no demonstrable benefits in lieu of existing regulations already in place.

I urge you to abort this ordinance immediately,

Ricardo Lopez, MD  
2136 Foothill Lane  
Santa Barbara, CA  
93105

**From:** [Ivan Lorkovic](#)  
**To:** [Melissa Hetrick](#)  
**Subject:** Creeks  
**Date:** Thursday, March 6, 2025 8:05:43 AM

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[You don't often get email from ivanlorkovic0@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Hi Melissa,

I am against this.

To paraphrase: "Permitting is hard, we want it to be easy and so are applying maximum conceivable limits and scope of nebulous well-intentioned but misguided laws to make it easy."

1). San Roque Creek between Grove and Hope is not a creek. It's a drainage connected by multiple barrancas, pipes and bridges. Have you ever walked it past foothill? I have. It goes underground north of Willowglen. It flows for 1 season out of four, if we're lucky. Maybe if a creek has a trail this permit rule could apply. Then that would be a reason to keep the trail open.

2) Part of the reason San Roque/Jesusita do not pose a danger is because of upstream engineering: debris dams, etc. Those massive structures cost a lot and are there for a reason.

3) Less space for higher density housing? I'll let you consider the regressiveness here.

4) I don't want coyotes in my back yard and neither do younger families with smaller kids. Skunks are interesting enough.

5) It's our land, we bought it. The city want it now? No.

-Ivan



**From:** [Rob Maday](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Wendy Santamaria](#); [Mike Jordan](#); [Oscar Gutierrez](#); [Kristen Sneddon](#); [Eric Friedman](#); [Meagan Harmon](#); [Randy Rowse](#)  
**Subject:** Creek Buffer Ordinance // Public Comment  
**Date:** Tuesday, March 11, 2025 11:21:02 AM  
**Attachments:** [bosky\\_email.png](#)

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You don't often get email from [rob@boskyland.com](mailto:rob@boskyland.com). [Learn why this is important](#)

Dear Members of the Santa Barbara City Council,

As a landscape architect and engaged community member, I am writing to express my concerns regarding the proposed Creek Buffer Ordinance, which seeks to expand the existing buffers to both major and minor creeks within our city, impacting thousands of properties. While I acknowledge the importance of protecting our natural waterways, I believe this ordinance, in its current form, may impose undue restrictions on property owners and hinder thoughtful development.

The proposed ordinance appears to apply a uniform buffer requirement without considering the unique characteristics and erosion risks of individual creekside properties. This one-size-fits-all approach could lead to unnecessary limitations on land use, affecting both existing structures and future developments. For instance, the ordinance restricts not only new constructions but also essential landscaping elements such as decks, fencing, and retaining walls within the buffer zone, potentially diminishing the usability and value of private properties. The current process for approval within areas adjacent to creeks is already incredibly restricted and involved, requiring an enormous amount of effort and cost from property owners and design professionals.

Furthermore, the ordinance introduces additional layers of approval for property modifications, including the need for Zoning Clearances and Planning Commission approvals for projects that previously did not require such reviews. This added bureaucracy may result in delays and increased costs for property owners, discouraging improvements and maintenance that could otherwise enhance both individual properties and the broader community.

Generally speaking, I sense there is a confrontational relationship between the Creeks Department and the general public, especially within the design and construction sector. The narrow focus of the expanded Creek Buffer ordinance will only further degrade relationships when the Creeks Department focus should be on improving relationships within the community so their important mission is energetically supported by all. One obvious way to generate community support is to focus efforts on larger, neighborhood scale, public-facing projects such as the permeable re-paving of N. Quarantina street (between De La Guerra and Ortega), re-vegetation of riparian corridor at Oak Park, integration of permeable sidewalks around Alice Keck Park, and similar projects that 1) have a significant beneficial impact on reducing stormwater run-off, and 2) do not further restrict property owners use of land.

I respectfully urge the City Council to reconsider the current proposal and explore alternative solutions that balance environmental preservation with the rights and interests of property owners. A more tailored approach, taking into account site-specific conditions and risks, would better serve our community by protecting our creeks while allowing for responsible development and land use.

Sincerely,

Rob Maday {Principal}  
office: 805.845.3251 x701  
[rob@boskyland.com](mailto:rob@boskyland.com)  
[www.boskyland.com](http://www.boskyland.com)



**From:** [Vinay Mahadik](#)  
**To:** [CreekBuffers](#)  
**Subject:** 1910 Barker Pass - Comment on Draft Creek Buffer Ordinance  
**Date:** Friday, February 21, 2025 10:00:50 PM

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You don't often get email from vinay.x.mahadik@gmail.com. [Learn why this is important](#)

Dear Committee,

The creek that runs through our property is tiny. Even during torrential rains, the flow of water in it is not significant enough - and my 4yo has easily played in the water that flows.

I would request the committee take a more granular approach towards which streams of water are included in the ordinance. Most of my neighbors who also have this creek flowing through their properties feel the same way.

We look forward to finding a reasonable approach towards identifying the truly high-risk creeks and avoiding a sweeping ordinance that impacts those of all sizes.

Thanks so much in advance,

Vinay  
1910 Barker Pass Road residents/owners

**From:** [Ian M](#)  
**To:** [CreekBuffers](#)  
**Subject:** Fwd: Creek Buffers Ordinance, News & Information  
**Date:** Friday, April 4, 2025 4:09:57 PM

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You don't often get email from [ionian90@gmail.com](mailto:ionian90@gmail.com). [Learn why this is important](#)

Hello,

The proposed Creek Buffers Ordinance draft contains many flawed provisions that adversely affect hundreds of privately owned homes and properties throughout the city.

Of particular concern is a requirement in the ordinance stipulating that if a (fully permitted and legal) structure in the buffer zone is destroyed or needs to be completely rebuilt, the same size house must be 'located as far away from the creek as possible' and only if 'safety findings can be made for the life of the structure'. The default needs to be exactly the opposite, whereby a destroyed structure can automatically be rebuilt per current (state) building codes without regard to creek buffer setbacks, barring any egregious safety issues such as non-permitted additions or significant bank erosion extending below existing foundations. Safety review findings that trigger a planning commission review prior to issuance of rebuild permits should be spelled out and be VERY limited.

As written, the stated planning commission setback exemption review for this situation is totally inadequate and is a subjective process. The inability to pull building permits to rebuild after a disaster using on-file, city-approved building plans would cost the property owner untold delays, redesign expenses, new utility and wastewater connection permits and reviews, etc. Due to increasing pressure on insurance policies in the state, many homeowners would be unable to rebuild at all even if the project was finally approved. As a direct example, our homeowners policy was amended for 2025 to reduce total loss coverage from 'actual cost to rebuild' down to the stated policy limit which would barely replace the structure as it currently sits given around \$400/sf average building cost in CA.

A risk to the city that should be considered here is that this default to planning commission 'exemption' review would almost certainly result in ill-trained and ill-equipped homeowners ignoring evacuation warnings in the face of impending danger to stay and defend properties that are effectively irreplaceable if lost. Injuries, lawsuits, and fatalities would likely follow as a direct result of this requirement, and the city could be held liable.

Please change the ordinance to "clearly exempt rebuilding in place following certain disasters (such as fire)" with a minimal set of safety requirements to be met (using specific, objective criteria) and no planning commission creek buffer 'exemption' review. As stated in a recent FAQ posted on the city website, this is 'being considered' but should absolutely be implemented. (text copied below for reference)

The city might also consider incentives in such circumstances to encourage property owners to relocate structures that are destroyed or require extensive rebuild. These could include reduced city permit fees, expedited planning commission and ABR/SFDR reviews, etc.

Thank you,

Ian McKenna

412 N Ontare Rd  
Santa Barbara, CA  
805-895-6631

**What happens when a structure in the buffer is destroyed or completely rebuilt?**

In these cases, the replacement structures or development would need to be located outside the creek buffer area when possible. If there is no space on the lot for reconstruction outside the buffer of the same size house as previously existed, then the structures may be rebuilt on the lot to at least the previously existing square footage within the buffer if they are located as far away from the creek as possible and safety findings can be made for the life of the structure. While this is consistent with neighboring jurisdictions' creek ordinances (County of Santa Barbara and City of Goleta), edits to the Ordinance to clearly exempt rebuilding in place following certain disasters (such as fire) are additionally being considered.



**From:** [Jeff McLoughlin](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Jeff McLoughlin](#)  
**Subject:** Creek Buffer Ordinance  
**Date:** Thursday, February 27, 2025 8:56:45 PM

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I've read the proposal for the Creek Buffer Ordinance and have three comments.

- 1) References in the document to County Flood Control oversight and the concept of creeks as a common drainage system to protect property are minimal. You seem to be working from the premise of restoration of creek riparian habitat without balancing that against the very real threat posed by inadequate maintenance to ensure freely flowing runoff in our urban environment.
- 2) City fire regulations for fire safe clearing completely contradict what you outline for permissible native tree/shrub removal. While you note deference to Fire Department requirements in the doc, functionally in the real world, the wording on this would be subject to broad interpretation.
- 3) There is no allowance in the proposed ordinance for property tax reduction for the loss of value that will occur with the development restrictions. In a substantial number of the residential properties adjacent to City creeks, the ordinance will create significant barriers to remodel or replacement construction. If the goal is to move structures back from creek banks over time and in effect, reduce the adjacency of private property to the creeks in general then it follows that the City will need to compensate property owners for the loss of use.

Jeff McLoughlin  
805-451-1096  
[Jeff@goodeyefilms.com](mailto:Jeff@goodeyefilms.com)

**From:** [Jim Meade](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Wendy Santamaria](#); [Randy Rowse](#)  
**Subject:** Comments on draft creek buffer ordinance  
**Date:** Monday, March 24, 2025 8:00:49 AM  
**Attachments:** [Fema 100 year and 500 year flood risk map.pdf](#)

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Some people who received this message don't often get email from jmeade597@gmail.com. [Learn why this is important](#)

I was born and raised in Santa Barbara and have owned a house near Sycamore Creek for a little over 30 years. My stepson and his family have lived in the house for the last 20 years and my wife and I, now renting in San Francisco, hope to build an ADU on the property and move back to Santa Barbara to be closer to family as we grow older.

I am worried that the proposed creek buffer ordinance will make that dream logistically and economically impossible for us.

The property is not susceptible to flooding. The house was built in the 1930's on a lot well above Sycamore Creek. The area immediately downstream is at least 20 feet lower in elevation than our house and yard and would flood long before any possible threat to our property. No portion of our property lies within the FEMA 500 year flood risk zone according to the map I accessed through the S.B. County website (see attached screenshot). Nevertheless, simply because the property is near the creek, we may fall within the proposed creek buffer area. Rather than take individual conditions into account, the proposed ordinance puts the burden on us to overcome a presumption against development. This is fundamentally unfair. I note, for example, that downstream neighborhood properties lying within the 500 year flood zone would probably be outside the proposed creek buffer area.

The proposed ordinance would create an additional review process that requires separate biological, topographical, and soil evaluations — a costly and time-consuming process that would consume a significant portion of our ADU budget, without any guarantee that the project would be approved. Our only recourse from an adverse decision by the Community Development Director would be to file a lawsuit — which would probably consume most of our entire construction budget. And the ordinance's requirement that the director make administrative findings as to the reasonable foreseeability of conditions 75 years into the future incentivizes an overly conservative and cautious approach. It's easier to deny an application than to make such a finding.

I have other concerns. For example, the proposed ordinance would make rebuilding after a wildfire more difficult or impossible, and minor landscaping or gardening seems to be forbidden or require pre-approval.

The house has been here for almost a hundred years without being flooded and without causing any harm to the creek's stability, habitat, or water quality. The proposed ordinance's over-inclusive definition of buffer areas imposes an unfair burden and would likely prevent us from building an ADU.

Finally, with respect to other properties in the city whose development might be problematic, already-existing regulations are no doubt adequate.

Thank you,

James Meade  
(571) 246-0252



**From:** [Eduardo Mera](#)  
**To:** [CreekBuffers](#)  
**Subject:** Property owner/ no Buffers  
**Date:** Tuesday, March 11, 2025 1:10:13 PM

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You don't often get email from meras\_68@yahoo.com. [Learn why this is important](#)

Sent from my iPhone

## **Erosion Risks**

Existing regulations already require geological assessments to ensure new structures are safe from erosion. This ordinance does nothing to improve safety in that regard.

Property owners know that many creek sections have seen little or no erosion historically. How does the City justify imposing such aggressive setbacks indiscriminately under the pretext of erosion risk?

Has the City conducted a study to assess historical erosion rates in different creek sections over the past 50 or 100 years?

City staff claim they lack the resources to assess site-specific erosion risks, so they apply uniform setbacks. This one-size-fits-all approach is unfair to most property owners.

## **Flooding Risks**

Floodplain regulations already exist, exceeding FEMA's National Flood Insurance Program (NFIP) requirements.

Thousands of structures exist within the proposed buffer areas. If property owners are prohibited from rebuilding, they may indefinitely retain aging structures, increasing debris risks during floods. Has the City considered encouraging flood-proofing upgrades rather than outright prohibiting rebuilding?

Many creek sections have never flooded, yet the ordinance applies indiscriminately to all creeks, including "minor creeks."

If climate change is cited as a justification for these buffer zones, what hydrological studies support this claim?

## **Unrealistic Setback Dimensions**

Santa Barbara is a relatively dense city, not a rural area. The proposed buffer zones significantly impact affected properties, covering 30%, 50%, or even 100% of a lot in some cases. Has the City considered that solutions suitable for other jurisdictions may not work here?

The City is actively working on increasing population density through development projects, which will impact water quality and wildlife. How does this ordinance align with the City's broader development goals?

## **Public Development Allowed (22.26.150)**

While private property owners face near-total restrictions, public entities have significantly more leeway. For example:

Public services, utilities, roads, pathways, and trails are permitted in buffer areas.

Maintenance of existing public structures is unrestricted. While private owners cannot replace more than 50% of a deck, the City can repave 100% of a parking lot in a buffer zone.

If erosion and flooding risks justify private property restrictions, why are public structures, parked vehicles, utility poles, etc. allowed within buffer areas?

**From:** [jeff@valuepricedmeds.com](mailto:jeff@valuepricedmeds.com)  
**To:** [Melissa Hetrick](#)  
**Cc:** [ericastorm@gmail.com](mailto:ericastorm@gmail.com)  
**Subject:** Subject: Proposed Creek Buffer Ordinance.  
**Date:** Friday, April 18, 2025 3:37:39 PM

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Hello Melissa,

Please submit the below formation to the Proposed Creek Buffer Ordinance committee.

Subject: Proposed Creek Buffer Ordinance.

The property where my home is has Sycamore Creek running through it.

In the rain/flooding events of January 2023 there was erosion of the creek bank on my property.

I was in the mindset to try to repair the erosion after the event and attempted to contact engineering firms to see what could be done.

I contacted:

Flowers Engineering, Vern, Santa Barbara

YCE, Marta Alvarez, Ventura

Stantac Engineering, Haddy, Santa Barbara

ESA, Jordgen Blomberg, Santa Barbara

Waterways, Matt Weld, Santa Cruz

Jensen Design, Ventura

Encompass Consultant Group, Camarillo

Mike Viettone engineer consultant Santa Barbara

Filippin Engineering, Goleta

Mike Gones Engineering, Santa Barbara

MNS Engineers, Santa Barbara

Earth Systems, Patrick Boales, Santa Barbara

Jensen Design, Ventura

YEMMA Consulting, Ventura

DR Consultants and Design, Jim Fowler, Los Angeles

Woodard and Curran Engineering, David White, Los Angeles

ECG, Greg Misser, Ventura

Ashley and Vance, Santa Barbara

Most said they were too busy to even consider the project. Of the few firms that would even talk about it they said hydrologic and soil studies would be needed before any engineering solutions could even be considered. They said they hydrologic study would cost in the neighborhood of \$50,000. Geotechnical investigation (\$?) would also be required for coordination with a geotechnical engineer.

Out of that entire list of companies, only Matt Weld of Waterways, Santa Cruz actually came by for a site inspection (he happened to be in Montecito with another client). He said the wait list for new clients was close to a year.

From what I understand the new Proposed Creek Buffer Ordinance proposes that a hydrologic

and geotechnical investigation would be required before any rebuilding could happen after a disaster (not necessarily flood).

IF you could find an engineering(s) group to do it, between just those two studies alone you are proposing a cash output of well over \$50,000. Probably close to \$100,000

If there was a wide-ranging disaster like a fire or earthquake the list of homeowners vying for the attention of a few engineering groups would be staggering.

None of that would be covered by homeowners insurance.

This new ordinance is unreasonable and burdensome.

I strongly oppose the new Proposed Creek Buffer Ordinance.

Jeff Mikeska

**From:** [Antonio Mira](#)  
**To:** [CreekBuffers](#)  
**Subject:** I support the ordinance  
**Date:** Monday, March 3, 2025 6:39:19 PM

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You don't often get email from antonio.miraa@gmail.com. [Learn why this is important](#)

I support the ordinance

**From:** [Chris Moore](#)  
**To:** [CreekBuffers](#)  
**Subject:** Bohnett Park and EV Chargers  
**Date:** Friday, February 14, 2025 2:33:01 PM

---

You don't often get email from [chrislmoore@gmail.com](mailto:chrislmoore@gmail.com). [Learn why this is important](#)

Hi,

I suggest that the portion of the creek above Bohnett park be classified as a minor creek. It no longer has significant flow at any time as it now drains a very small area.

I also would suggest that there be some consideration for the installation of EV chargers in the ordinance.

Kind regards,

Chris Moore  
611 West Sola Street  
323-574-4530

**From:** [Stephanie Moret](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Stephanie Moret](#); [Vince Semonson](#)  
**Subject:** Minor creek redefinition needed  
**Date:** Monday, March 24, 2025 1:48:37 PM  
**Attachments:** [Rubio Rd Stormwater curb cut runoff is not a stream.png](#)

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[You don't often get email from [stephaniemoret2@gmail.com](mailto:stephaniemoret2@gmail.com). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Dear Santa Barbara Creeks Division Staff,

I'm Stephanie Moret, currently an advisor on the SB City Creeks Advisory council. My education, profession (now retired), and professional licenses focus on surface water hydrology. I applaud the draft Creek Buffer ordinance, and also encourage the staff to 1) make it obvious how to appeal decisions related to the creek buffer ordinance, and 2) take care to not conflate a 'minor creek' with a 'road drainage conveyance'. I shared my comments with Erin Markey who noted that I can also add them to the comments via email. Here are my comments and suggestions to improve the Santa Barbara Draft Creek Buffers Ordinance:

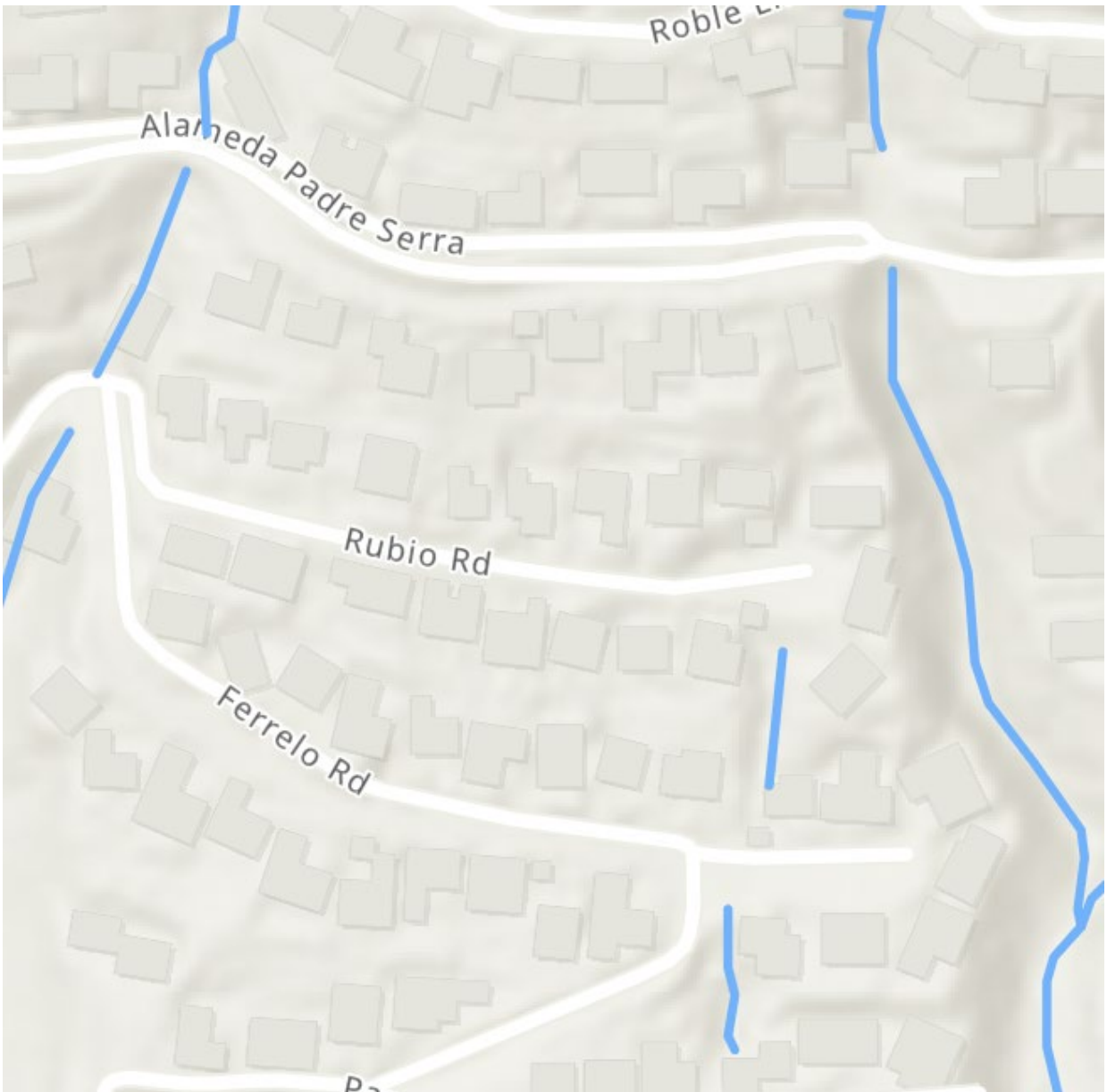
1) Based on citizen comments, residents seem to not notice that there is an appeal process available via the Planning Commission. It is alluded to multiple times in the draft creek buffer ordinance and I don't see where it is directly stated. I think that it would be useful for residents to see this directly stated in the first paragraph. Please make a simple note that "Decisions related to the Creek Buffer Ordinance can be appealed to the Planning Commission". People need to know that they have options, what they are, and how to access them.

2) The term 'minor creeks' is defined in the document as 'any creek that is not a major creek or flood control project'. I have observed on the GIS map that the city has road runoff ditches listed as 'minor creeks' and I feel strongly that this is an incorrect use of the term 'minor creeks'. A minor creek should only refer to a natural creek that is contiguous. In a natural ephemeral creek, the hydrograph will show some baseflow before the rising limb appears and after it falls. The rising limb will climb and fall slightly slower than it will with an urban road runoff conveyance. A natural creek baseflow will slowly dissipate. An urban stormwater channel will have little to no baseflow and the stormwater on the hydrograph will steeply rise and fall -both quickly because there is no time for water to permeate into the soil. This water comes off roofs and pavement and hits the drainage system quickly and leaves it quickly, collecting pollutants as it travels across impermeable surfaces. This is important in the context of biological integrity. A riparian system coevolves with a natural stream and not with a stormdrain runoff system. If the city is asking people to protect a natural system to support biotic integrity than I think it is inappropriate and even unethical to ask them to sacrifice their permitting options to protect nature when it is an unnatural water conveyance. To tell the difference, you need only to look at the headwater source: Is it natural or is it a storm drainpipe or curb cut? If it's natural, then it's a minor creek. If it's not, then it's a road runoff conveyance, and not a minor creek.

Here is an example from the city GIS map showing 'minor creeks': The attached image shows a short blue line between Rubio Rd and Ferrelo Rd in the lower Riviera and in the Laguna watershed. This line is not a minor creek. It literally is a curb cut draining the roofs above Rubio Rd and the road itself, which contains many pollutants. There is no natural water source, only urban stormwater runoff. This urban stormwater goes from the curb cut into a storm drain pipe that daylights into an armored channel. The stormwater channel now passes into the downhill neighbors backyard where they have it tumbling down a rock to create a Hawaiian-themed waterfall oasis (perhaps not understanding it is toxic road runoff?). I think the city should take care to not conflate urban road runoff conveyance with 'minor creeks'. If you look at the larger map, you can see where this water is piped and daylighted intermittently along its length as more curb-cut drainage is added. A homeowner shouldn't to be required to have a native buffer to protect an artificial stormwater conveyance. This doesn't seem to be in the spirit of what the creek buffer ordinance is meant to protect. The city should not conflate road runoff conveyance with a minor creek.

Sincerely,

-Stephanie Moret, PhD, PG, LEG





**From:** [Jenna Motola](#)  
**To:** [CreekBuffers](#)  
**Subject:** Support for Creek Buffers  
**Date:** Friday, March 7, 2025 9:25:37 AM

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[You don't often get email from jennamotola@hotmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

I support the new ordinance. Necessary to mitigate life loss and property damage. Adds to beauty of Santa Barbara. Allows fair and anticipated outcomes for people in zones. Prevents the horrible outcome of the city having to pay property owners of destroyed properties like in montecito debris basin.

Best,  
Jenna Motola

**From:** [mur47@yahoo.com](mailto:mur47@yahoo.com)  
**To:** [CreekBuffers](#)  
**Subject:** Proposed set back from top of creed  
**Date:** Monday, March 3, 2025 9:35:22 AM

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You don't often get email from mur47@yahoo.com. [Learn why this is important](#)

This proposed ordinance would outlaw many existing houses and other current improvements. If the Palisades Fire had happened in SB, many places would not be rebuilt if this ordinance is enacted. This is extraordinary taking, without regard to current ownership. This proposed ordinance should never have been drafted.

I am not an attorney, and therefore am not able to cite legal safeguards of peoples' current ownership rights.

Gretchen Murray

**From:** [Adnan Naber](#)  
**To:** [CreekBuffers](#)  
**Subject:** SB possible new ordinance  
**Date:** Sunday, March 9, 2025 3:00:03 PM

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You don't often get email from adnannaber@yahoo.com. [Learn why this is important](#)

To whom it may concern:

I am writing to express my strong opposition to the proposed Santa Barbara Creek Buffer Ordinance. There are already existing regulations at the federal, state, and local levels that effectively safeguard our creeks and wildlife. This new ordinance would impose undue hardship on our community, particularly the landowners along the creek. It would be an unnecessary and wasteful layer of bureaucracy.

Please reconsider this proposed ordinance.

Sincerely,  
Adnan Naber  
332B W. Alamar Ave.  
Santa Barbara, California 93105

**From:** [Clayton Nall](#)  
**To:** [CreekBuffers](#)  
**Subject:** Opposed to creek ordinance  
**Date:** Monday, March 10, 2025 8:37:53 AM

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You don't often get email from clayton.nall@gmail.com. [Learn why this is important](#)

To Whom It May Concern,

I live at 2932 Hermosa Rd, Santa Barbara, CA 93105. I am opposed to the proposed creek buffer ordinance. Our property contains an open stone arroyo that handles storm water from the Samarkand neighborhood. If this ordinance is adopted it will effectively eliminate our ability to build an ADU on our property. Insufficient information has been provided to owners of specific affected properties about the size of the buffer that would apply and what types of landscaping and construction would be permitted.

I also am concerned that this ordinance is a violation of the city's state-approved housing element. If lots identified in the buffer lose their development capacity, it seems that the state would need to revisit the city's compliance.

I encourage the city to revisit the statute to focus only on the most ecologically sensitive sites.

Clayton Nall  
<http://www.nallresearch.com>  
Cell: (617) 850-2062

**From:** [Kate Novotny](#)  
**To:** [CreekBuffers](#)  
**Subject:** Minor creek marked but does not exist/ map is inaccurate.  
**Date:** Tuesday, February 18, 2025 9:38:41 AM

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You don't often get email from katenovotny1@gmail.com. [Learn why this is important](#)

Your map shows a minor creek, from one side of Alston Road to the other, (714 Alston Road) not connecting to anything and going nowhere! This does not exist, so how do we get it removed from the map? There is also one showing on the property to the East that doesn't exist. These are marked approximately in the location of two of many street drains along Alston Road? They are straight lines? None of the other street drains on Alston Road are marked in a similar way.

Please check your map by this address and let me know the process to get them removed from the map.

Respectfully,

K.

Kate Novotny  
katenovotny1@gmail.com  
310.924.9337

**From:** [Susan Pate](#)  
**To:** [Susan Pate](#)  
**Subject:** City of SB Proposed Creek Buffer Ordinance  
**Date:** Tuesday, February 18, 2025 9:54:16 PM  
**Attachments:** [NEIGHBORHOOD RED ALERT.pdf](#)  
[Ordinance Intention.pdf](#)  
[Creek Agenda 02192025.pdf](#)  
[DRAFT CREEK BUFFER ORDINANCE.pdf](#)

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You don't often get email from [susan.pate@compass.com](mailto:susan.pate@compass.com). [Learn why this is important](#)

Mayor Rowse and City Council Members -

Regarding the City of Santa Barbara Sustainability and Resilience Department, Melissa Hetrick, Supervisor's proposed Draft Creek Buffer Ordinance of the City Council of the City of Santa Barbara Amending the SB Municipal Code by the additional of Chapter 22.26, the amendment of sections 28.92.110, 30.140.090, 30.200.050, 30.250.020, 30.250.030, 30.250.060, and 30.300.230 "W", and the repeal of Sections 28.87.250, 30.15.040, and 30.140.050, relating to the regulation of development in and along City Creeks.

Section 1. Title 22 of the SB Municipal Code.

We have some questions for you, the City Council Members, the City Attorney, Public Works Department, Creek Division and Flood Control:

1. Since when has the seasonal tributary from Calle Elegante down through Eucalyptus Hill Road then down to the ocean been designated as a "Major Creek?"
2. What criteria was applied and used and by whom, to assign designations of Major Creek (50' creek building buffer from top of bank), Flood Control Project Reach (35' creek building buffer from top of bank) and Minor Creek (15' building creek buffer from top of bank)?
3. What is under the "Flood Control Project Reach" and why has City Flood Control, Public Works, and Creek Division not addressed this matter for the past 27 years?
4. Does the Eucalyptus Hill, lower and upper eastside, Riviera and surrounding neighborhoods currently have a codified creek buffer zone? I realize that the City would like to have creek building set backs, or as you are very clever to refer to it as a "Creek Buffer" but does the City have a legal basis for this or is this actually an eminent domain case?
5. Under this proposed Creek Buffer Ordinance, no gardens, patios, grass, plantings, building, rebuilding or remodeling the City of Santa Barbara would be taking away our rights to additional housing (ADU's) or to even place a garden shed. Would all affected property owners then be subject to Planning Commission approval which then would revert to Creeks Division, which would continue to be a no-go?
6. If a property that lies within the Creek Buffer is partially or completely destroyed by fire or flood or earthquake, etc., does this mean the City will only allow us to rebuild a 1,200 SF structure to replace our 3,400 SF home because we would need to build outside of the 50' Creek Buffer?

7. How will your proposed Amended Creek Ordinance change my property's use?
8. Does the City not adhere to, or do they think they are exempt from, SB 330 Gov. Code Section 66300(b)(1)(A)?

"Where housing is an allowable use, SB 330 generally precludes cities from amending their general plan/specific plan land use designations or zoning to a less intensive use in comparison to those in place on January 1, 2018. "{Less intensive use" includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or anything that would lessen the intensity of housing."}"

9. How will this new proposed Creek Ordinance affect me and my neighborhood's ability to get flood insurance, fire insurance?

10. How will this new proposed Ordinance affect sellers and buyers in the newly affected Ordinance zones to get a loan or to refinance their existing property? I hope you realize if a property within the Creek Buffer burns down and the City will only allow rebuild of 1,200 SF when a lender financed a loan on a 3,400 SF home, the City is precluding certain property owners from ownership and quiet enjoyment of their real property.

11. How will this new proposed Creek Buffer Ordinance affect our neighborhood's property values?

12. Are you in the business of running the City or are you in the business of trying to bully and trample on private property owner rights?

We look forward to your answers.

Susan and John Pate

**8. BUSINESS ITEMS a. Creek Buffer Ordinance (Attachment 2)** Melissa Hetrick, Resilience Program Supervisor

Erin Markey, Creeks Manager: 15 minutes

Committee Discussion: 10 minutes

**Recommendation:** That the Committee forward a recommendation to Council to adopt the proposed Creek Buffer Ordinance and associated Local Coastal Program (LCP) Amendment. – **For Action**

--

**Susan Pate**

Realtor

Compass

CalBRE#: 01130349

1101 Coast Village Road

Santa Barbara, CA 93108

o: [805.895.9385](tel:805.895.9385)

**From:** [Kathy Patmore](#)  
**To:** [Melissa Hetrick](#)  
**Cc:** [Randy Rowse](#)  
**Subject:** Creek Plan  
**Date:** Monday, March 3, 2025 10:52:55 PM

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[You don't often get email from drpatmore@me.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Regarding the creek plan. I'm developing a housing plan along Sycamore Creek with SEPPS land development. My property would be affected by the new creek updated ordinances as both Sycamore Creek and a tributary that I've never seen any water in in 23 years are on the list of impacted creeks. This creek plan would significantly affect my housing plan which I've already spent thousands of dollars doing the preparatory work to submit. If the city wants to build housing, where is it going to go, if you eliminate all the options? Also there are not just homes but businesses, schools, and churches all along these creeks, so I expect to see equal application of the law when it comes to the creeks.

My painter has a little Sears Robuck Kit House right on Mason overlooking the creek. He's near retirement age and his house would become worthless and I believe it's his only asset to provide for himself. This is just so unkind to him. My other neighbors just got a permit for a new ADU and their house is practically in the creek now so what happens to their property values? It's all they have. How could they just struggle through an ADU build and immediately lose their future rights to the land it's sitting on as well as their main house? They are right on top of Sycamore Creek.

I'm sure the litigation will be massive.

It's almost like the Blue Line fiasco and the Red Map after the Thomas Fire. Everybody was suing the city for damaging the property values of their homes with lines and maps that harmed their property's future desirability. Sycamore creek is full of trees and debris and trash and should be cleared as the best way to avoid flooding. There was a huge clean up of Mission Creek 2 decades ago and Sycamore Creek is certainly due.

Please don't make plans to prevent housing and seize property without compensation.

Sincerely,  
Kathy Mora  
1651 Sycamore Canyon Road



**From:** [Kelsey Perry](#)  
**To:** [CreekBuffers](#)  
**Subject:** Hooray for the buffers  
**Date:** Monday, February 10, 2025 7:39:49 PM

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You don't often get email from kelseyjoanneperry@gmail.com. [Learn why this is important](#)

Definitely in support of this ordinance.

Kelsey, homeowner from Goleta

**From:** [Patricia Thompson](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Mike Jordan](#)  
**Subject:** I Oppose the Creek Buffer Ordinance  
**Date:** Friday, March 21, 2025 1:53:26 PM

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To the City of Santa Barbara,

**I oppose the Creek Buffer Ordinance and I urge the City to reconsider and abandon this unnecessary and burdensome regulation.**

I am an owner of 108-110 Los Aguajes and my property backs up to Mission Creek. The proposed ordinance would require a 50 foot buffer zone from the top of the creek. This is outrageous! The way the ordinance is written, I wouldn't be able to do any new improvements to my property including, structures and landscaping. Not only will this negatively affect my property value, but it is too extreme! This is creating an undue hardship and will impact thousands of residents. It is basically a land grab surrounding the creeks. The city must listen to property owners. I never received any notification from the City of Santa Barbara about this proposed ordinance. The only communication I received was information from the sbcreekneighbors.org.

Again, I urge you to reconsider and abandon this proposed ordinance.

Thank you,  
Patricia Thompson Perry

**From:** [Whitney Perry](#)  
**To:** [CreekBuffers](#)  
**Subject:** Creek buffer ordinance unacceptable  
**Date:** Tuesday, March 18, 2025 12:23:34 PM

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You don't often get email from whitney.perry999@gmail.com. [Learn why this is important](#)

To the City of Santa Barbara:

I oppose the proposed Creek Buffer Ordinance and urge the City to reconsider and ultimately abandon this unnecessary and burdensome regulation. While environmental protection is a worthy goal, this ordinance is redundant, excessively restrictive, and unfair to property owners across Santa Barbara.

Existing regulations at the federal, state, and local levels already safeguard our creeks, waterways, and wildlife. California and Santa Barbara have some of the strictest environmental protections in the nation, covering development, water quality, and habitat conservation. Adding yet another layer of regulation only creates undue hardship for residents and property owners without providing clear, demonstrable benefits.

The proposed ordinance would impose significant new limitations on land use, impacting thousands of property owners. It severely restricts what homeowners and businesses can do with their own land, rendering portions of their properties virtually unusable. Not only would it impede future development, but the ordinance also targets existing homes and other structures, most of which were built several decades ago in compliance with the regulations of their time. Many of the affected neighborhoods and homes have been established for over 50 years. This ordinance would, in effect, force the long-term displacement of homes, businesses, and the people who depend on them.

Beyond the immediate impact on property rights, this ordinance could carry severe financial consequences for property owners. It could decrease property values, make it even harder for homeowners to obtain insurance, and increase the costs and complexity of securing permits. It could also drive more property owners to pursue unpermitted work, ultimately undermining the very regulatory framework the ordinance seeks to enforce.

Despite these far-reaching consequences, the City has not convincingly demonstrated how these new restrictions would yield meaningful environmental or community benefits, nor has it made any serious effort to consult with impacted residents before attempting to fast-track the ordinance.

At a time when Santa Barbara is struggling with housing affordability, this ordinance would only add to the financial burden on residents who simply want to maintain, improve, or develop their properties. Instead of imposing unnecessary new regulations, the City should focus on responsible environmental stewardship that does not unfairly penalize property owners.

For these reasons, I stand with my fellow residents in respectfully urging the City of Santa Barbara to abandon the proposed Creek Buffer Ordinance.

Whitney perry

**From:** [Jason Peterson](#)  
**To:** [Wendy Santamaria](#); [Mike Jordan](#); [Oscar Gutierrez](#); [Kristen Sneddon](#); [Eric Friedman](#); [Meagan Harmon](#); [Randy Rowse](#); [CreekBuffers](#)  
**Subject:** Santa Barbara Creek Buffer Ordinance  
**Date:** Tuesday, March 4, 2025 9:12:39 AM

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Some people who received this message don't often get email from jkpeterson81@gmail.com. [Learn why this is important](#)

To our city officials,

We strongly oppose the creek buffer ordinance. This will severely impact our family economically as homeowners in the city of Santa Barbara, as well as many others. In our city, where it is already hard to own or find housing, this will only make it more difficult. Please do not approve this ordinance.

Best regards,

**J Peterson**

Homeowner in the City of Santa Barbara

**From:** [Jeff Phillips](#)  
**To:** [CreekBuffers](#)  
**Subject:** Creek Buffer Ordinance  
**Date:** Thursday, March 6, 2025 7:31:17 AM

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[You don't often get email from ljefe00@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Hello,

I am a property owner, both on a tributary creek in San Roque, and near lower Arroyo Burro Creek on Alan Road. The San Roque house will be directly affected by the buffer ordinance.

I strongly support the establishment of creek buffers to support riparian function, wildlife habitat, and natural beauty. The larger the buffers, the better our creeks can function, the lower the risk of lives lost and property damaged during extreme weather events, and the more beautiful our city.

Thanks for your good work!  
Jeff Phillips  
447 Alan Road  
Santa Barbara, CA 93109

**From:** [Mike Pugh](#)  
**To:** [CreekBuffers](#)  
**Subject:** Support for creek buffers  
**Date:** Monday, March 10, 2025 2:01:04 PM  
**Attachments:** [MikeSignature2.png](#)

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[You don't often get email from mikepugh@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

I am a property owner in the city of Santa Barbara. I support the creek buffer ordinance.

Thanks,  
Mike Pugh



**MIKE PUGH**

mikepugh.com  
mikepugh@gmail.com  
805-698-8280

**From:** [Terence Quinlan](#)  
**To:** [CreekBuffers](#)  
**Subject:** Creek Buffer Ordinance  
**Date:** Saturday, March 8, 2025 12:22:10 PM

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You don't often get email from itfma@sbcotmail.com. [Learn why this is important](#)

I'm all for making the environment better in Santa Barbara, but I would hope that before any final decisions are made, the public is sufficiently informed of the reasons for the proposed creek buffer ordinances regarding:

- what specific permitting hurdles are streamlined
- data and studies describing the improvements to water quality, erosion/flooding risks, and protection to riparian habitat

In the case of dwellings (not non-dwelling structures) that are destroyed in any way, I would hope the owner would be allowed to rebuild the same size dwelling – a fair consolation for all the heartache, trouble and expense one incurs in such situations. In this situation, if a same-size dwelling cannot be built after changing the layout of the dwelling, square footage in the buffer zone would be used to make up the difference – both parties win in that the government has less square footage occupied in the buffer zone, and the owner maintains the same square footage dwelling. I would say that this solution would not apply if the dwelling is intentionally torn down for any reason. They would have to work with the available space after changing the footprint of the building.

Cheers,  
Terence Quinlan  
(805) 687-8901



**From:** [m.rainville](#)  
**To:** [CreekBuffers](#)  
**Subject:** Creek Buffer Ordinance  
**Date:** Friday, February 7, 2025 1:20:53 PM

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[You don't often get email from mrsshell@me.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

I am writing to express my support for the Creek Buffer Ordinance. Creeks are dynamic and naturally change course over time. I have often been shocked by how close buildings have been permitted to be located so close to the edge of our creek beds. It's crazy and asking for trouble.

-Michelle Rainville  
Santa Barbara

**From:** [John Robertson](#)  
**To:** [CreekBuffers](#)  
**Subject:** Santa Barbara City Creek Buffer Ordinance  
**Date:** Saturday, March 29, 2025 1:18:28 PM

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You don't often get email from jrobertson1106@gmail.com. [Learn why this is important](#)

To: Santa Barbara Planning Commission  
From: John and Karen Robertson  
Date: March 31, 2025  
Subject: Santa Barbara City Creek Buffer Ordinance

It has recently come to our attention that the planning commission is considering a proposed ordinance to create a buffer zone of up to 50 feet from the top of the major creeks (and 15 feet from the top of minor creeks) in our city. We live at 881 La Milpita Rd., with a minor creek running at the lower end of our property. If we were to lose the bottom 15 feet of our property to a moratorium on development, any structures that we or our neighbors have would fall under the proposed designation, limiting our ability to develop and maintain the property. The price of our house would be diminished upon its sale someday. This hardly sounds fair, considering that the property was purchased without any indication of this limitation being placed on it. Please consider how this ordinance would impact your property if it were located along one of Santa Barbara's creeks.

We strongly recommend a NO vote on this buffer zone proposal.

**From:** [Josh Rohmer](#)  
**To:** [CreekBuffers](#); [Randy Rowse](#); [Meagan Harmon](#)  
**Subject:** Concerns about Proposed Creek Buffers  
**Date:** Thursday, March 27, 2025 10:51:07 AM

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Some people who received this message don't often get email from [joshrohmer@gmail.com](mailto:joshrohmer@gmail.com). [Learn why this is important](#)

Councilmember Harmon, Mayor Rowse, and City Staff,

I'm writing to convey my extreme concern about the proposal to restrict development within 50 feet of creeks in Santa Barbara. This idea is unreasonable and impractical given Santa Barbara's geography and historic development patterns. If adopted, the ordinance would disallow property owners to improve their back yards with gardens, patios, fruit trees, and almost anything else one generally uses a back yard for. It will also effectively limit the ability to develop ADUs on hundreds or even thousands of parcels across the city.

I know from experience that the City's process for modification is onerous and unproductive. My home is already subject to the restrictions of the Mission Creek ordinance. When my property sustained damage in the January 2023 flooding, I found that the existing regulations were exceedingly complex and required costly studies and permitting just to replace an existing fence that was damaged. Further, city staff was extremely unhelpful and made the entire repair experience very frustrating. This misguided ordinance would subject hundreds or thousands of landowners to this unpleasant experience, with no upside other than vague goals of resilience.

Toward the end of enhancing the city's resiliency, rather than restricting people's ability to use their property, I'd encourage the city to maintain and improve the stormwater system, and develop proactive approaches such as installation of parkway rain gardens for on-site retention. If encouraging people to develop their properties near the creek was a city priority, it should adopt a program to acquire development rights at market value from participating property owners.

Thank you for the opportunity to share my concerns.

Regards,  
Josh Rohmer  
1813 Castillo Street

**From:** [Brad Schaupeter](#)  
**To:** [CreekBuffers](#)  
**Subject:** Opposition to Proposed Creek Buffer Ordinance  
**Date:** Thursday, April 10, 2025 12:15:14 PM

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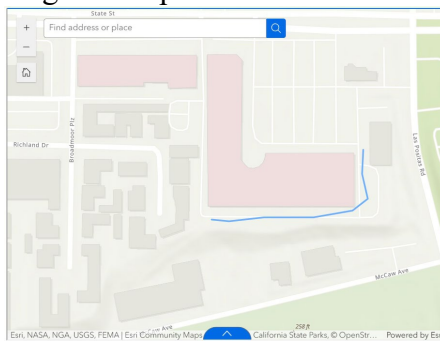
You don't often get email from bschaupe@gmail.com. [Learn why this is important](#)

To Whom It May Concern:

I am writing in opposition of the proposed Santa Barbara creek buffer ordinance as it pertains to minor creeks. It is a prime example of unnecessary government over regulation. While this ordinance clearly has problems across the board for creeks of all sizes, my arguments against it are specifically for minor creeks which should be fully removed from the ordinance. Here are reasons why I would like to ask that minor creeks be removed from the ordinance.

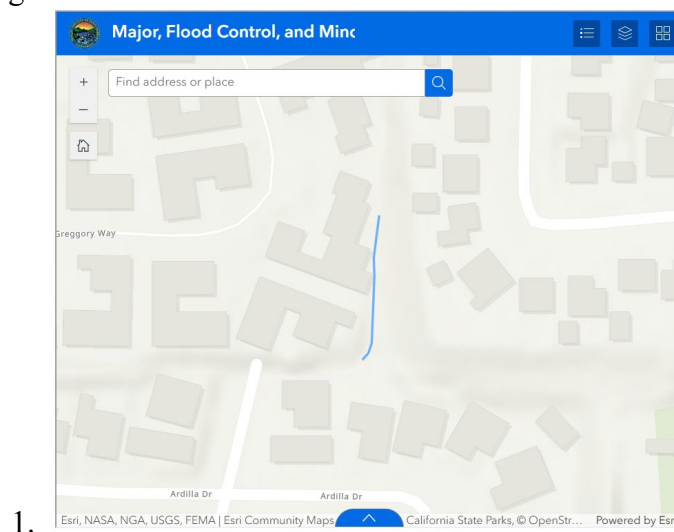
**1. Inequitable and unclear designations of what a minor creek is** - Despite a recent informational meeting done by the Creeks and Sustainability and Resilience Department claiming that a goal is to 'objective standards applied ministerially', they have also acknowledged the following:

1. **Inaccurate Information** - The screening map is inaccurate and may include 'potential minor creeks' that are obviously not creeks. This is the case in the Gelson's grocery store parking lot where you can see a 'minor creek' running through the parking lot. In the informational meeting where the Creeks Restoration / Clean Water Manager acknowledged that this was obviously not a creek and has said it will be eventually removed from future maps showing the inaccuracy of designations. Additionally, this screening map was created in the 1990's (over 30 years ago) by an unknown employee? From what I have been told, there was no one that actually went in people's backyards and looked at their property, so I'm still not clear how and why you are using this map at all.



- 1.
2. **No Clear and Fair Plan to get Accurate Information** - Acknowledgements have been made by the SB creeks department that there are no plans to do any scientific reports (surveys, hydrological reports, or otherwise) to prove something that is shown as a 'potential minor creek' on the map is actually a creek. The current methodology seems to be that someone from the department that made the proposal will come out and decide if something is a creek based on their opinion (assuming the homeowner invites them out). But whatever designation given by the creek department employee, no scientific reports or data that I'm aware exists other than if it meets the very open and vague definition by the state of a 'creek'. **So whether something is a creek or not is based on the opinion of someone from the creeks department - the same department making this proposal.**

3. **Vagueness of definition and lack of impartiality.** As stated in point 2, the creeks department is proposing all of this and is the one to decide if there is a creek in our backyard. Based on the definition of Creek that the creek's department is using - *"“Creek” means a naturally occurring watercourse that conveys water seasonally or year around and having a bed and banks that may be in a natural state or artificially stabilized."*, it is arguable that a concrete drainage ditch could be considered a creek. I'd probably respond with the question, why aren't some of the east side streets designated as creeks? There's plenty of photos of people kayaking down the streets during big rain. But in my backyard, there's been no water-flow during any rain (we have documented proof), yet you have a 'potential minor creek' in our yard? This borders on the absurd to me because of the blanket nature of the definition and lack of accurate or fair information. On top of that, even though a sewer main goes directly underneath the 'potential minor creek' in our backyard, that does not impact the designation of it possibly being a creek. So to be clear, the city can tear up my backyard / 'potential creek' to replace a sewer main in the future, but I can't do anything within 15' of the 'potential creek' banks?
4. **Additional homeowners that are not currently affected by a 'minor creek' may be affected in the future.** On the screening map, multiple creeks start at one house and end just a few houses down. Not only is this incomprehensible to most citizens (because that's not how creeks work), that means additional people who may be affected by this ordinance are not aware they may be impacted and have not been notified during public comment periods. The following statement is straight off the city's creek screening map. "This map is for general reference only as a screening tool and may not accurately show creeks subject to Chapter 22.26 of the Santa Barbara Municipal Code. The ordinance applies only to drainages that meet the definition of a creek, as outlined in the ordinance". It is inequitable and unfair to tell some homeowners they may have a minor creek on their property while houses next door do not. Additionally, creeks that are currently considered to be 'major creeks' are being considered for changing to a 'minor creek' by the creeks department. So something that flows regularly and has actual potential for water movement falls in the same category as a drainage ditch that holds no water with exceptions of prodigious rainfall that floods the streets of Santa Barbara and submerges cars.



5. **Lack of / Poor Communication of Ordinance** - How fast everything was proposed and how little the community was warned about it was extremely obvious. It feels as though the creeks department was trying to pull a quick one on everyone and if it

weren't for a few citizens initially noticing and bringing it to everyone's attention, it would have gone unnoticed. While I appreciate the extensions of public comments and trying to get the word out more, I am highly confident that a huge percentage of people impacted by this proposed ordinance still have no idea that this is possibly happening.

**6. False or Bad Goals** - There have been many stated goals of this proposed ordinance that are either false or just bad goals. Examples include:

1. 'scenic beauty'. With most of the minor creeks in peoples' backyards, I would be hard pressed how anyone would enjoy the 'scenic beauty' of my 'potential minor creek' in my backyard without spying on our property with a drone or trespassing.
2. 'Doesn't affect insurance'. According to at least one insurance agent I spoke with, it is definitely possible that any designation of a creek on a property may indeed raise insurance rates.
3. 'Straightforward regulation that streamlines permitting' - This isn't a goal that any homeowner was asking for and is a poor 'one size fits all' strategy. Not all creeks are the same and so reports to find out appropriate building limits is an appropriate requirement. Telling them they can't build at all within a certain setback even if said setback is not logical is not good policy This is misleading because it sounds like you're selling a good line here, but let's be honest, this is the same kind of machete like chop regulation the DOGE is using on our federal government employees. Blanket regulation is not always a good idea and sometimes scalpel-like precision is necessary. The current methodology which is more precision based works and does not need to be replaced.
4. A modification process when buffers can't be met - this already exists (redundancy in goals). There is no difference from what already is in place.
5. Facilitates wildfire preparedness - This is a false goal. We are already allowed to do wildfire preparedness under current regulations.
6. 'Objective Standards' - This is the most false goal of all. As stated above, a creeks employee's opinion governs based on vague and very open state definition. No reports or scientific data necessary - the creeks department's opinion is what decides. How is that objective? The process as it stands is highly subjective.
7. 'Ensure Housing Mandates' - False. This is already available and the current proposal is just stating that because it's required by law, it will adhere to those laws. Since the laws are already being adhered to, this is a false goal. It already exists prior to this proposal.
8. Assurance that rebuilding can occur if safe. - We are already allowed to rebuild if safe. Again, no improvement with this proposal.
9. Buffer distances that can be achieved at most parcels. - This already exists. The only difference is that it's better now because there's actual reports to look at for each specific creek (which vary dramatically from property to property).
10. Maximize protections while avoiding takings. - This goal is clearly contradictory. The goal of maximizing protection is true, however you are not avoiding takings. The current standards give the best chance of the proper amount of protection for each property while actually avoiding takings - again because each property is different, you need actual data to work off of. Blanket regulations are not good for the community.

**Ultimately the system currently in place allows for scalpel-like precision from**

**property to property in regards to development. The proposed system has an overarching theme of 'no improvement from what already exists' with no clear plan to be fair, accurate, and impartial as to what is actually a major creek, minor creek, or drainage ditch. I strongly urge the Creeks department to abandon the Creek Buffer Ordinance.** We have witnessed some really tremendously bad machete chop regulations at the federal level recently - please learn from their mistakes. Do not rope in a bunch of unnecessary people with machete-like regulation chops. Scalpel precision is always harder and almost always better and this already exists with current city regulations.

Thank you,  
Brad Schaupeter  
SB Citizen

**From:** [Sarah Schaupeter](#)  
**To:** [CreekBuffers](#)  
**Subject:** Public Comment Regarding the Creek Buffer Ordinance  
**Date:** Sunday, March 9, 2025 7:52:29 PM

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You don't often get email from sarah.louise.ryan@gmail.com. [Learn why this is important](#)

Dear City of Santa Barbara,

Our family cherishes our property, yet the Creek Buffer Ordinance threatens to dramatically impact our ability to use and care for it because a portion of our backyard now has a "minor creek" running through it. The City has arbitrarily designated a so-called "minor creek" on our land—an area that has never been recognized as a creek and rarely holds water.

We believe the term "minor creek" was introduced without clear justification, allowing City staff to classify features that were never considered creeks by residents. This is an overreach. The definition of "minor creeks" is vague and subjective, granting the Creeks Division excessive discretionary power. Many of these designated areas—including ours—have never flooded or even contained flowing water, yet the ordinance applies indiscriminately. This blanket approach is unreasonable and illogical.

Furthermore, much of the land affected by this ordinance is private property, inaccessible to the public. Yet it is property owners who will suffer the most from these unfair restrictions. For our young family, this ordinance would impose unnecessary burdens and significantly limit our ability to enjoy and maintain our home.

This policy is not just flawed—it is an unjust infringement on private property rights. We urge you to reconsider this overreaching ordinance and its harmful impact on residents and families like us.

Sincerely,

Sarah, Brad, Ruby (8), Daisy (5) Schaupeter



**From:** [Diane See](#)  
**To:** [CreekBuffers](#); [Eric Friedman](#); [Randy Rowse](#); [Diane See](#)  
**Subject:** Vote No on Creek Buffer Ordinance  
**Date:** Tuesday, April 1, 2025 4:21:11 PM

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To Whom It May Concern,

I am writing to voice my disapproval for the currently proposed Creek Buffer Ordinance. I live along a designated Major Creek in San Roque, in a house built in 1959. My entire home is encompassed within the 50' proposed buffer zone! While I have been told that current structures will be grandfathered, I realize that it is likely that the ordinance as proposed could make it much more difficult for me to rebuild or obtain other building permits in the future. Certainly, having that ordinance in place would be a hindrance and increase the time, money, and energy needed to build, even if exceptions are given. This would significantly lower the property value of my home and cause a decrease in enjoyment of my property. Besides, it just isn't necessary given the current protections already in place for the creeks.

Please do not pass this new Creek Buffer Ordinance.

Thank you,

*Diane See*  
[dianegsee@gmail.com](mailto:dianegsee@gmail.com)  
3736 Dixon St  
Santa Barbara, CA 93105

**From:** [dianne self](#)  
**To:** [CreekBuffers](#)  
**Subject:** Re creek buffer  
**Date:** Wednesday, March 26, 2025 10:26:01 AM

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[You don't often get email from diannesself1819@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

To whom it may concern,

I am opposed to the new creek buffer ordinance.

The brush in the creeks is a fire hazard. Fire ordinance states Brush must be cleared near one's home to prevent fire destruction of home.

Dianne Self

From: [Joan Scrima](#)  
To: [Carmelley](#), [Ruth Scrima](#), [Tina Jones](#), [Donna Calabrese](#), [Joan Scrima](#), [Gis Engstrom](#), [Deanna Sherman](#), [Sandy Brown](#)  
Cc: [Donna Scrima](#), [Carmelley](#)  
Subject: [Joan Scrima](#)  
Date: [Tuesday, March 4, 2025, 8:25:25 AM](#)

[You don't often get email from [joan@scrima.com](#). Learn why this is important at [https://aka.ms/AutomatedImporting](#)]

Joan Scrima & Tami Peterson  
1118. Richard Street Property Owners

To the City of Santa Barbara:

We strongly oppose this ordinance for many reasons but chiefly, our main residence would be severely impacted by it as our property falls within the 50 foot buffer. If something should happen to a portion of our property due to any natural disaster, no building is to question and the way our lot is laid out, we don't have other options. We have worked hard to secure our home in Santa Barbara and this ordinance is unfair and unjust. As a Real Estate professional and after speaking to many of my own clients who also live against a creek, this is an infringement on our property rights.

Joan Scrima, Realtor  
Richard Peterson, HomeAdvisor California Properties  
(805) 750-0884  
joan@scrima.com  
[https://www.joan-scrima.com/](#)  
or [https://www.joan-scrima.com/](#)  
OR 0107799

**From:** [Cameron Shaffer](#)  
**To:** [CreekBuffers](#)  
**Subject:** The Creek Buffer Ordinance  
**Date:** Saturday, March 8, 2025 10:48:43 AM

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You don't often get email from cshaffer@ontimesoftware.com. [Learn why this is important](#)

Dear Sir or Madam,

I would like to express my opposition to the proposed ordinance. I believe it would have a negative impact on our community, and I urge you to reconsider it.

Thank you for your time and consideration.

Sincerely,  
Cameron Shaffer  
328 West Alamar Ave Unit A  
Santa Barbara, CA

**From:** [Raunell Shaffer](#)  
**To:** [CreekBuffers](#)  
**Subject:** Subject: Opposition to Santa Barbara Creek Buffer Ordinance  
**Date:** Saturday, March 8, 2025 12:05:18 PM

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You don't often get email from beachbop13@gmail.com. [Learn why this is important](#)

Dear City Officials,

I am writing to express my strong opposition to the proposed Santa Barbara Creek Buffer Ordinance. There are already existing regulations at the federal, state, and local levels that effectively safeguard our creeks and wildlife. This new ordinance would impose an undue hardship on our community, particularly the landowners along the creek. It would be an unnecessary and wasteful layer of bureaucracy.

I urge you to reconsider this proposed ordinance.

Regards, Raunell Packwood-Shaffer

**From:** [Ruchika Sidhu](#)  
**To:** [CreekBuffers](#)  
**Subject:** Creek Buffers Ordinance- Appeal  
**Date:** Monday, March 17, 2025 1:20:23 PM  
**Attachments:** [image001.png](#)

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You don't often get email from rsidhu@kalonymus.com. [Learn why this is important](#)

We represent the ownership of 2717 De La Vina Street, Santa Barbara, CA that is directly impacted by the creek buffer ordinance presented on February 19, 2025. This in our opinion is a regulatory overreach and we have concerns regarding ordinance's legality. The prohibitions are extreme and could impact our insurance and reduce property value. We do not agree with the buffer ordinance and would like to appeal it and thus requesting more information on the appeal process.



Ruchika Sidhu  
Executive VP - Asset Management  
**Kalonymus**  
Mobile: 408-834-5399  
Email: [rsidhu@kalonymus.com](mailto:rsidhu@kalonymus.com)

**From:** [john Simpson](#)  
**To:** [CreekBuffers](#)  
**Subject:** I am in favor of Creek Buffers  
**Date:** Tuesday, February 4, 2025 3:43:37 PM

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[You don't often get email from [jhurndallsimpson@gmail.com](mailto:jhurndallsimpson@gmail.com). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

I am an SB resident and support creek buffers. Too bad they were not thought of before the 2018 mud slide. Unfortunately now most home owners have rebuilt in the creek zones. Whatever can be done to respect our natural watersheds from here on out - for all the benefits this provides - should be done. Let's do things now we can be proud of for generations.

Thank you,

John Simpson  
Local business owner  
Local father  
Local band member  
6th generations in SB

**From:** [Vejas Skripkus](#)  
**To:** [CreekBuffers](#)  
**Subject:** Creek Buffer Ordinance  
**Date:** Thursday, March 20, 2025 9:25:51 AM

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You don't often get email from vejasskripkus@hotmail.com. [Learn why this is important](#)

Dear Members of the Santa Barbara City Council,

I am writing you today to let you know of my strong opposition to the proposed Creek Buffer Ordinance that is now before you. As a permanent resident of the City of Santa Barbara and a homeowner whose home borders a minor creek on Northridge Road I urge you to reconsider and ultimately abandon this unnecessary and burdensome regulation.

Existing regulations at the local, state, and federal level already safeguard our creeks, waterways, and wildlife. This ordinance is redundant, excessively restrictive, and unfair to property owners such as myself. More regulation is not needed in this situation.

The City of Santa Barbara has not consulted with impacted residents before attempting to fast-track this ordinance.

This ordinance places undue burden on property owners with no discernible benefit, therefore, I oppose this ordinance and urge you to reconsider and abandon this unnecessary and burdensome regulation.

Please feel free to reach out to me if you have any need for further feedback or would like to discuss in more detail.

Thank you,

Vejas Skripkus, MD  
33 Northridge Road  
Santa Barbara, CA 93105  
(858) 829-2552  
vejasskripkus@hotmail.com





**From:** [Liz Smith](#)  
**To:** [CreekBuffers](#)  
**Subject:** Support of Ordinance  
**Date:** Tuesday, March 4, 2025 10:26:07 AM

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[You don't often get email from lizsmith1979@hotmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Hello Melissa and Erin,

I am a resident at 704 San Roque Road on a minor creek. I am writing to express my strong support for the proposed ordinance that would establish required creek buffers.

Our creek is located downstream of Lauro Reservoir and rarely flows - until very recently I had never seen more than a small amount of water flowing. During winter storms the past two years we have seen an incredible amount of water flowing in the creek. As climate change continues to impact rainfall patterns and lead to more intense storms, risk of flooding of creek side properties will increase.

My family and I enjoy seeing deer, coyotes, bobcats, rabbits, skunks, birds, and more enjoying our back yard. Allowing development to keep getting closer to our creeks can reduce habitat and lead to more hardening of our creeks through retaining walls and channelization, which can have unintended consequences including increased erosion and flooding downstream.

My family and I are supportive of the proposed ordinance.

Sincerely,  
Liz Smith  
704 San Roque Road

**From:** Denise Stevens <fluffyds@hotmail.com>

**Sent:** Monday, April 21, 2025 12:25 AM

**To:** Randy Rowse <rrowse@santabarbaraca.gov>; Oscar Gutierrez <OGutierrez@SantaBarbaraCA.gov>; Kristen Sneddon <KSneddon@SantaBarbaraCA.gov>; Eric Friedman <EFriedman@SantaBarbaraCA.gov>; Meagan Harmon <MHarmon@SantaBarbaraCA.gov>; Mike Jordan <MJordan@SantaBarbaraCA.gov>; Wendy Santamaria <WSantamaria@santabarbaraca.gov>

**Cc:** Allison DeBusk <ADebusk@SantaBarbaraCA.gov>; General Planning Counter <PlanningCounter@SantaBarbaraCA.gov>

**Subject:** voter feedback regarding the proposed creek buffer ordinance

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To the Sustainability and Resilience Commission,

I recently learned of the plan to impose stringent property use restrictions on homes close to major creeks in Santa Barbara. The ordinance specifies that the 50 foot buffer will be imposed from the "top of the bank", without specific

information on how to identify the boundary. Given the significant effect such an ordinance will have on property values and the ability of owners to rebuild or utilize their property, OR GET INSURANCE that is already difficult to obtain, the city should provide a detailed description of the boundary of influence for each homeowner in affected zones. Some properties will be almost entirely encompassed by the 50 foot buffer zone, thus having enormous consequence to the homeowner. Although variances have been proposed for impacted owners in the event of catastrophic property loss, the process to obtain a variance is burdensome, costly and time consuming. And homeowners are impacted even without a catastrophic event. Passage of such an ordinance will definitely impact resale values, insurability, etc. And for those of us that actually rent out a property... for example, I rent at an extremely reasonable/low rent to a first responder (fireman)... it may be the final straw that makes us sell and takes one more mom/pop good landlord rental off the market.

Why is this ordinance being proposed for a region where the majority of land is already developed and has been developed for many decades? Existing laws provide robust protection for blue line streams, preventing construction activity that negatively impacts water quality, erosion and watercourse alteration. Development near streams in California falls under the oversight of the California Department of Fish and Wildlife, Army Corps of Engineers, the Clean Water Act, EPA, Stream Protection Rule, and the federal Fish and Wildlife Service.

Furthermore, the requirement to plant only native plants within the buffer zone does not necessarily support improvements in water quality, water efficiency, fire mitigation, or wildlife support. You cannot make a blanket statement or assumption. Several years ago our HOA invested in fire-resistant, drought tolerant and slow growing succulent landscaping to reduce water usage. Pulling that out would make no sense. It would make far more sense for the City to actually manage some of the untended trees near various creeks that pose a hazard. We are at far more risk of drought than flood, so tending them to mitigate fire hazard is far better than causing severe financial harm to nearby homeowners who have been living nearby for decades already.

While the goal of preserving the natural beauty of Santa Barbara's many waterways is admirable, that goal can best be achieved by educating the public on existing laws created to protect waterways. A buffer zone measured from the center of the stream bed that encompasses most of the slope of the stream would be a reasonable compromise that is consistent with existing state and federal law.

Sincerely,

Denise Stevens

San Remo Drive

**From:** [Kathleen Stinnett](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Kathleen Stinnett](#); [Larry Schecter \(lschecter3@icloud.com\)](mailto:lschecter3@icloud.com)  
**Subject:** Strong Opposition to Proposed 50-Foot Creek Setback  
**Date:** Tuesday, April 22, 2025 9:37:35 AM

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You don't often get email from [kathleen@futurelaunch.com](mailto:kathleen@futurelaunch.com). [Learn why this is important](#)

Dear Planning Commission Members,

I am writing to express my strong opposition to the proposed 50-foot setback from the top of the creek. I have lived in my home for over 20 years, and while the creek has occasionally run high during storms, it has never caused any damage to my property. The idea that my backyard might suddenly be deemed "off-limits" or restricted—after two decades of peaceful, responsible use—is frustrating and unfair.

One of my biggest concerns is the impact this proposal will have on my property value. A 50-foot setback could make a large portion of my backyard essentially unusable, which would likely lower the value of my home. I am also currently exploring the possibility of building an ADU on my property, which is a right granted by the State of California. This setback rule could take that option away from me entirely. If I were to make any renovations to my property, I would also be very limited.

If the City imposes such a broad restriction on private property, are they also prepared to reduce my property taxes? Because if I'm no longer allowed to use a significant part of my land, it seems only fair that I not be taxed as if I can. Will the city compensate for the drop in real estate value when I go to sell my home?

This kind of blanket regulation doesn't account for the unique history or layout of individual properties. In my case, there is no evidence that future flooding poses a threat. Creating a rule like this without considering the real, lived experience of people like me—who have safely lived along these creeks for decades—is shortsighted.

Please do not move forward with this proposal as it currently stands. I ask that the Commission reconsider and find a more balanced, reasonable approach that protects our environment and respects property owners' rights.

Sincerely,

*Kathleen Stinnett*

3604 Capri Drive  
Santa Barbara, CA 93105  
C: 805.689.1752

**From:** [Erica Storm](#)  
**To:** [CreekBuffers](#)  
**Subject:** Creek Buffer Ordinance  
**Date:** Monday, March 10, 2025 10:49:48 AM

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You don't often get email from ericastorm@gmail.com. [Learn why this is important](#)

To whom it may concern,

As a homeowner on Sycamore Creek, the new Creek Buffer Ordinance proposed concerns me. Even if I do not plan any new development, this proposal would limit my ability to rebuild in the event of any disaster. This will severely affect my property value. I strongly oppose this ordinance.

Erica Storm  
1387 Sycamore Canyon Rd, Santa Barbara, CA 93108  
805.705.1222

**From:** [Robert Thomas](#)  
**To:** [CreekBuffers](#)  
**Cc:** [Kristen Sneddon](#)  
**Subject:** Proposed Creek Buffer Ordinance  
**Date:** Friday, March 21, 2025 11:55:11 AM

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Some people who received this message don't often get email from [rcthomassa@gmail.com](mailto:rcthomassa@gmail.com). [Learn why this is important](#)

To the City of Santa Barbara:

I oppose the proposed Creek Buffer Ordinance and urge the City to reconsider and ultimately abandon this unnecessary and burdensome regulation. While environmental protection is a worthy goal, this ordinance is redundant, excessively restrictive, and unfair to property owners across Santa Barbara.

Existing regulations at the federal, state, and local levels already safeguard our creeks, waterways, and wildlife. California and Santa Barbara have some of the strictest environmental protections in the nation, covering development, water quality, and habitat conservation. Adding yet another layer of regulation only creates undue hardship for residents and property owners without providing clear, demonstrable benefits.

The proposed ordinance would impose significant new limitations on land use, impacting thousands of property owners. It severely restricts what homeowners and businesses can do with their own land, rendering portions of their properties virtually unusable. Not only would it impede future development, but the ordinance also targets existing homes and other structures, most of which were built several decades ago in compliance with the regulations of their time. Many of the affected neighborhoods and homes have been established for over 50 years. This ordinance would, in effect, force the long-term displacement of homes, businesses, and the people who depend on them.

Beyond the immediate impact on property rights, this ordinance could carry severe financial consequences for property owners. It could decrease property values, make it even harder for homeowners to obtain insurance, and increase the costs and complexity of securing permits. In effect it is a taking of property without due process. There is no compensation being paid by the City to the landowner for this taking. It could also drive more property owners to pursue unpermitted work, ultimately undermining the very regulatory framework the ordinance seeks to enforce.

Despite these far-reaching consequences, the City has not convincingly demonstrated how these new restrictions would yield meaningful environmental or community benefits, nor has it made any serious effort to consult with impacted residents before attempting to fast-track the ordinance.

At a time when Santa Barbara is struggling with housing affordability, this ordinance would only add to the financial burden on residents who simply want to maintain, improve, or develop their properties. Instead of imposing unnecessary new



regulations, the City should focus on responsible environmental stewardship that does not unfairly penalize property owners.

For these reasons, I stand with my fellow residents in respectfully urging the City of Santa Barbara to abandon the proposed Creek Buffer Ordinance.

Thank you for your consideration.

Robert Thomas

512-466-0895

**From:** [gbthor@aol.com](mailto:gbthor@aol.com)  
**To:** [CreekBuffers](#); [Melissa Hetrick](#); [gbthor@aol.com](mailto:gbthor@aol.com)  
**Subject:** Comments on Proposed City Ordinance establishing Creek Buffer Zones and Related Matters  
**Date:** Monday, April 7, 2025 12:23:23 PM

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Melissa Hetrick,  
Resilience Program Supervisor  
City of Santa Barbara

Re: Comments on Proposed City Ordinance establishing Creek Buffer Zones and Related Matters

April 7, 2025

Dear Melissa,

Thank you for the opportunity to comment upon the proposed creek buffer zones ordinance. I focus below on what I, as a City resident, see as major flaws and problems with the draft Ordinance.

**Major Creeks Definition:**

The term Major Creek is not defined. The draft Ordinance just states that Major Creeks 'include' 16 named creeks. It provides no information to locate such creeks and does not specify whether the Major Creek classification applies (i) to all or just portions of the named creeks, or (ii) to what otherwise would be minor creeks (i.e., tributaries) that flow into the named creeks.

Even more problematic is the use of "**including**" in the description of the Major Creek category. This clearly indicates that there are, or may be, additional Major Creeks covered by the ordinance. However, no other major creeks are identified, and neither the criteria and process for adding additional "major creeks", nor persons who will make the decision, are specified.

In short, the Major Creek concept in the draft Ordinance is vague, ambiguous and, overall, fatally flawed. It is a provision that will have extremely significant impacts on a huge area in the City and on thousands of City residents, business owners and workers. As such it must be clear, complete and reasonable.

As it currently stands, the provision will create a cloud on title to vast portions of the City, far beyond the probable intended target area, because buyers, title companies and lenders likely will not take the risk of guessing which parcels are, or are not, affected by this designation. They will assume the Ordinance has the broadest possible impact, adversely affecting the market value, financing and marketability of countless properties in the City. The provisions need to be clarified.

#### Modifications Needed:

- Identify the location of each listed major creek and specify the portions that are to be included within the Major Creek definition.
- Specifically state that any additions to the Major Creek category must be implemented by an amendment to the ordinance approved by the City Council. The impact on residents and businesses is far too severe for this to be left to an administrative action or interpretation.
- Require advance written notice, with opportunity to comment, to all property owners who may be affected by a proposed addition or modification to the Major Creek category.

#### Extent of Creek Buffer Zones

The blanket buffer zones, especially the 50-foot Major Creek buffer zone, are an artificial and potentially excessive designation of a creek related area that doesn't consider actual site conditions. In addition, the extent of the area impacted by buffer zones is unclear because, contrary to common understanding, it starts not at the normal center or edge of a creek, but rather at an almost impossible to understand or determine point that could be dozens of feet from the creek itself.

As a result, "buffer zones" actually restrict a wider proportion of parcels than most people understand, an area that could extend, for Major Creeks, 70 feet or more from a creek. For example, the buffer zone could impact properties across a road from a "Major Creek", even though such properties have no connection or real world relationship to a creek.

This large, blanket, approach to buffer zones is overly burdensome, confusing and unnecessary. The draft Ordinance already provides that the City may impose additional creek protective restrictions on development beyond the buffer zones (e.g., Section 22.26.180). A more reasonable, and less damaging, approach for Major Creeks and Flood Control Project Creeks buffer zones would be a 25-foot buffer zone, coupled with the City's authority to impose additional restrictions on more distant areas, as needed on a case by case basis.

#### Modifications Needed:

- Reduce the size of the Major Creek and Flood Control Project Creek buffer zones to 25 feet from the measuring point.
- Clarify how the Top of Bank measurement point is determined so it is understandable to citizens, or better: adopt a clearer measuring point, such as the center of a creek.

- Include a reasonable cap on the distance from the creek to the Top of Bank measurement point (if still used) to avoid situations where the calculation results in a significant distance to the point at which a buffer zone starts.

### **Security/ Boundary Fencing**

Property owners and businesses need the right, as an exempt creek area development, to install and maintain safety/boundary fencing that complies with other city codes to protect persons and property.

The proposed buffer zones will affect large swaths of parcels, impacting significant portions of most parcels' boundary areas. City officials should not place additional hurdles and burdens on citizens' ability to take basic protective measures for the safety of persons, pets and property, especially in light of current crime and trespassing activity. Excessive restrictions or hurdles on security fencing for properties near creeks will create a class of properties more vulnerable to threats, and thus more attractive targets for criminals.

### **Modifications Needed:**

- Add to Section 22.26.070 a provision that allows installation and maintenance in buffer zones of security/boundary fencing that complies with other City codes, and grandfathers such existing fencing in the buffer zone.

### **Treatment of Natural Disaster Victims.**

By far the most shocking provision in the draft Ordinance is the City's plan to take advantage of natural disaster victims' misfortune.

Providing that fire, earthquake, landslide and flood victims cannot rebuild legally installed structures located in buffer zones is unconscionable and totally inconsistent with how the City presents itself to its citizens. This is the equivalent of the City taking a chainsaw to disaster victims' rights and to their ability to recover from the loss of homes and businesses that likely have been in place for decades. Even improvements added to a buffer zone with City approval after adoption of the Ordinance appear to be at risk (no express protection provided).

It is distressing that the City would even consider such an approach.

City staff has pointed to a limited exception the Planning Commission may, at its discretion, grant if a different replacement structure cannot be accommodated on the remainder of a lot. This appears to be an attempt to avoid lawsuits for an unconstitutional taking of property. However, as a practical

matter this exemption is largely meaningless because the procedures the Planning Commission must follow, Section 22.26.090, contains a limitation on the grant of such requests in residential areas to dwellings of less than 1,200 square feet. (If this is not what the drafters intended, you should clarify the language, if the provision remains in the draft Ordinance).

Another major problem with the cited exception process is that it does not include comparative cost as a factor in determining whether a replacement structure can be built on the remainder of a parcel. This means the Planning Commission can deny the exception if a hypothetical property owner with unlimited funds could build a replacement structure on the remaining portion of the parcel. As currently drafted, only extremely wealthy disaster victims are assured of rebuilding on a damaged parcel.

Unfortunately, this harsh result appears to be what the Ordinance is intended to achieve. The Ordinance expressly states that one of the City's principal goals is "**to remove as many structures as possible to outside of creek buffer zones**". The City plans to accomplish this by taking advantage of natural disasters to clear buffer zones of structures and improvements, even those legally installed before adoption of the Ordinance. In other words, the plan is to exploit disaster victims' misfortune, rather than assist their recovery.

Modifications Needed:

- Expressly allow owners to rebuild legally installed improvements in the buffer zone, including improvements added pursuant to the procedures provided in the Ordinance, subject to compliance with other City regulations.

Thank you for your consideration of the above comments. I would be happy to discuss any of the comments with City staff. Please email me for contact information or other info you may need: gbthor@aol.com.

Greg Thorpe

**From:** [David Trandal](#)  
**To:** [CreekBuffers](#)  
**Subject:** Elevation  
**Date:** Thursday, March 6, 2025 8:47:24 AM

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I believe we are still in the comment period for Creek Buffers. The new restrictions should consider the property's elevation relative to the creek. For instance, the 15-foot setback does not account for properties that are significantly higher than the creek bank. If a property is 12 feet from the creek but sits 4 feet above the bank, it should be exempt from the restriction.

Regards,  
David Trandal

**From:** [Alex Trieger](#)  
**To:** [CreekBuffers](#)  
**Subject:** Proposed changes  
**Date:** Friday, March 7, 2025 6:00:57 PM

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[You don't often get email from alextrieger@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Sent from my iPhon

I live at 756 Westmont Road the creek that runs behind my property in the Barranca is a seasonal creek. It is only accessed by occasional Neighbors because Chelham Road behind it and Westmont Road in front of are not a trail head or access point.

Also, there is a significant slope down to the creek itself, precluding precluding development and there is no development along the length of Westmont Road except at the very bottom up from Sycamore Canyon Road there is a property where it's much shallower embankments. The The feeder creek from Mountain Drive down thru westmont campus to ball field is classified minor but segment from ballfield to Sycamore Canyon Road, is classified major. Although it has overflowed at the city intake drain at the intersection of Sycamore and Westmont Creek due to insufficient size and cleaning of the creek in the past the problem seems to have been rectified by improving the drainage. in principle, I feel that the proposed regulations are too rigorous and that the existing regulations be left in place.

**From:** [Marla Viani](#)  
**To:** [CreekBuffers](#)  
**Subject:** My property does not have a creek  
**Date:** Sunday, March 23, 2025 7:50:07 PM

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You don't often get email from msviani@gmail.com. [Learn why this is important](#)

I am the property owner of 23 Augusta Ln, parcel number 015-1 63-012. I recently became aware of the proposed Creek Buffer Ordinance. I hadn't heard anything about this. Now I understand it has been in the works since at least 2023. I don't recall ever receiving anything from the city, and it appears that my property is affected.

Amazingly, what is on my property is considered a minor creek. It is, in fact, a small concrete trough, maybe 8 inches deep. It is my understanding that it was required by the city when my street, Augusta Ln, was developed in approximately 1962. I also understand that Penfield & Smith were the engineers that drew up the plans. The channel serves as a means to carry off water from the drains in the city street, Alston Rd, behind and above my property. The trough does not have water except when it rains.

Changes to anything near this trough will have NO affect whatsoever on any of the objectives of this ordinance. I respectfully request that this small drainage channel be removed from the list included in the proposed ordinance. I strongly urge you to consider removing all other "minor creeks" of this type that are included on the map indicating "Major, Flood Control, and Minor Creeks". During the meeting on February 19, 2025, it was acknowledge that this map from Penfield & Smith is out of date, from the 1990s. Possibly the minor creeks can be explored by the committee to verify that they should not be included. Better yet, omit them until and unless there is evidence that any of them should be included at all.

Respectfully,

Marla Viani

23 Augusta Ln

Santa Barbara, CA



**From:** [Pierrick Vulliez](#)  
**To:** [Melissa Hetrick](#); [CreekBuffers](#)  
**Subject:** RE: City creeks maps is inaccurate  
**Date:** Thursday, March 20, 2025 10:56:21 AM

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Hi Melissa,

Thank you for your thoughtful response. I've attached the location where there is no creek for your review.

While I appreciate the City's efforts to refine the ordinance, I have several concerns regarding its practical implications:

- Potential for unintended consequences: As currently defined, any property with a backyard and a slight slope could end up classified as having a minor creek if rainwater creates a temporary channel. This creates an incentive for homeowners to eliminate natural channels before any inspection, making enforcement impractical and potentially driving behavior counter to the ordinance's intent.
- Lack of clear criteria for creek designation: The broad and flexible definition of a creek leaves too much room for interpretation. This means City employees will have significant discretion in determining whether a creek exists, directly impacting what property owners can or cannot do with their land and possibly affecting property values.
- Uncertainty for property owners and buyers: Property ownership is based on clearly defined boundaries recorded with the County, along with zoning regulations that explicitly state what can and cannot be done with a parcel. The introduction of loosely defined minor creeks—without a reliable map or an objective designation process—creates significant financial uncertainty for buyers and sellers. A property survey performed at the time of purchase could be effectively overruled by a City decision, making it difficult for owners to plan for the future.

While the ordinance was likely developed with good intentions—particularly in response to problematic developments near major creeks—its enforcement will ultimately depend on discretionary decisions made by non-licensed officials. Given the potential legal and financial ramifications, it is critical that all stakeholders understand the ordinance's implications.

To address these concerns, the City could consider:

1. Establishing an official and enforceable creeks map, similar to zoning maps, that provides clarity for all property owners.
2. Removing minor creeks from the ordinance, focusing only on major waterways where regulation is more straightforward.
3. Defining a clear, objective, and legally sound process for determining the presence of a creek, ensuring property owners are not subject to arbitrary decisions.

I sincerely hope the next draft of the ordinance will take these issues into account. I appreciate

your time and consideration and would welcome any further discussion on this matter.

Thank you,  
Pierrick Vulliez

**From:** [Tom Wagner](#)  
**To:** [CreekBuffers](#)  
**Subject:** SB Creek Buffer Ordinance  
**Date:** Friday, April 4, 2025 12:30:24 PM

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You don't often get email from tom5591732@gmail.com. [Learn why this is important](#)

Good morning-

We are writing to express our deep opposition to this proposed Creek Buffer Ordinance. We simply see no compelling reason for this ordinance to be approved, and in many ways will have the opposite effect as it is intended.

The property owners and other affected stakeholders have all abided by the current restrictions that are currently in place for decades, and in an overwhelming number of areas the creeks and houses have been cohabitating just fine.

This ordinance is a solution that is in search of a problem.

If the City wants to protect the creeks and development in the future, then they should target areas that need improvement rather than try to impose a blanket ordinance and restrictions that encompass everything.

Further, this ordinance may have a significant impact on property values on the affected properties that will directly affect City and County revenue and budgets. If so, then we are sure that the City will be caught up in litigation over several years trying to defend an ordinance that was written to try to identify an issue that really does not exist.

We just see no positive outcome coming from this proposed ordinance.

Please table this ordinance and try to rewrite it to target the affected creek areas that truly need the attention they deserve.

Thank you for your time and consideration.

Best Regards,

Tom Wagner  
Lisa Lohmeyer  
730 Calle De Los Amigos

Dear Planning Commission,

I want to thank you in advance for taking the time to read my comment letter. My suggestions below are related to ways that your ordinance can be fair to homeowners who are severely impacted, while also helping to achieve your desired outcomes for more flood resilience. These are win-win strategies that I hope you'll seriously consider.

**New restrictions should be offset with other zoning modifications and exemptions** – Since you are drastically reducing the usability of our creek-side lots, I urge you to consider other modifications to your existing zoning standards to offset these reductions. In other words, since you are taking away land from us that we can use, give us some back. For example, properties affected by this buffer should have front setbacks reduced to 5 feet, interior setbacks removed, building heights increased, and parking minimums removed. These changes are not only fair, *they will encourage more development to be located further away from the creeks* and it will also help to offset how this buffer could decrease housing stock in Santa Barbara. If you do not provide such accommodations, this policy could exacerbate the housing crisis that already exists in this City and State. These modifications could also incentivize more proactive redevelopment that's more resilient and conforms with the setbacks.

**Major overreach regarding landscaping and repairs** – If I need to replace a rose bush or plant new annuals in the spring, that will do absolutely nothing to increase flooding risks, yet your policy disallows it. If I need to remove dead vegetation to reduce my wild-fire risk and protect my family, I can't because of your policy. This policy should be revised to only focus on vegetation within the creek banks, or other specific instances that would increase flood risks. But my small rose bushes or ferns, which are 20-40 feet away from the creek bank, should be nowhere in your concerns and not at all affected by this policy.

You must also allow property owners to use their own discretion to create a 5-foot defensible spaces and remove any other dead brush for wildfire prevention. I recognize the policy allows that but only "under the order of the Fire Department". I should not have to wait for the Fire Department to tell me to do that, nor do I even know through what process that would happen. If I need to act now to prevent wildfire risk, I need to act now. Do not let this policy be red-tape that prevents people from taking proactive measures to reduce their wildfire risks and protect their lives.

Additionally, the policy regarding substantial redevelopment is overly burdensome and conflicts with the City's definitions under Santa Barbara Municipal Code section 30.140.200 and the City's Coastal Land Use Plan. These policies define it as "when more than 50% of structural developments of **at least two** of the following building components..." Whereas in the this policy, it's more than 50% of **any** building component. This definition should be revised to match

the City's other policies. My roof is maybe 15% of the home, 50% of that is 7.5%. Repairing or replacing 7.5% of my home not a "substantial redevelopment" and should not prevent me from being able to repair my home.

**Rebuilding after natural disasters** – In situations where legally nonconforming structures are destroyed by a natural disaster, your policy under 22.26.090(C) says rebuilds should be outside of the buffer unless the Planning Commission finds that to be infeasible; however, this policy conflicts with Coastal Act Section 30610(g) which says existing structures destroyed by a natural disaster do not need permits if they're in the same location. I understand and support your intention, we should absolutely rebuild in more resilient ways after natural disasters. However, this mismatch in policies is not only confusing for people who have just suffered a disaster and want to return home again ASAP, it will make the process more difficult. Your policies should make the desired outcomes be the easier route, not the more difficult route. **If the Planning Commission says the rebuild must be outside of the buffer, that makes the project no longer eligible for Coastal Act's exemption and triggers a CDP requirement, and potentially CEQA.** This finding will also require new building plans, more permits, more permit fees, and you're dragging out how long until families can have a home again and making it more expensive for them by tens of thousands of dollars (if not more), whereas the intent of the Coastal Act was to require none of that in these specific instances. ***You must offset this burden with some incentives or exemptions of your own to hasten the rebuild process.*** For example, if somebody rebuilds outside of the buffer (either voluntarily or in accordance with a Planning Commission finding), they should be guaranteed expedited permits (14 days max) or same day permits if a verified 3<sup>rd</sup> party certifies the plans for compliance, waived permit fees, as well as other exemptions I recommended in the first paragraph. Telling people they can't rebuild their previous homes after a disaster and making the rebuild process much more difficult and more expensive will not be a good look for the City – just look at the political & public scrutiny State agencies and local governments have received for their "red tape" after the Palisades and Eaton fires. I urge you to reconsider how you're increasing the red tape for rebuilding in more resilient ways, and I urge you to get creative and find ways to make that be the cheaper and faster option.

Please also review the intent of Governor Newsom's recent executive orders (e.g., EO N-4-45) for the Palisades and Eaton fires to make sure this policy conforms with the intent of those policies – making sure red tape doesn't burden people who just suffered a disaster and need to rebuild ASAP, and using incentives to promote more resilient rebuilds.

**Proactive redevelopment to remove legally non-conforming structures** – We shouldn't wait for disasters to happen to make resiliency improvements, but unfortunately the City's significant cost and time for building permits to take on such projects are a major deterrence. For many of

the same reasons I outlined above, I recommend considering incentives to encourage and facilitate proactive redevelopment that removes existing structures from the buffer. The recommendations I made in the prior paragraphs (expedited permits, waived fees, lifting height limits, removing front setbacks, etc.) should also apply for proactive redevelopment that gets structures out of the buffer. Again, don't let your policies make your desired outcomes be the harder, more timely, more costly route. If you want structures out of the buffer, if you want to minimize future flood and debris flow damage, clear an easy path to do so.

**The buffer sizes do not reflect real flood impacts and risk** – Oddly, the buffer for my property which has no record of recent flooding (50 feet buffer for upper Mission creek) is much larger than the locations in Santa Barbara that flood regularly, almost annually, during large storms (35 feet buffer for lower Mission creek). I suggest you revise the buffers to be more moderate and actually reflect flooding risks that have been observed in recent record rainfall events.

**Prioritize other options to reduce flood risks that don't take away people's property** – There are many other options to reduce flood risks that don't require this policy, including creating more bioswales instead of sewers that feed into the creeks, unnaturally increasing the flows.

**Consider the effects on inequality and housing** – The reason many of us live near flood zones is because it's cheaper and more affordable. It's the only place I could afford in the City. That's not unique to me or others in Santa Barbara, there is substantial research that shows less affluent people live in flood zones throughout the country. Your policy will be burden to the less affluent in this City. As previously mentioned, this policy will also decrease housing in the City, further driving up costs and inequality. Please consider ways to directly address these concerns.

Thank you again for your time and consideration.

## **Public Comment on Proposed Creek Ordinance**

**March 24, 2025**

As longtime residents and engaged members of the Santa Barbara community, we support reasonable efforts to protect our creeks and natural environment. However, the proposed ordinance—requiring a 50-foot buffer zone on both sides of every major creek—is deeply flawed and threatens the character, affordability, and livability of our community and must be significantly revised before it can be considered acceptable.

**Arbitrary Buffer Zone.** The proposed 50-foot setback is arbitrary and unsupported by any data or watershed-specific studies. Santa Barbara's urban setting makes such a broad buffer impractical and inappropriate. There are already sufficient safeguards in place to achieve the same ecological goals while respecting the realities of existing residential neighborhoods.

The City's comparisons to buffer zones in the County, Goleta, and Carpinteria fail to account for fundamental differences in density and development. Santa Barbara is different—our lots are smaller, our homes closer together, and our neighborhoods already built out. Applying the same rules here is inappropriate.

**Flawed Creek Designations.** We also strongly disagree with the designation of certain waterways—such as the upper reaches of Arroyo Burro—as "Major Creeks." In many areas, these channels run through underground culverts or narrow backyard drainage paths that bear little resemblance to natural creeks. The planning team appears to be relying on outdated maps rather than conducting accurate, site-specific evaluations.

**Lack of Data on Erosion.** One of the stated justifications for this ordinance is erosion control. Yet the City provides no data, studies, or measurements indicating that erosion along these urban creeks is a current or growing problem. In the absence of evidence, this rationale appears speculative and does not justify the significant burdens the ordinance would impose on property owners.

**No Exemption for Disaster Recovery.** It is unacceptable that the ordinance does not include an explicit exemption for homeowners seeking to rebuild after a wildfire or earthquake. Any ordinance of this nature must guarantee the right to replace existing homes damaged by natural disasters. Failing to include such protections threatens basic property rights and community resilience.

**Private Property Use and Affordability.** The ordinance fails to adequately protect the personal use and enjoyment of private property, including gardening, landscaping, and maintaining patios or seating areas. These are fundamental aspects of residential life. If enacted, the ordinance would also impose significant permitting and engineering costs for even modest property improvements—further driving up the already high cost of living in Santa Barbara.

**Vague and Subjective Language.** The stated goal of promoting "scenic beauty" is highly subjective and cannot be objectively measured or enforced. Including vague aspirations like this in a binding ordinance sets a dangerous precedent and invites inconsistent application. It risks transforming Santa Barbara into a theme park—beautiful on the surface, but increasingly inhospitable for those who live here.

**A Major Taking.** The ordinance, as written, represents a major regulatory taking. It severely limits homeowners' rights to use their land and threatens to significantly reduce property values, especially for those who would be prevented from rebuilding after a natural disaster. By the City's own estimates, one in every twelve homes would be affected. That is an extraordinary impact requiring extraordinary justification — justification that has not been provided.

**Conclusion.** We urge the City of Santa Barbara to **reject** the proposed ordinance in its current form and return to the drawing board with a process that is data-driven, respectful of property rights, and responsive to the character and needs of our community.

Respectfully,

Kevin M. Welsh (805) 757-0651

Janet T. O'Laughlin (805) 451-4049

7 Willowglen Place

Santa Barbara, CA 93105



**From:** [Ron Wilmot](#)  
**To:** [CreekBuffers](#)  
**Subject:** Proposed Ordinance  
**Date:** Saturday, March 8, 2025 4:20:26 PM

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I live at 3109 Argonne Circle and have resided here for 60 years. the total length of my property lies along Lauro Creek below the Lauro Reservoir. My original western property line no longer exists due to erosion. These homes were built in 1946 with no thought of the creek. My neighbors and I have taken care of brush, downed limbs, trashetc. for all of these years. Never has there been any interest or intervention by the city!!!! My lot is pie shaped with the backs being about 15 feet across. Your intervention doesn't fit my situation. My garage was built very near the bank etc. Not being able to rebuild in case of a disaster and the insurance consequences are not acceptable. Because you have created a position on creeks and this person must do something doesn't fly. You have lots of problems in this city which need attention and funding. Creek buffers isn't one of them.

**From:** [Kirk Wyatt](#)  
**To:** [CreekBuffers](#)  
**Subject:** CREEK BUFFER ORDINANCE  
**Date:** Friday, March 21, 2025 4:45:47 PM

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Dear Sir/Madam,

Let us begin by making it clear that the notification of this ordinance to all of the stakeholders, was wholly inadequate! While a section of our street is directly impacted by this ordinance, only One out of Five impacted residents received a direct mail notification. The first time we even heard about the ordinance was on 3/6/25 via a local homeowners association. Given this I am sure that there are many others in Santa Barbara who are yet to be aware/advised. This lack of notification and hurried ordinance schedule does not allow sufficient time for a thorough review, by those impacted, to fully understand the ramifications.

I, and many others in Santa Barbara, are totally dismayed by yet another effort to limit the existing and potential future use of our properties. The ordinance is ill conceived and bundles the entire city into an 'across-the-board', 'one size fits all' scenario without clear and/or FAIR recourse/appeal, other than legal means, of which a grassroots effort is already discussing.

**Above everything within the proposed ordinance is the unbelievable designation of Minor Creeks! Reclassifying a 'drainage ditch or gutter' as a 'minor creek' is beyond the imagination!**

This ordinance may very well be scrutinized as 'A TAKING AND HINDRANCE OF PRIVATE PROPERTY'.

This ordinance should NOT move forward.

Regards,  
Kirk Wyatt  
29 Augusta Lane, Santa Barbara, CA 93108  
[kewyatt@gmail.com](mailto:kewyatt@gmail.com)

**From:** [Shona F. Wyatt](#)  
**To:** [CreekBuffers](#)  
**Subject:** CREEK BUFFER ORDINANCE  
**Date:** Sunday, March 23, 2025 2:59:21 PM

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Please tell me how on earth a small concrete drainage trough, which virtually never has water in it, could ever be classified as a 'minor creek'? In the forty plus years I have lived here there has never been more than a tiny amount of water in this trough, even during some horrendous storms. 99.9% of the time it is completely dry. I find this to be absolutely ridiculous! I strongly oppose this ordinance.

Shona F. Wyatt

**From:** [Scott Young](#)  
**To:** [CreekBuffers](#)  
**Subject:** More Thought  
**Date:** Wednesday, March 12, 2025 12:30:54 PM

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Clearly this sweeping measure could use a little more thought.  
You are not Elon Musk, after all.

**From:** [Yolanda Yturalde](#)  
**To:** [CreekBuffers](#)  
**Subject:** Opposition to Creek Buffer Ordinance  
**Date:** Sunday, March 9, 2025 8:24:36 PM

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You don't often get email from yolanda.mft@gmail.com. [Learn why this is important](#)

Re: 1268 Veronica Springs Rd. Property

Dear City of Santa Barbara,

We are disheartened that you are trying to limit the reconstruction of our property in the event of a fire. Our home is less than 35 feet from the Controlled Creek, and should some earthquake damage happen, we could not afford to rebuild in another footprint. We are not happy with this ordinance that appears to be stealing our property from people who pay City taxes at a rate more than sufficient to pay officials to create ideas with substantially less impact on our property rights.

We oppose the SB Creek Buffer Ordinance!

Sincerely,

--

Yolanda Yturalde, MS, LMFT