

1 **13.76.400: DEVELOPMENT NEAR WATERWAYS:**
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3 A. *Buildable Areas.* Any buildable area or portion of a buildable area, fence or structure shall
4 not be closer than twenty feet (20') to any manmade drainage, fifty feet (50') to an
5 ephemeral stream or natural drainage channel, or one hundred feet (100') to a perennial
6 streams; Cottonwood Creek, Mill Creek or Spring Creek without approval of a special
7 exception as follows:
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9 1. The Community Development Director, with the consent of upon recommendation
10 from the City Engineer and the concurrence of any state or federal regulatory body with
11 jurisdiction over such waterways may approve special exceptions to buildable areas that are
12 within;

13 a. Twenty feet (20') to any manmade drainage;

14 b. Fifty feet (50') to an ephemeral stream or natural drainage channel, or;

15 c. One Hundred (100) feet to Fifty (50) feet of Cottonwood Creek. Mill Creek
16 or Spring Creek.
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18 2. The Planning Commission may grant an exception for a buildable area closer than
19 fifty feet (50') to Cottonwood Creek or Spring Creek with the consent of as per procedures
20 set forth in chapter 13.08 and based upon recommendations from the City Engineer and the
21 Community Development Director and the concurrence of any state or federal regulatory
22 body with jurisdiction over such waterways.
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24 B. *Modification of Existing Waterway.* Existing waterways including ~~irrigation ditches,~~
25 irrigation pipes, storm drain channels, storm drain pipes, and related facilities shall be
26 preserved in function and capacity and a permit is required for any modification to any such
27 waterway.
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29 C. *Piping of Existing, Canals and Ditches.* Irrigation ditches, also know as "Laterals", and
30 canals were historically designed and used as open-channel water conveyances, however,
31 urban encroachment has created a need to pipe these facilities. Piping of existing open-
32 channel facilities is permissible subject to the following:
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34 1. A permit is required for changing any irrigation canal or ditch, means of conveyance
35 or alignment. Applicant shall provide necessary details to the City Engineer and certify that
36 the proposed changes will not adversely impact the capacity or functioning of the canal or
37 ditch, nor hinder the ability to deliver water to those with a water right.
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39 2. The permit will be subject to the review and approval of the City Engineer.
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41 3. Current and future landowner(s) are responsible for the perpetual and continual
42 maintenance and condition of the piping along and through the property.
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