



Flood Control
& Water Conservation District

FREQUENTLY ASKED QUESTIONS
For

PROPERTY OWNERS NEAR CREEKS

Last Revised May 4, 2020

Introduction:

The following questions have been organized in the categories below. We have attempted to group the questions from more general to more specific/technical in nature. Each group of questions is in a different file. You should go to the file that appears to relate best to your question.

Frequently Asked Questions for:

- [Drainage, Watershed, and Water Quality](#)
- [Property Owners Near Creeks](#)
- [Developers and Engineers](#)
- [Definitions of Terms](#)

If you have questions that you cannot find in this document, please call the Flood Control District at (925) 313-2000 and ask for the Flood Control. Someone will do their best to address your question.

In the PDF version of this document, the Table of Contents can be used to jump to the responses to the questions. Use the “Navigation” toolbar to jump back to the List of Questions.

Contra Costa County Flood Control and Water Conservation District¹

255 Glacier Drive
Martinez, CA 94553
Phone: (925) 313-2000
FAX: (925) 313-2333
www.cccounty.us/floodcontrol

Maintenance Division:

Phone: (925) 313-7000
FAX: (925) 313-7014

¹ The Flood Control District is in the County Public Works Building

List of Questions

	Page
Introduction:	2
1) What is the drainage easement across my property for? Can I build on it? What can I do on it?	4
2) How close can I build a structure or improvement to the creek bank or drainage easement?	4
3) How do I determine what drainage area my property is in, and what my drainage area fees will be for my proposed improvement(s)?	5
4) Can I use Flood Control District right of way to access my property?	5
5) How do I resolve a drainage dispute with my neighbor for a privately maintained drainage course or system?	5
6) Why can't we plant in the creek?	5
7) Why do we need a permit to work in the creek?	5
8) What do I do if my creek bank is eroding and I don't have time to get a permit?6
9) I live in a house next to a creek. Is there anything special I should be doing related to the creek?	6
10) Is there any County help for people who need to repair the creek bank?	6
11) Why can't I throw my grass clippings in the creek?	6
12) Who maintains fencing?	7
13) Does the Flood Control District provide sand bags?	7
14) I have a private drainage facility going through my property and the people upstream are benefiting from this facility. If other people are benefiting from this, why am I responsible for maintaining the facility and not the other people or Flood Control or the city/county?	7
15) Where do I apply for a permit to do construction on my property?	7
16) Can you explain the different land right terms?	7

PROPERTY OWNERS NEAR CREEKS

1) What is the drainage easement across my property for? Can I build on it? What can I do on it?

Easements provide the Public Works Department and Flood Control District with land rights for construction, reconstruction, maintaining and accessing its drainage facilities and for other related purposes. Some access easements are not used regularly but must be kept clear for potential future use. An easement allows the property owner use of the property as long as it does not interfere with easement rights.

Therefore, no permanent structures or encroachments including, but not limited to fill slopes, retaining walls, fencing, sheds, or landscaping will be permitted or constructed within or over any drainage easement. Any such obstructions will be removed as necessary for maintenance and access purposes and will not be repaired or replaced (Title 9; 914-14.010).

Your use of an easement on your property depends on the Flood Control District or County's defined uses. Compatible uses are allowed. Contact the City or County to discuss the easement restrictions and limitations across your property. Before you do any project in the easement, you should contact the Public Works Department and/or Flood Control District at (925) 313-2000.

2) How close can I build a structure or improvement to the creek bank or drainage easement?

For natural creek (unimproved) channels:

Depending on the depth of the creek, structures or improvements generally must be 30' to 50' away from the top of the creek bank. You may not build permanent structures of any kind (other than drainage structures, fencing, sheds, or landscaping) within the structure setback area. For more details on calculating the structure setback line, please refer to the County's creek structure setback requirements outlined in the County Ordinance Code, Title 9, Division 914, (Sections 914-14.010, .012, .014) or contact a Licensed Civil Engineer. You may hire a private Geotechnical Engineer that can provide calculations for the foundation of the new structure based on a soils report, to be submitted to the Building Inspection Department.

For drainage easements:

There is no structure setback limit from a drainage easement line. The homeowner may construct any project up to the limit line represented by the easement. No permanent structures or encroachments including, but not limited to, fill slopes, retaining walls, fencing, or landscaping shall be permitted or constructed within or over any drainage easement.

Before you do any project in the easement, you will need to contact the Public Works Department and/or Flood Control District at (925) 313-2000.

3) How do I determine what drainage area my property is in, and what my drainage area fees will be for my proposed improvement(s)?

- Call the Flood Control District counter person at (925) 313-2000.
Having your Assessor's Parcel Number (APN) will help our staff serve you better.
- Go to <http://www.cccounty.us/publicworks>
Under "Flood Control District" find "Programs," then "Drainage Areas," then "DA Fee Schedule."
Under "Drainage Areas" find "DA Maps"

4) Can I use Flood Control District right of way to access my property?

For temporary access permission through Flood Control District property, a District Flood Control Permit must be issued to the applicant. Typically, a \$100 key deposit or \$1900 application deposit, \$1000 (minimum) refundable cash bond, and certificate of insurance are required. Access may be restricted to the dry season (typically April 15 – October 1).

Contact: Permit Center (925) 674-7200
or the Flood Control District (925) 313-2000.

5) How do I resolve a drainage dispute with my neighbor for a privately maintained drainage course or system?

- The Center for Human Development offers a Free County Mediation Program at website shown below,
<https://chd-prevention.org/programs/conflictresolution-php/>
- Consult with a qualified attorney with experience in water law and regulations, such as California Drainage Law and County Ordinance Code, Div. 1010.

6) Why can't we plant in the creek?

Vegetation, especially woody-stemmed shrubs and trees, creates an impediment to flow. The impediments can cause flooding or erosion problems, leading to property damage during the winter season. Also, some plants are non-native and invasive and can cause environmental damage to the creek habitat.

7) Why do we need a permit to work in the creek?

The County requires the issuance of a permit to work in any creek in the unincorporated area to assure that the proposed work will not unreasonably affect the function and stability of the creek or significantly disturb the natural habitat. The Flood Control District requires the issuance of a permit for work within any of its rights of way both in cities and in the unincorporated area. Their purpose is to assure that the work is necessary, will not permanently affect its lands and improvements, and to assure that permittees provide adequate insurance for liability. In the case of active erosion and emergency situations, you have the right to install emergency measures and obtain a

permit afterwards; however, if it isn't an emergency and the permit is overlooked, you could be cited for a violation.

8) What do I do if my creek bank is eroding and I don't have time to get a permit?

In the case of active erosion and emergency situations, you have the right to take emergency action to stop the erosion for doing damage to a structure or other facility and obtain a formal permit afterwards. Permanent repair will require a permit to ensure the emergency repairs meet the standards of the Flood Control District and County. If there was no emergency and the permit was not applied for and issued, you could be cited for a violation. If the creek bank is actively eroding it is important to control bank erosion as soon as possible. However, it is important to not put yourself or any labor you may hire to control the erosion in danger from drowning or from being injured by the bank collapsing. Get professional help for large erosion problems.

9) I live in a house next to a creek. Is there anything special I should be doing related to the creek?

Sometimes years of erosion of the lower part of the bank will result in a sudden failure. Yearly inspection of your creek bank and inspection after major storm events will help alert you to changes caused by erosion. If possible, an inspection by a qualified engineer, geologist or geomorphologist should be done in situations where erosion to the creek bank is severe.

10) Is there any County help for people who need to repair the creek bank?

The Flood Control District has partnered with the California Urban Streams Partnership (CUSP) to create the Streamside Management Program for Landowners (SMPL - pronounced like "Simple"). This program assists private property owners with stream-related issues. It is designed to offer property owners advice about low-cost, environmentally sound streamside management practices and alternatives to concrete and riprap. For more information contact the CUSP at:

Streamside Management Program for Landowners

(510) 932-2370

custreams@gmail.com

www.californiaurbanstreamspartnership.com/

www.cccounty.us/privatecreeks

11) Why can't I throw my grass clippings in the creek?

Grass clippings or other yard waste smothers natural vegetation and can add excessive nutrients to the creek. When the yard waste decays it introduces high nutrient levels, which reduces oxygen levels in the water, harming aquatic life in the creek. The material can also float downstream, lodge against trees, and become a major obstruction to stormwater flows. Current State regulations prohibit the discharge, dumping or release of potential pollutants into watercourses. This includes grass clippings and yard waste.

12) Who maintains fencing?

The Flood Control District maintains fencing around its facilities. The County Public Works Department maintains some roadside fences and safety fences and railing around bridges.

13) Does the Flood Control District provide sand bags?

The Flood Control District does not provide sand bags to private property owners. Often, in times of emergencies, the County may provide sandbags during significant storm events to residents in the unincorporated county. If you live in a City, contact your City Public Works Department for information and/or assistance in preparation for conditions requiring their use.

14) I have a private drainage facility going through my property and the people upstream are benefiting from this facility. If other people are benefiting from this, why am I responsible for maintaining the facility and not the other people or Flood Control or the city/county?

There are drainage laws that apply to your situation. In general, the laws state that you can not impede (reduce or stop) the drainage from another property to and through your property in a way that causes flooding on the upstream owners property. Public agencies do not have rights or authorities to maintain facilities (natural or manmade) on private property. You are therefore required by law to keep the drainage facility working in proper order.

15) Where do I apply for a permit to do construction on my property?

Contact the Application & Permit Center at (925) 674-7200.

16) Can you explain the different land right terms?

See the Terms and Definitions FAQs in a separate document.

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