

## **Ordinance on Riparian Habitat Areas**

### *City of Napa, California*

#### **17.60.80 Riparian Habitat Areas**

The following provisions shall apply to all lots which are contiguous with or directly adjoin an intermittent or perennial stream or river identified in and consistent with the conservation element of the general plan (portions of the Napa River, Napa Creek, Redwood Creek, Browns Valley Creek, Milliken Creek, Sarco Creek, and Tulocay Creek). Lots to which the provisions of this section apply shall be indicated on the zoning map as “CR-6.”

- A. A protective streamside buffer fifty feet in width measured from the top of a stream, creek or riverbank landward shall be observed. Top of the bank shall mean the highest elevation of land which confines to their channel waters flowing in an intermittent or perennial stream or river. Except as provided in subsection F of this section, a riparian habitat management plan, prepared by a registered civil engineer or landscape architect shall be required for development including grading, dredging, and filling within the protective streamside buffer. The riparian habitat management plan shall be submitted to the planning director and public works director for review and approval.
- B. The protective streamside buffer required by subsection A of this section is a minimum and may be increased if necessary to mitigate the impact of the proposed development on riparian habitat areas.
- C. A riparian habitat management plan shall address the following requirements:
  - 1. Site development shall be fitted to the topography and soil so as to create the least potential for vegetation loss and site disturbance;
  - 2. Vegetation removal shall be limited to that amount necessary for the development of the site. Protection of tree crowns and root zones shall be required for all trees planned for retention;
  - 3. Vegetation indigenous to the site or plan community shall be restored in areas affected by construction activities. Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New planting shall be given sufficient water, fertilizer and protection to insure reestablishment. Plants which minimized fire hazards should be utilized adjacent to buildings and structures;
  - 4. If proposed development including grading, dredging and filling within the protective streamside buffer would affect the banks of the stream or river, bank stabilization using techniques acceptable to the public works director shall be required to prevent erosion;
  - 5. The riparian habitat management plan shall be developed in consultation with the Department of Fish and Game and/or United States Army Corps of Engineers;
  - 6. A discussion of site design to minimize the disturbance and loss of vegetation.
- D. A riparian habitat management plan shall be drawn to scale and shall be of sufficient clarity to

indicate the nature and extent to the work, bank stabilization and revegetation efforts proposed. A riparian habitat management plan shall include the following information:

1. Name and address of owner;
  2. Name, address, professional status, license number, and phone number of the person who prepared the plan;
  3. Location and assessor's parcel number of the proposed site;
  4. North arrow, scale, and the name and location of the nearest public road intersection;
  5. Existing contours of the site, as well as finished contours to be achieved by grading. Contours shall be sufficiently detailed to define the topography over the entire site (generally at two-foot intervals);
  6. Detailed plans of all bank stabilization and erosion control measures
  7. Delineation of areas to be cleared during development activities;
  8. Restoration vegetation proposed for all surfaces exposed to be exposed during development activities, including any dredged, filled or graded areas;
  9. The location and extent of open space buffers and method implementation; any use restrictions and method of implementation.
- E. All approved measures to mitigate the loss or impact to riparian habitat shall become conditions or approval of the project. In addition all approved riparian habitat management measures shall be carried out prior to final clearance of the building permit or concurrently with the installation of site improvements in the case of a subdivision map.
- F. The planning director may waive the requirement for a riparian habitat management plan for projects which will not result in disturbance to the land or where on-site conditions clearly demonstrate that the site is not now occupied by riparian habitat vegetation and would not effectively respond to riparian revegetation. An applicant requesting such a waiver shall submit sufficient information to substantiate the waiver. Such projects may include, but are not limited to the following:
1. A change of use or status of the property (i.e. rezoning) which will not directly result in construction or land-disturbing activities;
  2. An accessory building less than five hundred square feet in size;
  3. Construction within an existing structure;
  4. A lot line adjustment. (Prior code 30-337).