

## CHAPTER 13

### O-1 RIPARIAN PROTECTION OVERLAY ZONE

#### SECTION:

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**8-13-1: PURPOSE:** The purpose of the O-1 Riparian Protection Overlay Zone is to protect water quality and habitat quality in the streams, creeks, and wetlands and other riparian features in Plummer, in order to accomplish the following objectives:

- A. Implement the water quality protection, natural resource and hazardous area protection and rural character protection goals and objectives in the Comprehensive Plan.
- B. Achieve Plummer's resource protection and community character goals in a manner that is reasonable and sensible to local conditions and concerns of property owners.
- C. Protect the public health, safety, and general welfare, by encouraging and protecting vegetative cover along stream banks to shade the stream, thereby maintaining lower water temperatures and high-quality stream habitat.
- D. Maintain the integrity and stability of stream banks and protect stream banks against erosion, by providing for effective vegetative buffers adjacent to stream corridors, and by prohibiting excavation and building activities within a specified distance from stream banks and contiguous wetlands.
- E. Protect and enhance the natural character and appearance of streams, river corridors, and wetlands which contribute to their valued natural character of the community, its quality of life and its property values.
- F. Permit and encourage property owners to enhance native vegetation along riparian corridors in Plummer.

**8-13-2: APPLICABILITY:** The requirements of this Chapter shall be deemed to be cumulative and supplementary to those of any underlying zone district. Whenever a conflict between the provisions of this Chapter and the underlying zone district exist, the more stringent requirements shall apply.

**8-13-3: BUFFER AREA:**

- A. The buffer area is measured horizontally upland from the top of the stream channel bank.

- B. Streams within the area designated by the FEMA Flood Insurance Rate Map (FIRM) as being in the 100 year flood zone shall have a buffer area of twenty five feet (25') on both sides of the active channel.
- C. All other streams and waterways carrying seasonal runoff shall have a buffer area of ten feet (10') on both sides of the stream channel.
- D. Wetlands, as defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that does support, wetland vegetation or aquatic life shall have a buffer area extending twenty-five feet (25') from the seasonal high water mark.

**8-13-4: USES PERMITTED:**

- A. Streets and alleys as platted.
- B. The removal of hazardous trees, defined as those that pose an obvious and immediate health, safety or welfare threat to persons or property. Hazardous tree removal shall be in compliance with Plummer Tree Ordinance Title 5, Chapter 4. All trees removed are required to be replaced.
- C. Removal of emergent in-channel vegetation which has the potential to cause flooding.

**8-13-5: USES PROHIBITED:** In addition to all restrictions and standards applicable for the underlying zone, the following shall apply to all lots within the Riparian Protection Overlay Zone:

- A. No dwelling unit, principal building, or accessory building shall be constructed within the designated buffer area unless approved by special use permit.
- B. No development consisting of grading or construction of an impervious surface, including paved or gravel parking areas or paths, and land clearing activity such as removal of trees or other vegetation shall be permitted within the designated buffer area unless approved by special use permit.
- C. The removal of vegetation from the buffer area unless approved by special use permit.
- D. Storage of motorized vehicles or petroleum products.
- E. Storage or use of toxic or hazardous materials.
- F. Storage of herbicides, pesticides, and fertilizer.
- G. Placement of fill or dumping of any refuse.
- H. Topsoil, sand and gravel extraction.
- I. Placement of septic facilities.

J. Housing and open facilities for household pets, small farm animals, poultry or livestock.

**8-13-6: SPECIAL USE:** On property within the O-1 Zone the following uses may be permitted through the issuance of a special use permit pursuant to Title 8, Chapter 17:

- A. Pedestrian or vehicular bridges when designed and constructed in a manner that minimizes impact on the riparian feature.
- B. Flood control or bank protection structures.
- C. Boardwalk access to wetlands constructed in accordance with a permit issued by the Idaho Department of Environmental Quality or the Army Corps of Engineers.
- D. Development of water related and water dependent uses, provided they are designed and constructed to minimize impact on the existing riparian vegetation.
- E. Recreational trails not exceeding ten feet in width.