



MEMORANDUM

TO: Environmental Commission Members

FROM: Katie Coyne, AICP, Certified Ecologist – ESA
Environmental Officer / Assistant Director
Watershed Protection Department

DATE: April 11th, 2023

SUBJECT: Requested clarification to the Riparian Zone Mitigation Fund language

The purpose of this memorandum is to request a recommendation from the Environmental Commission to approve a clarification to the language establishing the Riparian Zone Mitigation Fund ([Ordinance No 20131017-046](#)). The proposed changes will provide clarity on the use of the Riparian Zone Mitigation Fund to fully meet the intent of the Land Development Code (LDC 25-8-364, LDC 30-5-364) and the Environmental Criteria Manual (ECM 1.7.0) requirements regarding Floodplain Modifications.

Background:

The Riparian Zone Mitigation Fund was established by ordinance in 2013 as part of the Watershed Protection Ordinance Floodplain Modification provisions. It creates an alternative for compliance with floodplain modification requirements for proposed development projects that have exhausted the ability to comply with the requirement on site and allows for payment into the fund. The intent of the fund is to provide an alternative mechanism to protect and/or restore floodplain health.

Problem Statement

While the intent of the code is very clearly to protect and/or restore floodplain health, the language of the ordinance establishing the Riparian Zone Mitigation Fund only explicitly mentions a protection mechanism through acquisition of land through direct purchase or conservation easements. It fails to explicitly mention its use to help fund active restoration projects for currently degraded floodplains. Staff requests a change in the language to provide clarity and explicitly match the intent of the Floodplain Modification regulations.

Staff recommendation:

To provide clarity in the use of the Riparian Zone Mitigation Fund as an instrument supporting the intent of the Floodplain Modification provisions in code and criteria, modify the existing Riparian Zone Mitigation Fund language to clarify its use for programs and projects to restore floodplain health by including it explicitly in the description of its applications.

cc: Jorge Morales, P.E., CFM, Director, Watershed Protection Department