



Recommendation for Action

File #: 23-2229, **Agenda Item #:** 121.

7/20/2023

Posting Language

Approve an ordinance amending Ordinance No. 20131017-046, also known as the Watershed Protection Ordinance, specifying that the Riparian Zone Mitigation Fund may be used for the purchase of restrictions on or fee title of property or for the implementation of projects or programs to restore or protect floodplain health.

Lead Department

Watershed Protection Department.

Prior Council Action:

October 17, 2013 - City Council approved Ordinance No. 20131017-046, which included the establishment of the Riparian Zone Mitigation Fund.

For More Information:

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Council Committee, Boards and Commission Action:

Environmental Commission - conducted on April 19, 2023.

A motion to recommend the amendment to Part 81 Ordinance 20131017-046, also known as the Watershed Protection Ordinance, was approved with conditions on Commissioner Bedford's motion, Commissioner Ramberg's second on an 8-0 vote. Commissioner Brimer abstained. Commissioners Bristol and Thompson were absent.

Additional Backup Information:

The Watershed Protection Ordinance brought sweeping changes to environmental protections related to water quality, including code updates related to mitigating the environmental impacts of floodplain modification. The ordinance allows applicants to pay a fee into the Riparian Zone Mitigation Fund when certain criteria are met. The fund provides flexibility for development projects where it is difficult to achieve full protection, restoration, or mitigation of floodplains on site.

The original intent of the fund was to provide the City of Austin with mechanisms to protect and enhance floodplains outside of the project boundaries. While this intent included funding City floodplain restoration projects, the current language only explicitly covers its use for purchasing or placing restrictions (e.g., conservation easements) on land to protect floodplains. Given the rising costs of land and poor condition of floodplains along urban and suburban watersheds, it is essential that the City continues the restoration and enhancement of floodplain health. Staff have determined that the current language requires clarification to explicitly specify the use of the funds for floodplain restoration.