

HB - 243 Riparian Amendments

Rep. Bennion | House Natural Resources, Agriculture, and Environment Committee | January 29, 2024

Background:

H.B. 243 – Riparian Amendments creates a new program called **Healthy Water Ways** that bestows awards to cities and counties for including a riparian area element in their general plans and adopting ordinances protecting riparian corridors.

Riparia are vegetated transition zones between aquatic and fully terrestrial habitats. They provide many benefits to humans including water storage, flood and erosion control, filtration of pollutants in runoff that supports good water quality, modulation of air and water temperature through evaporative cooling and shading, and access to open space. **Healthy Water Ways** will highlight proven approaches for promoting benefits of riparian corridors in a more coordinated manner, while preserving the ability to grow communities according to a local vision.

What's in the Bill

- Recommendation to include a riparian element into city and county general plans and adoption of riparian protection ordinances
- Local control over content of riparian element within general plans and related code
- 5-year funding for an employee of the Utah Division of Natural Resources to consult on riparian area delineation, general plan updates, and code development and to run Healthy Water Ways award program

What's NOT in the Bill

- A 'one-size fits all' approach.
- A requirement to update general plans, adopt new code, or conduct costly restoration work.
- Prohibition of economic activity and development within all riparian areas or control of invasive species, noxious weed and fire suppression activities.

Proof of Concept

- Critical Lands Overlay Zone – City of Logan
- Foothills & Canyons Overlay Zone – Salt Lake County
- Jordan River Protection Overlay Zone – Lehi City
- Riparian Corridor Overlay District – Salt Lake City
- Sensitive Areas – Cache County
- Sensitive Lands Evaluation & Development Standards – City of Cottonwood Heights
- Sensitive Lands Overlay Zone – Park City
- Sensitive Lands Regulations – Oakley City
- Waterfront Trails & Buffer Overlay Zone – City of Saratoga Springs



The further away from the riparian corridor, the less strict regulation will be

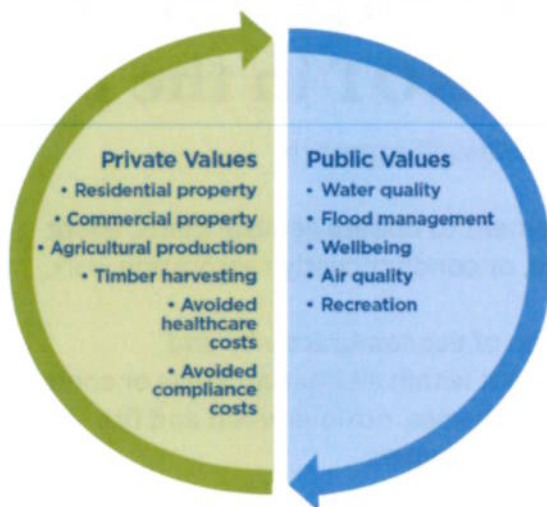
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Flexible Planning

Land use planning tools exist to compensate property owners for potential financial loss associated with riparian protection, such as:

- Purchase or transfer of development rights
- Higher density development in other areas
- Financial compensation via land purchase for conservation easements
- Exemptions from code restrictions based on undue burden criteria



Private and Public Benefits of Riparian Buffers

Resources

Gabanski, L. 2012. The Economic Benefits of Protecting Healthy Watersheds. EPA 841-N-12-004. U.S. Environmental Protection Agency, Washington, D.C. 4 pp. <https://www.epa.gov/hwp/benefits-healthy-watersheds#economic>

Hall, A., et. al. 2023. Land Use & Green Infrastructure Scorecard: Low Impact Development Strategies to Protect Water Resources. U.S. Environmental Protection Agency, Washington D.C., 38 pp. <https://www.epa.gov/green-infrastructure/land-use-and-green-infrastructure-scorecard>

Young, N. 2016. The Economic Value of Riparian Buffers. American Rivers, Washington, D.C., 19 pp. <https://www.americanrivers.org/resource/economic-value-riparian-buffers/>

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Key Principles:



Hazards mitigation – Riparian areas protect real property by limiting erosion and reducing the size and speed of floods, especially where there is space for floods to move through floodplains.



Water supply – Riparian areas absorb water from precipitation and release it over time to maintain baseflow during dry times. Water loss from riparian evapotranspiration can be offset by gains through absorption of precipitation and shading of streams and soils.



Economics – Riparian protection maintains high property values and promotes community development by supporting desired aesthetics and recreation opportunities that can coincide with commercial growth.



Stewardship – Riparian vegetation filters pollutants and modulates water temperature, providing a low-cost means to ensure high water quality for human consumption and aquatic life. Riparia also sequester carbon from the atmosphere.



Connectivity – Effects of riparian management can influence downstream communities in positive or negative ways, depending on land use patterns. Riparia also serve as important wildlife habitat and migration corridors.

