

PIMA COUNTY FLOOD CONTROL DISTRICT DEVELOPMENT OF THE RIPARIAN HABITAT OFFSITE MITIGATION GUIDELINES

Mitigation Working Group Meeting

Meeting No. 1

October 27, 2010, 3:00 pm

Location: 97 E. Congress St., Tucson

Attending:

Carolyn Campbell	MWG - Coalition for Sonoran Desert Protection
Katheleen Kennedy	MWG - Coalition for Sonoran Desert Protection
Karen Cesare	Novak Environmental, Inc.
Robert Tucker	MWG - Diamond Ventures
David Godlewski	MWG – Southern Arizona Home Builders Association (SAHBA)
Aaron Citron	Arizona Land and Water Trust
Orlanthia Henderson	Town of Sahuarita
Sherry Ruther	Pima County Development Services Department (DSD)
Suzanne Shields	Pima County Regional Flood Control District (RFCD)
Carla Danforth	Pima County RFCD - WRD
Marisa Rice	Pima County RFCD - WRD

The focus of this meeting was to review and discuss Pima County Regional Flood Control District's (the District) Draft Regulated Riparian Habitat Offsite Mitigation Guidelines (Guidelines), dated October, 2010. In addition to discussion of the draft Guidelines, the District presented a timeline for Pima County Board of Supervisors (Board) adoption of the onsite and offsite mitigation standards.

Item 1: Introductions

Introductions were made by MWG members and others attending the meeting (see list of attendees above.) Carla welcomed the group and briefly touched on a timeline for Board adoption of the onsite and offsite mitigation guidelines. The District's goal is to send both documents to the Board in Spring, 2011.

Item 2: Presentation of the Draft Offsite Mitigation Guidelines

Results of the Interview Questionnaire:

The District met individually with MWG members, Carolyn Campbell and Kathleen Kennedy (CSDP) and received a completed questionnaire from Aaron Citron with Arizona Land and Water Trust. Results from the meeting and questionnaire were briefly discussed with the group.

Draft Guidelines:

Carla presented a PowerPoint presentation on the draft Guidelines. The District's goal is to create a flexible offsite mitigation program. With this goal in mind, several options were presented to mitigate for impacts to Regulated Riparian Habitat (RRH). The first option, the In-Lieu Fee (ILF) was discussed in more detail. The District contracted with SWCA Environmental Consultants to further develop the ILF option. SWCA drafted a report titled, "Options for Assessing In-Lieu Fees", which examined various ways to assess fees to compensate for impacts to RRH. The methods examined include:

1. Traditional mitigation bank;
2. Simple fee. Developer/property owner would be charged a set fee per square foot of riparian habitat impacts.
3. Biological value adjusted ILF. Fee would be based upon a set fee per square foot of impacts, based on RRH type, and then adjusted upward for onsite ecological functions and values.
4. Real estate value-based ILF. Fee would be based on the appraised value of impacted land.
5. Fee based on Full Cash Value (FCV) of the property or adjacent properties if the subject property had no or nominal FCV assigned;
6. Assigning a cost based solely on the cost per square foot per RRH type. RRH type would be assigned a value based on the actual cost of riparian habitat mitigation to Pima County;
7. A combination of methods 5 and 6 above;
8. Assessing the fee based on onsite mitigation costs, basically, the current method for assessing ILF's.

After examination of the methods presented, the District determined that the current method for assessing fees, which is based upon onsite mitigation costs, was the most straight-forward and defensible method. Alternative methods examined were too complicated, did not accurately assess costs to mitigate for impacts, or produced financially indefensible values.

Additional offsite mitigation options presented include:

- Mitigation of an offsite parcel of land through a offsite "Conservation Plan" (since renamed "Riparian Habitat Preservation Plan");
- Land exchange or acquisition of property that is then deeded to the District;
- And other offsite compensatory mitigation options, such as the purchase of water rights.

For offsite mitigation options that include land acquisition, a Riparian Acquisition Map is currently under development to assist the applicant in selecting appropriate lands for mitigation.

Finally, Carla touched briefly on the sections that address ILF program administration and District expenditure of ILF program funds to compensate for habitat loss. The District asked for MWG member input on priority for expending the fees and included options for review.

In-lieu Fee Examples:

Marisa presented example calculations, based on real costs received from past ILF submittals, for a single-lot residential property and for a large-scale residential development. The examples were briefly reviewed and group members requested the examples be posted to the webpage for further examination.

Item 3: MWG Member Discussion of the Draft Guidelines

Suzanne stated that the goal in drafting the Guidelines is to find balance between discouraging impacts to RRH (create a disincentive to disturb RRH) and determining a fair and reasonable fee that provides the District with sufficient funds to mitigate for impacts to RRH.

David asked why developers don't have a choice between onsite and offsite mitigation when impacts requiring mitigation occur? Staff responded that the Ordinance stipulates onsite mitigation first, followed by offsite mitigation, if onsite mitigation is not feasible. David recommended changing the Ordinance.

Response to real-estate based ILF option. Group asked Suzanne how much it costs to purchase flood prone land through the FLAP program. Suzanne responded that flood prone land typically cost ~\$1,000/ac.

Staff mentioned that funds collected in the past are not sufficient to acquire land or perform other types of mitigation measures on District-owned land. The Group asked if the fees could be blended with other available income sources to achieve mitigation?

Group asked why mitigation banks were not explored further? Staff explained that mitigation banks require a large amount of upfront costs that make them cost prohibitive for the District to establish. Also require more costly and intensive monitoring and maintenance by the District.

MWG member mentioned that creation of a "Riparian Acquisition Map" might increase the value of these lands (attracting speculator attention). Staff responded that it's possible that creation of the map would increase land costs within the map boundaries, although the map will be very general. Regardless, there needs to be some type of direction given to applicants as to which lands would be suitable for acquisition/mitigation.

Group was confused by the term "Conservation Plan", which is also used in the onsite mitigation guidelines. Suzanne requested staff rename the mitigation option to prevent confusion (the offsite option has been renamed "Riparian Habitat Preservation Plan"). The Group was also confused by the differences between the onsite and offsite mitigation options and how the Ordinance applies the options. Staff will create a matrix or table explaining how the mitigation process works and available options.

ILF example was discussed by the Group. Costs are based on actual ILF estimates submitted by the development community. Staff explained that each component (plant material/installation, irrigation, hydro seed, etc.) was assessed separately and used to calculate the total ILF amount. The Group was confused by how the numbers were assessed and asked that examples be placed on the District's webpage for review prior to the next MWG Meeting. They also requested that examples of actual, implemented projects be used. Staff requested the Group provide feedback on factors used to assess the ILF.

The Group briefly discussed expenditure of the ILF funds. When the options were presented by staff, Sherry stated that the District shouldn't tie their hands when it comes to establishing how the funds will be spent. Leave your options open and more flexible. The Group appeared to agree with Sherry's statement

Staff would like to meet again with the Group in the next couple of months and will send out a doodle poll soon to schedule the meeting. In the meantime, Suzanne is willing to meet individually with Group members.

Action Items

MWG members are to provide specific recommendations on the October 2010 draft Guidelines. Individual MWG members may schedule a meeting with the District if they would like to discuss additional issues/concerns.

The District will email a doodle poll to members within the next month to assist in scheduling a date for the next MWG meeting.

For the next meeting staff will:

Provide ILF examples on the webpage for review by the MWG. Include examples of actual implemented projects.

Provide a matrix of mitigation options, to clarify steps in mitigating for impacts to RRH.

Revise the draft Guidelines based on comments provided by MWG members.

END NOTES