

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

## Mitigation Working Group Meeting

### Meeting No. 2

January 25, 2011, 3:00 pm

Location: 97 E. Congress St., Tucson

Attending:

Carolyn Campbell	MWG - Coalition for Sonoran Desert Protection (CSDP)
Kathleen Kennedy	MWG - CSDP
Robert Tucker	MWG - Diamond Ventures
Priscilla Storm	MWG - Diamond Ventures
Amanda Best	MWG – Westland Resources (Metropolitan Pima Alliance’s Official Representative)
Jamison Brown	City of Tucson, Office of Conservation and Sustainable Development
Orlanthia Henderson	Town of Sahuarita
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) Revised Draft Regulated Riparian Habitat Offsite Mitigation Guidelines (Guidelines), dated January, 2011. 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.) The group was welcomed 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 April, 2011.

The District explained that the purpose of the proposed guidelines is to avoid riparian habitat when possible. When mitigation is needed, onsite mitigation is the first choice; offsite mitigation should be selected only when onsite mitigation is not feasible for a project.

Marisa reviewed the Mitigation Matrix and Flow Chart handouts. The handouts outlined available mitigation options for disturbance of regulated riparian habitat.

The District discussed how the money collected from In-Lieu Fees (ILF) would be used to acquire property, use toward land stewardship or restore current District owned property. Land purchased or acquired from offsite mitigation would have to have comparable intact functions (biological and hydrological) to that which is being lost.

Kathleen asked which lands should be purchased using the collected ILFs. The group also wanted to know how the District could purchase more sensitive lands which would likely be

more expensive if the District doesn't have the funding from the ILFs. CSDP feels that land acquisition should take priority over other options provided for the expenditure of ILF funds.

Suzanne explained that fees collected thus far are mostly from impacts occurring prior to the Sonoran Desert Conservation Plan, mitigating impacts to the old Riparian Classification Maps (prior to 2005). ILFs were not collected until the disturbance had taken place. The District is considering the option of combining the ILFs with other funding sources such as the tax levy in order to do more with the money.

The group does not want the District to count out buying property in more expensive areas (such as Tanque Verde Creek). District staff explained that land value changes by watershed and the District intends to distribute funds among watersheds. The District would be specifically interested in large properties (5 acres or greater) and properties which border current County/District owned property. An acquisition map is currently under development.

Priscilla asked how the ILFs would be adjusted due to the changing cost of the different components (to account for inflation and other economic factors, which could affect labor and material costs.) District staff indicated that the cost of components would vary depending on the estimate provided to the District for each specific project, although an average cost would be used to estimate the ILF. The District is not adopting a fee schedule; rather the District is assessing cost for mitigation based on the amount of land being disturbed and the riparian habitat classification, basically, the ILF would be calculated by assessing the cost to replace riparian habitat through onsite mitigation. The District will provide a standardized cost spreadsheet for those who wish to use it (typically requested by those applying for building permits, not those undergoing the development review process), which would be updated periodically. The option for an applicant to provide a cost estimate will still be made available.

Priscilla suggested the possibility of providing incentives for the land exchange offsite mitigation option. The suggestion was to provide an incentive for those who were willing to provide the District with a more desirable piece of land in a more desirable watershed, that the County may already be interested in, rather than picking a standard piece of land that meets all of the requirements, but is less desirable. Staff explained that those types of requests could be presented to the District and would be considered on a case by case basis.

The group asked about the option of creating a map/list of properties the District considers high priority, similar to that which exists for open space. District staff responded that this could drive up costs of the desirable properties (both for developers looking to purchase the property for mitigation and for the District, who may want to purchase the property with ILF funds), but that a general map is in the process of being created that would serve a similar purpose. The map will be presented to the group once it is complete.

Marisa went over a spreadsheet which showed the cost differences between the old ILFs versus the new ILFs for multiple projects that have been done within the past 5 years. The comparisons showed that the increase in cost between the old and new methods (without the surcharge) for assessing ILF's for most projects is about 1%. The examples given were only to demonstrate costs. The group asked that smaller development projects, "mom n' pop" type developments, be exempt from the surcharge. The District will look into providing a definition as to which type of development the additional surcharge would apply to.

Priscilla asked if the District would consider a flat price per acre ILF. She indicated that the District could use costs from past open space and FLAP acquisitions to determine the flat fee. This idea would provide the District more money for Xeroriparian D classifications, accurate

money for Xeroriparian C and B classifications and less money for Xeroriparian A, H, and IRA classifications. The District indicated that the purpose of the ILF guidelines are not to create a flat fee, but to adequately mitigate for impacts to riparian habitat and encourage avoidance and minimize disturbance. A flat fee would not achieve these goals. The new mitigation fee proposal includes the costs for mitigation along with the new surcharge. The surcharge costs would vary depending on the amount of habitat disturbed. The District feels this would encourage people to avoid disturbing riparian habitat when possible, especially within more sensitive areas. The District also mentioned the possibility of creating a maximum amount (cap) for the surcharge, on a price per acre basis.

The group asked what the major differences are between the proposed guidelines and the current guidelines. District staff responded the major difference for development permits is the possibility of the surcharge. The difference for building permits/single lot development is that the standardized cost sheet is available, which will allow for the mitigation plan to be completed without having to hire a landscape architect or obtain cost estimates from various vendors.

Jamison suggested there was room for possible structural changes to the document to make for an easier read. Structural changes include placing Section 2, "Process for Determining Mitigation In-Lieu Fees", as an appendix. He also suggested that information on the process of calculations be included in the appendix of the document along with examples of the worksheets.

Priscilla asked if cost estimates for land acquired through the open space bond program and FLAP could be compiled and reviewed. Suzanne said she could provide a summary of costs for FLAP properties.

Priscilla suggested that a copy of the proposed guidelines be submitted to the SAHBA Technical Committee for review and comment. District stated that prior to the proposed guidelines being submitted to the Board of Supervisors in April, there will be community outreach.

## **Action Items**

1. Develop criteria for purchasing property/mitigation lands. Incorporate the Riparian Acquisition Map into the acquisition process. Criteria to consider include, but are not limited to; biological value, water rights, mineral rights, water holes/stock tanks, springs, connectivity to larger tracks of protected land, and other unique features.
2. Provide clarity regarding the option to provide a cost estimate instead of using the ILF spreadsheet.
3. Staff to research further and provide a definition for smaller developments in which the additional surcharge would not apply.
4. Surcharge for impacts to Class H and/or IRA will be removed, since each of these classifications already applies a 1:1.5 mitigation ratio (Section 3.2.1.1).
5. Define a maximum amount that could be assessed through the surcharge (cap).
6. Provide a summary of costs to purchase FLAP properties.

MWG members are asked to submit additional comments to Marisa Rice and Carla Danforth.

END NOTES