

PIMA COUNTY FLOOD CONTROL DISTRICT REVISION OF RIPARIAN HABITAT MITIGATION MEASURES

Mitigation Working Group Meeting Meeting No. 4

January 31, 2008, 3:00 pm

Location: Flood Control District Office, Pima County Building, Tucson

Attending:

Annie Wallace	MWG – RINCON	Dan Signor	Pima County DSD
Robert Tucker	MWG - Diamond Ventures	Carla Danforth	Pima County FCD
Tim Johnson	MWG – The Planning Center	Marisa Rice	Pima County FCD
Priscilla Storm	MWG – Diamond Ventures	Eleanor Gladding	SWCA
Mike Bell	MWG -	Scott Peters	EPG
Sherry Ruther	Pima County DSD	Lori Tuchman	EPG

The focus of this meeting was to review and discuss revisions made to the Regulated Riparian Habitat Mitigation Standards and Implementation Guidelines (Guidelines), and to provide an update of the Mitigation Banking Study being conducted by SWCA.

Item 1: Introductions

Item 2: Review/Discussion of Revised Mitigation Guidelines

The Mitigation Working Group (MWG) reviewed the proposed revised Guidelines and discussed each of the major changes made to the document. It was explained that there are still a number of issues the Flood Control District (FCD) would like feedback on from the MWG. These issues include, field mapping and methods for conducting on-site vegetative surveys, maintenance requirements, approved planting methods and standard mitigation requirements for Class D Xeroriparian habitat.

FCD is continuing to work with Development Services Department (DSD) to develop design guidelines for planting within Natural Open Space (NOS) and to provide guidance on how the Native Plant Preservation Ordinance (NPPO) and the Floodplain and Erosion Hazard Management Ordinance No. 2005-FC2 (Ordinance) relate to each other. FCD is also continuing revisions to the Guidelines appendices, including, approved planting methods, and water harvesting. FCD stated that although this is the fourth and final meeting scheduled for the MWG, it would not be the last opportunity for the group to comment on the Guidelines. FCD will continue to receive input from the group and meet individually with interested members to work on specific issues over the next four weeks.

Group members asked if in-lieu fees and off-site mitigation was still a part of this process and if the group would be able to comment on this section of the Guidelines. Carla Danforth stated that the FCD is working with SWCA on off-site mitigation options and there are still a number of concerns to be addressed. The MWG will have an opportunity to provide feedback/comments on the off-site mitigation section, however, it might not be completed at the same time as the on-site section, due to the issues that need to be worked through. SWCA will provide the MWG with a brief overview of some of the issues they have encountered while conducting their Mitigation Banking study.

It was noted that there are still a number of comments and recommendations being made that would require changes to the Ordinance, and although these are important comments, they are outside of the scope of the revisions to the Guideline and will not be addressed during the MWG meeting.

The following is a summary of the items discussed:

- On page 6 of the Guidelines there was a question regarding the paved walking paths that are listed as a disturbance to Regulated Riparian Habitats (RRH), and if all walking paths are considered disturbance. It was then asked if there was a tolerance level for disturbance, since some disturbances can be less intrusive than others. If this is the case, than should mitigation be the same for all types of disturbances, and who determines this? Priscilla Storm pointed out that the Ordinance does not specifically outline the types of disturbance, and that this distinction could be included in the Guidelines. FCD clarified that the intention was that paved meant with concrete or asphalt. They also posed the question, besides walking paths, what other passive, non-intrusive uses might require less mitigation. They further explained that the goal of the Ordinance was to avoid and minimize all impacts to RRH, though, FCD is flexible on mitigation requirements dependant upon how much disturbance occurred. For example, if a property owner proposed only disturbing understory plants (shrubs, forbs and grasses), but left trees in place, the mitigation may only ask for understory plant replacement.
- Members inquired about mechanized enhancement of disturbed areas within NOS as part of RRH mitigation requirement. FCD will work with DSD to prepare guidance for situations where use of machinery will be allowed when planting within NOS.
- Members asked if there was a need to make a distinction between new and existing development regarding fire safety zones. It was explained that for new development, fire safety zones are to be taken into consideration during the planning phase and that areas of RRH removed to accommodate fire safety zones will need to be mitigated. Whereas, for existing developments, property owners may clear a defensible space, but must conform to the requirements of the Fire District in which the structure is located without having to mitigate impacts to RRH. However, if more space is cleared than is required and RRH is impacted, then mitigation will be required. In summary, Group members felt that FCD should have a consistent mitigation requirement for defensible space as required by the local Fire District.
- MWG members asked that the Guidelines clarify the number of monitoring points required for submittal. It was suggested that the number of photographs for ½ acre be used as guidance for determining the number of monitoring points to require. The use of a video camera was suggested as a method to document progress of mitigation areas. FCD felt that this method would be too difficult to implement, which is why photographs are being recommended. It was explained that monitoring submittals go into the Floodplain Use Permit (FPUP) file or development review file. FCD also noted that at least one inspection of the mitigation area will be made by staff during the five year monitoring/maintenance period. FCD emphasized that the purpose behind the photo monitoring requirement is two-fold, documentation of compliance with mitigation requirement and encouraging the property owner to assess the success of the mitigation area on a yearly basis.
- On page 29 of the Guidelines, there was some confusion regarding Class D Xeroriparian habitat requirements. Members wondered why there is a 3:1 ratio tree replacement requirement for Class D Xeroriparian habitat, more than what is being required for Class H,

which is considered more valuable habitat. It was explained that during previous MWG meetings, members had mentioned that Class D Xeroriparian habitat typically does not contain many trees, if any at all. The FCD and project team decided that instead of requiring 30 trees per acre in areas that may not be able to sustain them, the 30 trees per acre or 3 trees per existing tree (whichever is less) be used in cases where there are few to no trees. If no trees exist, then no trees are required. If one tree exists on an acre, then only 3 trees need to be planted, not 30.

- Members asked if larger caliper trees were used, then could the number of trees required for the mitigation plan be reduced. It was explained that larger caliper trees will most likely be salvaged and there are some issues with using salvaged trees, such as, they do not survive as well as, smaller caliper trees. Salvaged trees will also need to be irrigated for the rest of their lives because there is so much damage to the root zone during transplanting that they cannot survive without supplemental irrigation. Small trees tend to establish better and although they do require irrigation during the first few years, they can be weaned off and will eventually be able to survive on the natural precipitation.
- There was some discussion as to whether the use of reclaimed/greywater to enhance RRH instead of planting new trees and shrubs could be an alternative form of mitigation. Mike Bell suggested that instead of installing new plants within a RRH, watering existing habitat along with water harvesting techniques to provide enhancement could be implemented. The FCD noted that water harvesting guidance is being developed as part of the Guidelines and the idea of using water harvesting, and/or greywater/reclaimed water, in addition to the mitigation requirement, was worth considering. Consideration would be given to offering incentives in the form of a reduced mitigation requirement if these alternative watering methods are made part of the mitigation plan (for example, a 10% reduction in the number of trees and shrubs required.)
- Sherry Ruther noted that Section 16.30.080.B of the Ordinance states that questions regarding the location of any RRH or Important Riparian Area (IRA) shall be decided by the Chief Engineer in consultation with the Zoning Administrator. Sherry noted that presently, there is no Zoning Administrator.. It was then questioned why guidelines for re-mapping boundaries were being developed. It was explained that 1. Riparian Classification Maps show the general location of riparian habitat, but due to the scale at which mapping was done, there are boundary adjustment issues, and 2. If an applicant feels that the maps do not accurately reflect what is on their site vegetatively, then the applicant may conduct an on-site survey for consideration in determining mitigation requirements. For example, if the maps show an area as Class H, but really it has the vegetative volume of Xeroriparian Class B, then the applicant would use Xeroriparian Class B requirements for their mitigation plan.

Members asked what would specifically need to be submitted and when in the planning/development process would the survey need to be conducted. This is one of the items that the County is looking for feedback from the MWG, what methods to use for conducting on-site vegetative surveys and how best to document the information.

- On page 24, it should be clarified that there are two growing seasons per year in Arizona and that monitoring shall occur for five full calendar years, not five growing seasons. FCD will clarify this comment within the Guidelines.
- A number of MWG members had suggestions of plant nurseries that could be added to the plant nursery list or referenced in Appendix C: Approved Riparian Classification Plant Lists.

FCD explained that the current nursery list was a general reference and is not intended to promote any particular nursery. The list contains mostly local nurseries for convenience of individual lot owners. The Guidelines will reference the Arizona Native Plant Society list

- The FCD is looking for comments from the landscape architects on items to include in Appendix E: Installation & Maintenance Requirements, specifically the section on General Irrigation and Landscape Watering Guidelines.

Item 4: Off-Site Mitigation Review

- Carla Danforth explained to the group that funds Pima County collects for in-lieu fees have not been insufficient for purchasing land due to current land costs. Only a handful of projects have used in-lieu fees, approximately 40 acres total. A majority of these fees were collected in 2007. There have been a number of mitigation plans approved in which fees were used in-lieu of on-site mitigation, however, impacts to RRH has occurred without concurrent mitigation since FCD has been unable to purchase habitat, due to land costs, with the collected fees. It was explained that for single-lot development, fees are collected prior to issuance of the FPUP. Fees for commercial/subdivision development are collected prior to approval of the final mylar (QAR). Carla provided the group with a breakdown of the average cost of the fees per RRH classification. On average fees collected for each classification are as follows:

Class H	\$40,000/acre
Xeroriparian Class A	\$30,000/acre
Xeroriparian Class B	\$20,000/acre
Xeroriparian Class C	\$15-20,000/acre
Xeroriparian Class D	\$ 6,000/acre

Carla will provide the group with a list of the projects that have used in-lieu fees.

- Some initial concerns the FCD has with the off-site mitigation methods include inadequate fees and timing issues. Carla explained that in-lieu fees are currently based on the cost of plant materials, irrigation, and maintenance for five years, had the mitigation plan been implemented. One of the issues FCD is facing with the use of in-lieu fees is that fees are based on cost of mitigation and not on the cost of land. So far, funds collected to date are insufficient for purchase of lands for mitigation. In-lieu fee rates must first be adjusted to more accurately account for the assessed value of land, since purchase of land for mitigation will include not only riparian habitat, but upland areas. The question then becomes how to value riparian habitat?

Timing is another concern with in-lieu fees because it could take years before land is mitigated since the fees are paid as each project is permitted and the fund needs to grow until it is large enough to acquire appropriate property. This means that riparian habitat areas are being disturbed without mitigation taking place concurrent with the disturbance. There is also a concern that mitigation is not occurring within the same watershed, therefore the impacts are not being properly compensated.

- The County and SWCA are in the process of developing mitigation banking standards. This form of mitigation requires that a “bank” is established, either through the purchase of property for preservation or through restoration of an existing property, prior to impacts to riparian habitat caused by development. It was explained that the mitigation bank for a

particular parcel of land will have a certain amount of credits available to be purchased. Once the credits have been purchased, then the County will need to find a new parcel of land and establish a new bank of credits. The credits will be tailored to the specific riparian habitat classification. The County is trying to figure out what the price will be for each credit. In order to figure out the pricing for the credits, they are looking at current land values. One group member asked if private mitigation banks were considered. FCD briefly explained that private banks were considered but foresee problems with implementation and administrative costs.

- MWG members asked if land with RRH areas could be purchased and given to the County as an alternative to purchasing bank credits or paying in-lieu fees. The County has looked into this option, but it was disregarded because of administrative reasons, essentially the County is trying to keep administrative costs down. There is also a concern if the parcel is not within the same watershed as the disturbance, because impacts would not be properly mitigated for. Members asked what the administrative burdens/concerns were and if there was a way to compensate some of those concerns in the land transaction. They also asked the County not to disclude parcels not in the same watershed, because it was still protecting/preserving RRH.
- There was some concern regarding upland areas on lands that have been set aside for mitigation banking and where the funds would come from to pay for the upland areas that are part of the land purchase. Members asked if the fees collected would be spent to enhance the upland areas and if so how much of the fees would be on the ground to make the improvements and what would be used for administrative fees. MWG members were concerned about accountability issues with use of monies obtained for the purchase of RRH. It was explained that the credits would only be established for RRH and the County is continuing to work through the rest of the issues.
- In order to move forward with the project, a reference to off-site mitigation may be included in the Guidelines and a separate document may be developed and added as an addendum to as the off-site section is developed.

Item 5: Final Draft Timeframe

The FCD would like to have a final draft of the Guidelines the first week of March, to distribute internally for review, with the intention of presenting it to the Board of Supervisors (BOS) at the end of March.

The FCD would like comments from MWG members regarding on-site standards by February 20th in order to finalize the document by early March. The FCD will continue to get input from the group and will meet with those interested on specific issues over the next few weeks.

END NOTES