

PIMA COUNTY FLOOD CONTROL DISTRICT REVISION OF RIPARIAN HABITAT MITIGATION MEASURES

Mitigation Working Group Meeting

Meeting No. 2

August 29, 2007, 3:00 pm

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

Attending:

| | | | |
|------------------|---------------------------|----------------|-----------------|
| Sue Lauer | MWG - Resident | Marisa Trevino | Pima County FCD |
| Robert Tucker | MWG - Diamond Ventures | Carla Danforth | Pima County FCD |
| Tim Johnson | MWG - The Planning Center | Julia Fonseca | Pima County FCD |
| Kendall Kroesen | MWG - Tucson Audubon | Colby Henley | RECON |
| Carolyn Campbell | MWG – Coalition for SDP | Lori Woods | RECON |
| Joseph Linville | City of Tucson | James Feldmann | SWCA |
| Dan Signor | Pima County DSD | Jaime Wood | EPG |
| Sherry Ruther | Pima County DSD | Linwood Smith | EPG |
| Thomas Helfrich | Pima County FCD | Scott Peters | EPG |
| | | Lori Tuchman | EPG |

The focus of this meeting was to provide an overview of the three main areas identified during the first Mitigation Working Group (MWG) meeting, where the current guidelines could be revised, present summary tables developed for each of the main areas identified, and divide the group into sub-groups to discuss and address the items pertaining to each issue and develop recommendations to the guidelines.

Item 1: Introductions

Item 2: Overview of MWG Meeting #1

During the first MWG meeting, held July 17, 2007, RECON presented their results of the Mitigation Effectiveness Study. The study looked at how effective the ordinance was at avoiding and/or minimizing impacts to Riparian Habitat (RH), and how effective the mitigation guidelines were at compensating or restoring RH. RECON selected seven individual parcels and four subdivisions/developments and conducted a qualitative field review of mitigation implementation. From the study and the discussion that occurred with the MWG, there were three areas identified where the current guidelines can be revised to make them more responsive to the ordinance, and to help the County ensure the requirements of the ordinance are being met. The areas identified are enforcement/compliance, education, and implementation.

There were a number of other important issues, such as funding, staffing, County procedures, penalties, and general education, which were brought up and discussed during the first MWG meeting and need to be addressed. However, these issues cannot be specifically addressed within the guidelines and are therefore, outside the scope of the MWG. The County and consultant team will be addressing these issues separately.

Item 3: Explanation of Riparian Mitigation Revision Spreadsheet

The comments received during the first MWG meeting were organized and separated into three tables, one for each of the areas identified. Each table is divided into issues as they pertain to subdivisions and commercial development, and single lot developments. Comments from the first meeting were included in the Discussion/Obstacles/Difficulties to consider column. It was explained that the items included in the tables were to be used to initiate conversations within the sub-groups and that items and issues in the table could be expanded upon and new items added.

Item 4: Explanation of What the County Would Like to Accomplish During this Meeting

The group was divided into three sub-groups, each group addressing one of the identified areas, enforcement/compliance, education, and implementation. Each group was asked to review the tables developed by the County, identify additional issues or concerns that need to be addressed, and begin to look at how the guidelines can be modified to address the issues and concerns. It is the County's intention that prior to the third MWG meeting, group members will review the current mitigation guideline document and develop specific recommendations and verbiage to be incorporated into the guidelines.

Item 5: Divide members into groups and assign each group a specific issue to address

Item 6: The following is a summary of items discussed for each of the sub-groups

Implementation:

The notes herein are a summary of items discussed during the sub-group session. Not all of the items included on the implementation table were addressed during this time, and additional analysis of what was provided on the table will be needed as group members develop comments and recommendations for the mitigation guideline document. Group members are also asked to provide thoughts on additional recommendations to make the implementation process more efficient and easier to understand (both from the perspective of the developer and individual property owner).

- The separation of NPPO and FPMO:
Should each ordinance be administered separately? For example, should the NPPO be used solely for preserving upland areas and the FPMO be used solely for preserving RH? Consider the following: More effective when both are working together to preserve habitat. Separating the two will effectively decrease the developable land available on a given property. Will this border on "taking"? Will Separation of the two Ordinances cause increased disturbance of riparian habitat?
- Cumulative Disturbance:
Impact/application. How do we want to address cumulative disturbance within large scale residential/commercial developments? Will this discourage Master Planning? (How is the applicant defined?)
Can the cumulative disturbance concept be implemented if applied to lot splits and selling of property to new owners? This will require tracking of disturbance regardless of who owns the property.

- Tracking: Consider ways to track cumulative disturbance on subdivision plats (plat notes) and single-lot development (add RH disturbance amounts to covenants to track disturbance due to wildcat lot splits?)
- Mitigation Triggers: The idea that larger developments (i.e., subdivisions) should have a mitigation trigger based on percentage of RH on property versus the property size instead of the blanket 1/3 acre requirement for all development within Pima County, regardless of property size. Would require an Ordinance change therefore is outside the scope of the MWG.
- Develop guidelines for Riparian Habitat Mitigation within Natural Undisturbed Open Space (NUOS) Areas (Title 18.72 Native Plant Preservation Ordinance (NPPO) to be coordinated with Development Services Zoning Department:
 - Limited Enhancement in NPPO set aside areas (must be done by hand)
 - NPPO – Set aside is based on surveyed plants
 - RH – Specific mitigation based on acreage
- Fire setbacks/safety issues are part of a broader initiative within Pima City of Phoenix. (Outside this scope)
- Incentives for avoiding riparian habitat areas: The FPMO already provides some development modification allowances if it is shown that these modifications would reduce the impact to RH (refer to the current guidelines to see what is already allowed). Can these incentives be expanded upon? What additional incentives would be feasible and/or useful for the development community?

Education:

- Consider or incorporate water conservation when developing and implementing mitigation plans. The City of Tucson has a water harvesting guide that could be used or referenced into the guidelines.
- Educate landscape architects, realtors, designers, etc. on sustainable practices, such as the use of native plant species and the combination of species and other landscape materials that would benefit wildlife habitat/movement corridors, and water harvesting.
- Incorporate invasive species mitigation management and monitoring.
- To increase continuity, property owners could possibly use Arizona Game and Fish Department (AGFD) approved fencing around property to allow for wildlife corridors.
- It was recommended that a pre-submittal meeting be required, if development will occur within riparian areas. A statement could be included on the County website posing the question 'Have you completed a pre-submittal meeting to ensure you do not need any special development engineering requirements in the design?'
- Ms. Lauer asked how the County determined the quantity of new plants to be included in the mitigation plan. The sub-group discussed the issue based on the areas historic habitat boundaries, which could be referenced as far back as 50-years. The current state of habitat in some areas have been altered prior to the developer preparing site

plans, and the County is trying to encourage the re-establishment of historic habitat. The public would need to understand the concept that the mitigation plan is not a 'replace what was removed' but instead a 're-establish what was once there.'

- Educating professionals (and members of the public) who develop mitigation plans, as well as those who work with the developer/private landowner (e.g., designer, architect, realtor) in the beginning stages of development is important to identify the need to coordinate with the County prior to the site plans being developed. This early education could be done by a series of workshops that explain the County's riparian habitat ordinance and the location of these areas. Specific workshops, such as water harvesting and defining those native plants to each area, could be helpful. A series of workshops could be held throughout the year and posted on the website.
- The Natural Resources Department could be used as a tool to educate developers/homeowners on the importance of wildlife corridors and riparian habitat to incorporate into CCRs, as subdivisions are established.
- A guide for landowners to protect riparian habitat could be developed as a brief brochure (with pictures, etc.) and recommended to each affected homeowners association (HOA), to be provided with the CCRs to new homeowners.
- Use the HOAs or CCRs to house environmental protection information for those areas to be potentially affected.
- Pima County has established an environmental protection awareness and should continue to grow this program.

Enforcement/Compliance:

- Subdivisions are less of an issue when it comes to enforcement/compliance because there are mechanisms such as HOAs and property management companies that can do the monitoring. These tools just need to be put in place. How do you educate these groups as to how to monitor and what to look for?

Single Lots:

- It was discussed that the County could require an Assurance Bond from the property owner at the time a temporary Certificate of Occupancy (CofO) is issued. Release of the temporary CofO would indicate that the construction of the house, driveway, etc. complied with the permit. The Assurance Bond would then run 5-years ensuring continued compliance, including vegetation establishment, after which, the bond could be released. If an applicant is not in compliance with the mitigation plan, but it is determined compliance could occur with minor difficulty, then a temporary CofO could be issued as long as an Assurance Bond is secured. This bond would be more expensive to cover the delinquent elements. If it is determined the mitigation terms were not complied with and the impacts too severe to be easily rectified (i.e. they have bladed the entire lot) then the CofO would not be issued and the applicant would be required to obtain the Regional Flood Control District Board of Directors approval on the corrective solution. Need to consider how to transfer performance bond to new property owners if property is sold prior to completion of 5-year maintenance period.

- It was suggested that self-verification could be used as a primary tool to monitor compliance. Notices could be mailed out annually to remind property owners to send in photos and other documentation verifying that mitigation areas are being maintained. A monitoring checklist could be developed to assist property owners with self-verification. The checklist could be included in the Regulated Riparian Habitat Mitigation Standards and Implementation Guidelines and/or made available on the County website. This could lead to the final release of the Assurance Bond.
- Require disclosures of the riparian habitat mitigation conditions when there is a transfer of ownership.
- Conduct random inspections based upon staffing and funding availability.

Item 7: MWG Work Assignment for Meeting #3

Group members were asked to review the Regulated Riparian Habitat Mitigation Standards and Implementation Guideline document and develop specific recommendations and verbiage to be incorporated into the guidelines. EPG will develop a table, for the group to use, to input comments as they relate to the mitigation guideline document that are included in the MWG project handbooks and are available on the County's web site. The table will be distributed to the group via email. The group will have approximately two weeks to submit comments to the County.

The next MWG meeting #3 is tentatively scheduled for October 3, 2007.

END NOTES