

ORDINANCE 2023 – FC 1

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE PIMA COUNTY FLOOD CONTROL DISTRICT AMENDING THE REGULATED RIPARIAN HABITAT OFFSITE MITIGATION GUIDELINES FOR UNINCORPORATED PIMA COUNTY TO INCREASE COSTS FOR CALCULATING PROJECT SPECIFIC IN-LIEU FEES AND TO ADJUST FUTURE COSTS ANNUALLY TO THE CONSUMER PRICE INDEX

The Board of Directors of the Pima County Flood Control District, Arizona finds:

1. Section 16.30.050(A) of the Floodplain Management Ordinance of the Pima County Code requires that “If an applicant demonstrates to the satisfaction of the district that alteration of regulated riparian habitat areas cannot reasonably be avoided, a mitigation plan shall be submitted to the district for approval when more than 1/3 of an acre of regulated riparian habitat is disturbed.”;
2. Section 16.30.050(D) provides that: “At the request of the property owner, and with board approval, the mitigation plan requirement under this chapter may be waived by contributing funds to an account established and administered by the district for the purpose of offsetting damage to riparian habitat.”;
3. On November 15, 2011, the Board adopted the Regulated Riparian Habitat Offsite Mitigation Guidelines for Unincorporated Pima County (the “Guidelines”);
4. The Guidelines allow property owners to satisfy Section 16.30.050(D) by compensating for the disturbance of regulated riparian habitat with a fee in lieu of onsite mitigation (the “in-lieu fee”);
5. Property owners may calculate the in-lieu fee based on a flat fee table provided in the Guidelines, or calculation spreadsheets for commercial or single-lot development, or a cost estimate provided by a qualified professional;
6. The calculation of the flat fee table and the calculation spreadsheets apply the real project costs that the district determined at the time of the Board’s approval of the Guidelines in 2011;
7. The Guidelines indicate the intention of adjusting the in-lieu fee to address inflation but did not authorize a specific method. As such, to ensure the District may accurately calculate the in-lieu fee in accordance with Board direction, the Guidelines must be amended to account for the increase in project costs since 2011 and to authorize the Chief Engineer to adjust the costs annually to the Consumer Price Index;
8. Based on the values from the Consumer Price Index, the cumulative inflation rate from November 2011 to July 2020 was 15%. The cumulative inflation rate from July 2020 to July 2023 was 18%. Applying a phased adjustment over several years that accounts for the inflation since 2011 is reasonable because it will ease the cost-burden on property owners who elect to pay the in-lieu fee while preserving the goals of the Guidelines;

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE PIMA COUNTY FLOOD CONTROL DISTRICT AS FOLLOWS:

SECTION 1. Section 2.1 of the Regulated Riparian Habitat Offsite Mitigation Guidelines for Unincorporated Pima County is amended to read as follows:

2.1 IN-LIEU FEE OPTION - BACKGROUND

One option to compensate for disturbance of RRH is a fee in-lieu of onsite riparian habitat mitigation. The ILF program has been updated and simplified for ease of use by applicants, and incorporates changes to the riparian protection regulations adopted under Ordinance 2005-FC2 and 2010-FC5. During the process of updating the Guidelines several options for assessing how to calculate the ILF were examined (Appendices B and C). The ILF option selected for use in the Guidelines is based on the amount and type of habitat disturbed, standardized costs for onsite mitigation (derived from representative real project costs), and an adjustment for inflation as follows: ~~Inflation rates will be reviewed and adjusted an average of every two to three years.~~

- Beginning on January 1, 2024, the costs that are applied to the ILF calculation will increase 15% to adjust for the inflation rate of increase between November 2011 and July 2020;
- On July 1, 2025, the costs that are applied to the ILF calculation will increase 18% to adjust for the inflation rate of increase between July 2020 and July 2023; and
- On July 1, 2026 and every subsequent year on July 1, the Chief Engineer will adjust the costs that are applied to the ILF calculation by the percentage equal to the increase in the Consumer Price Index using the base year for costs in 2023.

The District will provide notice of the adjustments on the District's public webpage.

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SECTION 2. Tables 1 and 2 in Section 2.2 of the Regulated Riparian Habitat Offsite Mitigation Guidelines for Unincorporated Pima County is amended as provided in Exhibit A to this Ordinance.

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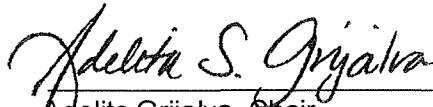
SECTION 3. The Chief Engineer of the Flood Control District shall increase the Average Costs that are assigned to each mitigation component and incorporated into the ILF Calculation Spreadsheet, as determined in Appendix F of the Regulated Riparian Habitat Offsite Mitigation Guidelines for Unincorporated Pima County, as follows on Exhibit B to this Ordinance.

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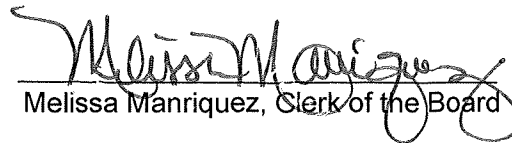
SECTION 4. This Ordinance is effective 30 days from the date of adoption of this Ordinance.

PASSED AND ADOPTED by the Board of Directors, Pima County, Arizona, on November 7, 2023.

ATTEST:

 **NOV 07 2023**

Adelita Grijalva, Chair
Board of Directors
Pima County Flood Control District



Melissa Manriquez, Clerk of the Board

APPROVED AS TO FORM:



Eric Shepp, Director and Chief Engineer
Pima County Flood Control District



Bobby Yu, Deputy County Attorney

Exhibit A

Table 1. ILF Single-Lot Development Flat Fee Table - Cost per Acre for RRH Disturbance

	XA	XB	XC	XD	IRA/H, H	IRA/XA	IRA/XB	IRA/XC	IRA/XD
<u>Effective January 1, 2024</u>									
Cost per Acre	\$8,500 <u>\$9,775</u>	\$7,500 <u>\$8,625</u>	\$6,500 <u>\$7,475</u>	\$5,000 <u>\$5,750</u>	\$17,000 <u>\$19,550</u>	\$12,500 <u>\$14,375</u>	\$11,000 <u>\$12,650</u>	\$9,500 <u>\$10,925</u>	\$8,000 <u>\$9,200</u>
<u>Effective July 1, 2025</u>									
<u>Cost per Acre</u>	<u>\$11,535</u>	<u>\$10,178</u>	<u>\$8,821</u>	<u>\$6,785</u>	<u>\$23,069</u>	<u>\$16,963</u>	<u>\$14,927</u>	<u>\$12,892</u>	<u>\$10,856</u>

Table 2. ILF Development Project Flat Fee Table - Cost per Acre for RRH Disturbance

	XA	XB	XC	XD	IRA/H, H	IRA/XA	IRA/XB	IRA/XC	IRA/XD
<u>Effective January 1, 2024</u>									
Cost per Acre	\$17,000 <u>\$19,550</u>	\$16,000 <u>\$18,400</u>	\$14,000 <u>\$16,100</u>	\$12,000 <u>\$13,800</u>	\$40,000 <u>\$46,000</u>	\$30,000 <u>\$34,500</u>	\$28,000 <u>\$32,200</u>	\$25,000 <u>\$28,750</u>	\$22,000 <u>\$25,300</u>
<u>Effective July 1, 2025</u>									
<u>Cost per Acre</u>	<u>\$23,069</u>	<u>\$21,712</u>	<u>\$18,998</u>	<u>\$16,284</u>	<u>\$54,280</u>	<u>\$40,710</u>	<u>\$37,996</u>	<u>\$33,925</u>	<u>\$29,854</u>

Exhibit B

For calculating in-lieu fee costs for single-lot development:

	15-gallon tree	5-gallon tree	5-gallon shrub	1-gallon shrub	Seeding (per acre)	Irrigation (per acre)	5-year maintenance (per acre)
Average Costs (costs shown for plants do not include installation costs) <u>effective January 1, 2024</u>	<u>\$80</u> <u>\$92</u>	<u>\$25</u> <u>\$29</u>	<u>\$23</u> <u>\$26</u>	<u>\$6</u> <u>\$7</u>	<u>\$885</u> <u>\$1018</u>	<u>\$1,500</u> <u>\$1,725</u>	<u>\$640</u> <u>\$702</u>
Average Costs (costs shown for plants do not include installation costs) <u>effective July 1, 2025</u>	<u>\$109</u>	<u>\$34</u>	<u>\$31</u>	<u>\$8</u>	<u>\$1201</u>	<u>\$2,036</u>	<u>\$828</u>

For calculating in-lieu fee costs for commercial and subdivision development:

	15-gallon tree	5-gallon tree	5-gallon shrub	1-gallon shrub	Hydroseed (per acre)	Irrigation (per acre) ¹	5-year maintenance (per acre) ²	5-year monitoring (per acre per year)
Average Costs (costs for plants are installed costs) <u>effective January 1, 2024</u>	<u>\$74</u> <u>\$85</u>	<u>\$27</u> <u>\$31</u>	<u>\$23</u> <u>\$26</u>	<u>\$12</u> <u>\$14</u>	<u>\$3,485</u> <u>\$4,008</u>	see notes	see notes	<u>\$1,500</u> <u>\$1,725</u>
Average Costs (costs for plants are installed costs) <u>effective July 1, 2025</u>	<u>\$100</u>	<u>\$37</u>	<u>\$31</u>	<u>\$16</u>	<u>\$4,729</u>	<u>see notes</u>	<u>see notes</u>	<u>\$2,036</u>

¹ Irrigation calculated as 30% the cost of plant material (trees and shrubs)

² Maintenance calculated as 45% the cost of plan material (trees and shrubs)