ORDINANCE 2023 – FC__

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 April 2023 is 34%. All values in the Guidelines and associated calculators shall be adjusted accordingly;

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. ~~Inflation rates will be reviewed and adjusted an average of every two to three years.~~ Every year on July 1, the Chief Engineer will increase 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 increase 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 to read as follows:

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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
Cost per Acre	~~$8,500~~ $11,398	~~$7,500~~ $10,057	~~$6,500~~ $8,716	~~$5,000~~ $6,704	~~$17,000~~ $22,796	~~$12,500~~ $16,761	~~$11,000~~ $14,750	~~$9,500~~ $12,739	~~$8,000~~ $10,727

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
Cost per Acre	~~$17,000~~ $22,796	~~$16,000~~ $21,455	~~$14,000~~ $18,773	~~$12,000~~ $16,091	~~$40,000~~ $53,637	~~$30,000~~ $40,228	~~$28,000~~ $37,546	~~$25,000~~ $33,523	~~$22,000~~ $29,500

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SECTION 3. The Chief Engineer of the Flood Control District shall increase the Average Costs that are applied to the ILF Calculation Spreadsheet, as determined in Appendix F of the Regulated Riparian Habitat Offsite Mitigation Guidelines for Unincorporated Pima County, as follows:

Average Costs (costs shown for plants do not include installation costs)	15-gallon tree	5-gallon tree	5-gallon shrub	1-gallon shrub	Seeding (per acre)	Irrigation (per acre)	5-year maintenance (per acre)
	~~$80~~ $107	~~$25~~ $33	~~$23~~ $30	~~$6~~ $8	~~$885~~ $1,186	~~$1,500~~ $2,011	~~$610~~ $817

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, this X day of X 2023.

ATTEST:

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

Melissa Manriquez, Clerk of the Board

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

APPROVED AS TO FORM:

County Attorney