



## BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 3/21/2023

\*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

**\*Title:**

Approval of a Riparian Habitat Mitigation In-Lieu Fee Proposal for Grading Violation at 18057 West Licksillet Lane, Located within Regulated Riparian Habitat

**\*Introduction/Background:**

Chapter 16.30 of the Pima County Floodplain Management Ordinance No. 2010-FC5 (Ordinance) requires a riparian habitat mitigation plan (RHMP) for mapped riparian habitat disturbances greater than 1/3 acre. The RHMP requires a Flood Control District Board of Directors (Board) approval when disturbance of Important Riparian Area exceeds 1/3 of an acre and is more than 5 percent of the habitat on the property. If a project site contains suitable area(s) for riparian restoration, enhancement, or establishment, onsite mitigation occurs in accordance with the adopted Regulated Riparian Habitat Mitigation Standards and Implementation Guidelines. The Ordinance contains a provision for mitigation banking, when on-site mitigation is not feasible. All offsite mitigation proposals require Flood Control District Board of Directors (Board) review and approval.

**\*Discussion:**

The owners have applied for a permit to construct a addition to their single family residence on their property. The entire property is mapped within Regulated Riparian Habitat. Upon review of the permit it was discovered there has been unpermitted disturbance to the RRH that has not been mitigated. Luke Smith with Lewis and Smith Engineering LLC was hired to prepare a Riparian Habitat Mitigation In-Lieu Fee Proposal and is proposing to contribute a fee of \$6,931.50 in lieu of onsite mitigation, based on the a vegetative survey.

**\*Conclusion:**

Acceptance of mitigation banking funds in-lieu of onsite mitigation is allowed under the Ordinance. Contributions to the mitigation bank for disturbance of this habitat will provide funds to be used toward purchase of high value resources or towards restoration of degraded riparian habitat within Pima County.

**\*Recommendation:**

The In-Lieu Fee Proposal conforms to the Ordinance and the Guidelines, and, as such, the District recommends approval.

**\*Fiscal Impact:**

\$6,931.50

**\*Board of Supervisor District:**

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

Department: Regional Flood Control District

Telephone: 724-4600

Contact: Patricia Gilbert

Telephone: 724-4606

Department Director Signature: \_\_\_\_\_

Date: 3/1/23

Deputy County Administrator Signature: \_\_\_\_\_

Date: 3/1/2023

County Administrator Signature: \_\_\_\_\_

Date: 3/1/23

**DATE:** February 28, 2023

**TO:** Flood Control District Board of Directors

**FROM:** Eric Shepp, P.E.  
Director

**SUBJECT:** **Approval of a Riparian Habitat Mitigation In-Lieu Fee Proposal for Grading Violation at 18057 West Lickskillet Lane, Located within Regulated Riparian Habitat (District 3)**

### **Background**

Chapter 16.30 of the Pima County Floodplain Management Ordinance No. 2010-FC5 (Ordinance) requires a riparian habitat mitigation plan (RHMP) for mapped riparian habitat disturbances greater than 1/3 acre. The RHMP requires a Flood Control District Board of Directors (Board) approval when disturbance of Important Riparian Area exceeds 1/3 of an acre and is more than 5 percent of the habitat on the property. If a project site contains suitable area(s) for riparian restoration, enhancement, or establishment, onsite mitigation occurs in accordance with the adopted *Regulated Riparian Habitat Mitigation Standards and Implementation Guidelines*. The Ordinance contains a provision for mitigation banking, when on-site mitigation is not feasible. All offsite mitigation proposals require Board review and approval.

### **Report**

The owners Mr. and Mrs. Scott have applied for a permit to construct an addition to their single family residence on their property located at 18057 West Lickskillet Lane (Exhibit A). The entire property is mapped within Regulated Riparian Habitat (RRH) and is classified as Important Riparian Area with an Underlying Classification Xeroriparian C Habitat (Exhibit B). Upon review of the permit it was discovered there has been unpermitted disturbance to the RRH that has not been mitigated and the disturbance is over 5% of the RRH on the property. Mr. and Mrs. Scott hired Luke Smith with Lewis and Smith Engineering LLC to prepare a Riparian Habitat Mitigation In-Lieu Fee Proposal (Exhibit C) and is proposing to contribute a fee of \$6,931.50 in lieu of onsite mitigation, based on the a vegetative survey which is allowed under the guidance provided in the *Pima County Regulated Riparian Habitat Off-Site Mitigation Guidelines*.

### **Recommendation**

Acceptance of mitigation banking funds in-lieu of onsite mitigation is allowed under the Ordinance. Contributions to the mitigation bank for disturbance of this habitat will provide funds to be used toward purchase of high value resources or towards restoration of degraded riparian habitat within Pima County

**Attachments:** Exhibit A – Project Location  
Exhibit B – Project Site – Riparian Classification Map  
Exhibit C – Mitigation Banking In-lieu Fee Proposal



# Exhibit A



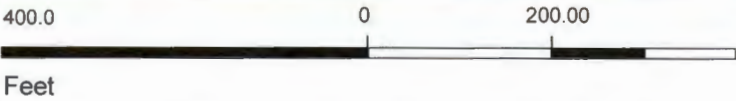
## Legend

 Parcels



18057 West Lickskillet Lane

2/28/2023



This map is static output from an internet mapping site and no warranty is expressed or implied as to the accuracy, reliability, currency or completeness of the data, and is for reference only



# Exhibit B



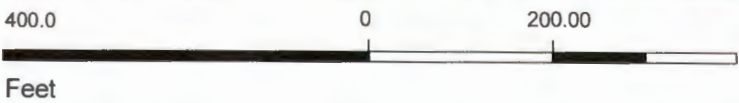
## Legend

- Parcels
- Washes - All
  - Unknown Discharge
  - 100-500 CFS
  - 500-1000 CFS
  - 1000-2000 CFS
  - 2000-5000 CFS
  - 5000-10000 CFS
  - Over 10000 CFS
- Washes Greater Than :  
Riparian Habitat - Pima  
Effective 10/20/2005
  - Xeroriparian A
  - Xeroriparian B
  - Xeroriparian C
  - Xeroriparian D
  - Hydromesoriparian or Me
  - IRA - Xeroriparian A
  - IRA - Xeroriparian B
  - IRA - Xeroriparian C
  - IRA - Xeroriparian D
  - IRA - H
  - Important Riparian Areas



18057 West Licksillet Lane

2/28/2023

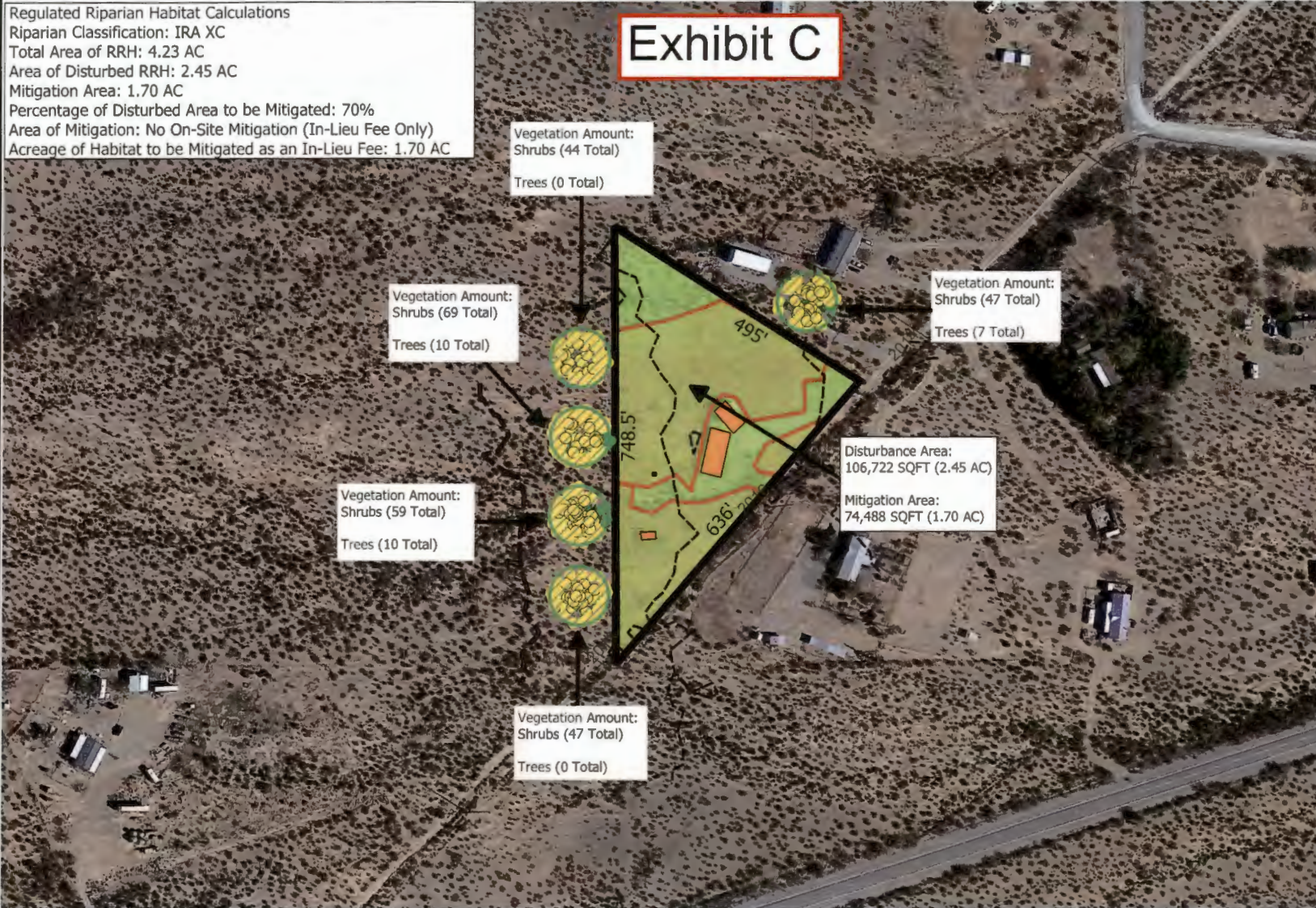


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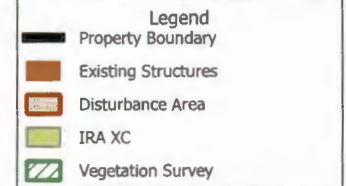


Regulated Riparian Habitat Calculations  
 Riparian Classification: IRA XC  
 Total Area of RRH: 4.23 AC  
 Area of Disturbed RRH: 2.45 AC  
 Mitigation Area: 1.70 AC  
 Percentage of Disturbed Area to be Mitigated: 70%  
 Area of Mitigation: No On-Site Mitigation (In-Lieu Fee Only)  
 Acreage of Habitat to be Mitigated as an In-Lieu Fee: 1.70 AC

## Exhibit C



Vicinity Map (1"=1 Mile)



Note: Per Notice of Violation received from Pima County Development Services, a grading permit is required since greater than 14,000 square feet of vegetation had been cleared. A grading permit requires a minimum of 30% of Natural Set Aside per Code 18.72.

Note: No protected species were observed on site or adjacent parcels. 0 Pineapple cactus, 0 Saguaros, and 0 Ironwood trees were identified on site.

Note: Surface topography remained unchanged with land disturbance activity. Drainage remains unchanged in light of surficial removal of vegetation on site as evident by the unchanged gradient. Grading is not steeper than 3:1 across the site.

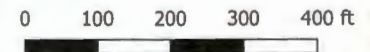
Note: Vegetation survey was based on five 100' diameter circular areas adjacent to impacted parcel. The average shrub and tree density by size is presented below:  
 Average Number Shrubs: 53  
 Average Number Trees: 6

\*\*\* Percentages used in ILF Calculation\*\*\*

| REVISIONS |         |      | CLIENT: Scott & Kaleigh Sean  | APN: 208-25-122J   | DATE: 23FEB2023  | Sheet: 1            |
|-----------|---------|------|---|--|--|---------------------|
| ID        | DETAILS | DATE | ADDRESS: 18057 W Lickskillet Ln<br>Marana, AZ, 85653<br>Legal description<br>TRI WLY PTN S812.20' LOT 17<br>SILVERBELL TRAILS ESTATES RS 22/76<br>AKA PTN SW4 4.15 AC SEC17-12-10 | ACRES: 4.23<br>PERMIT NO.:<br>PLAN INFO: Riparian Habitat Mitigation<br>In-Lieu Fee Proposal (No On-Site Mitigation) | Project No. 500123001<br>PREPARED BY: TRAVIS B. LEWIS, P.E.<br>LEWIS & SMITH ENGINEERING, LLC<br>A: 5440 E GOLDR RANCH RD, TUCSON, AZ 85739<br>E: TLEWIS@LewisandSmith.com | FPUP No. P23FC00045 |

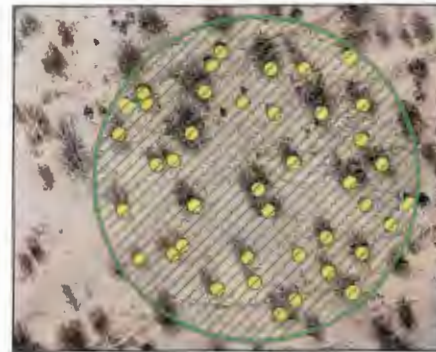


Scale: 1" = 100'

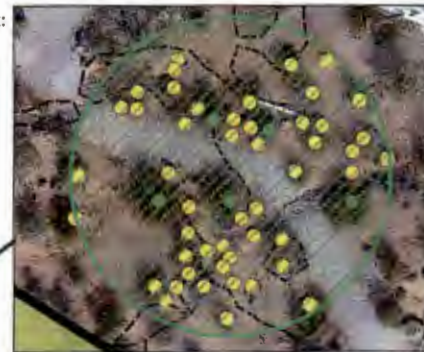




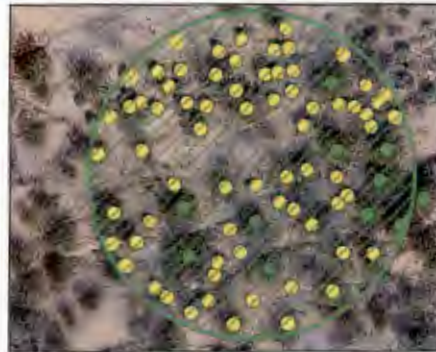
# Exhibit C



Vegetation Amount:  
Shrubs (44 Total)  
Trees (0 Total)



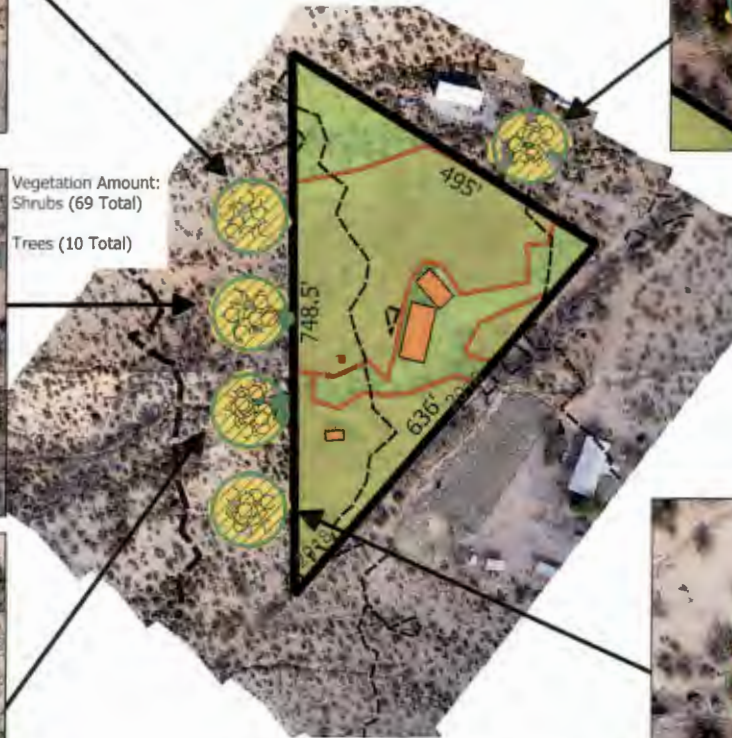
Vegetation Amount:  
Shrubs (47 Total)  
Trees (7 Total)



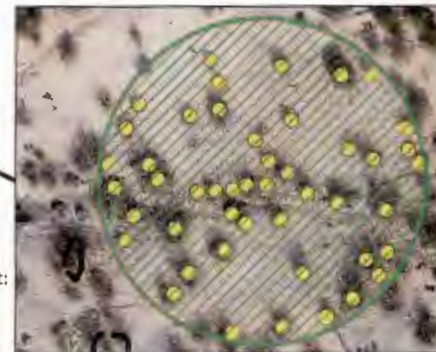
Vegetation Amount:  
Shrubs (69 Total)  
Trees (10 Total)



Vegetation Amount:  
Shrubs (59 Total)  
Trees (10 Total)



Vegetation Amount:  
Shrubs (47 Total)  
Trees (0 Total)



Vicinity Map (1"=1 Mile)

| Legend |                     |
|--------|---------------------|
|        | Property Boundary   |
|        | Existing Structures |
|        | Disturbance Area    |
|        | IRA XC              |
|        | Vegetation Survey   |
|        | Tree                |
|        | Shrub               |

Note: Per Notice of Violation received from Pima County Development Services, a grading permit is required since greater than 14,000 square feet of vegetation had been cleared. A grading permit requires a minimum of 30% of Natural Set Aside per Code 18.72.

Note: No protected species were observed on site or adjacent parcels. 0 Pineapple cactus, 0 Saguaros, and 0 Ironwood trees were identified on site.

Note: Surface topography remained unchanged with land disturbance activity. Drainage remains unchanged in light of surficial removal of vegetation on site as evident by the unchanged gradient. Grading is not steeper than 3:1 across the site.

Note: Vegetation density was based on five 100' diameter circular areas adjacent to impacted parcel. The average shrub and tree density by size is presented below:

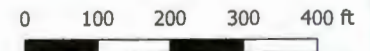
Average Number Shrubs: 53  
Average Number Trees: 6

\*\*\* Percentages used in ILF Calculation\*\*\*

| REVISIONS |         |      | CLIENT: Scott & Kaleigh Sean       |  | APN: 208-25-122J                           |  | DATE: 22FEB2023                            |  | Sheet: 2                       |  |
|-----------|---------|------|------------------------------------|--|--|--|--|--|--------------------------------|--|
| ID        | DETAILS | DATE | ADDRESS: 18057 W Lickskillet Ln    |  | ACRES: 4.23                                |  | Project No. 500123001                      |  | FPUP No. P23FC00045            |  |
|           |         |      | Marana, AZ, 85653                  |  | PERMIT NO.:                                |  | PREPARED BY: TRAVIS B. LEWIS, P.E.         |  | LEWIS & SMITH ENGINEERING, LLC |  |
|           |         |      | Legal description                  |  | PLAN INFO: Vegetation Survey (High Quality |  | A: 5440 E GOLDR RANCH RD, TUCSON, AZ 85739 |  | E: TLEWIS@LewisandSmith.com    |  |
|           |         |      | TRI WLY PTN S812.20' LOT 17        |  | Ortho Image)                               |  |  |  |                                |  |
|           |         |      | SILVERBELL TRAILS ESTATES RS 22/76 |  |  |  |  |  |                                |  |
|           |         |      | AKA PTN SW4 4.15 AC SEC17-12-10    |  |  |  |  |  |                                |  |



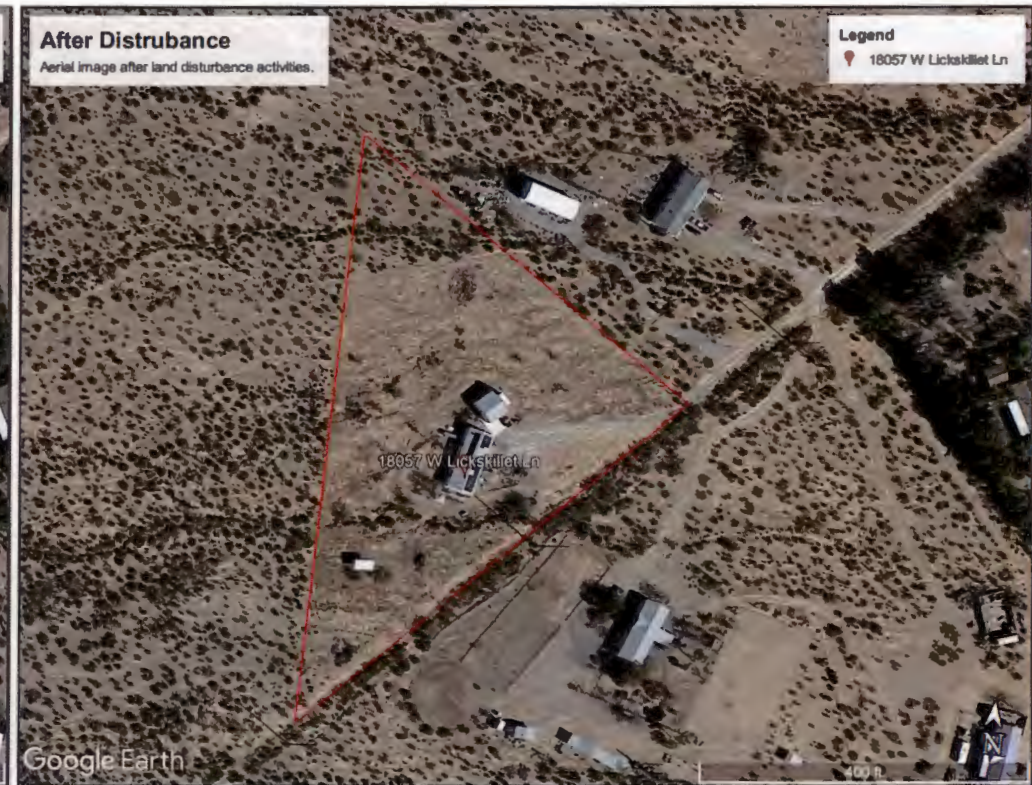
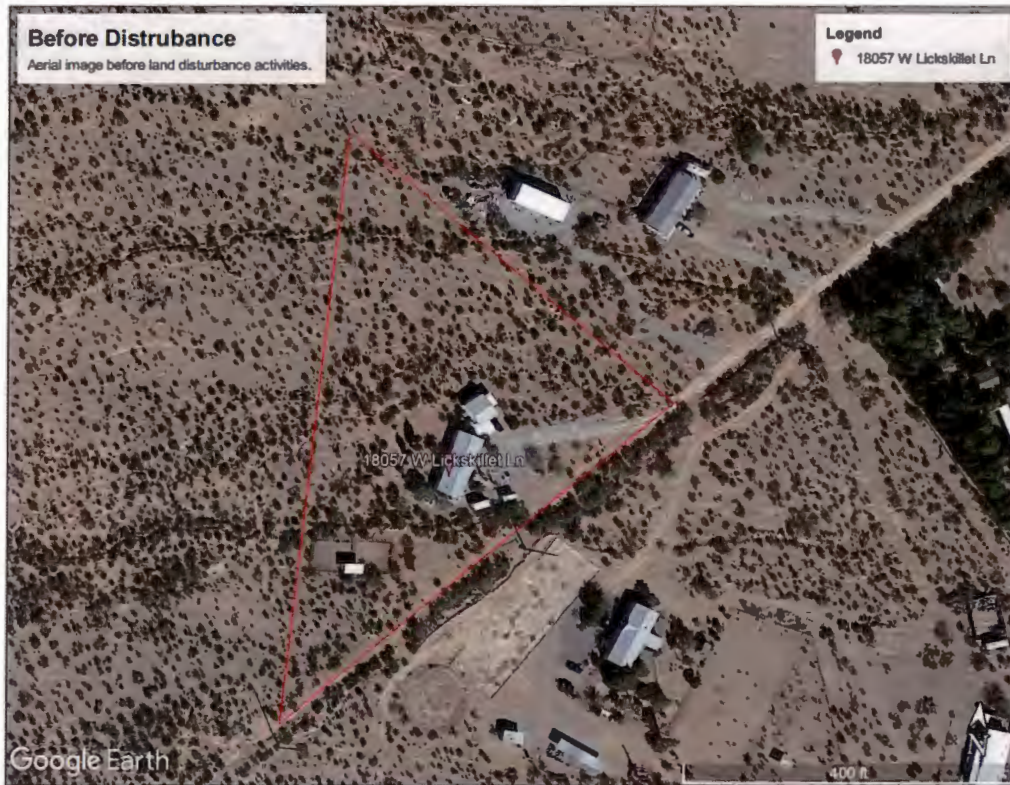
Scale: 1" = 100'





# Exhibit C

## Disturbance Comparison



Note: Vegetation density on subject property is consistent with vegetation density of adjacent parcels prior to disturbance. Therefore, calculated vegetation density of adjacent parcels was used to inform plant distribution for shrubs and trees within the Appendix F - ILF Calculation Spreadsheet.

# Exhibit C

## Calculating In-Lieu Fee Costs for Single-lot Development

Shaded fields are editable - Enter value in Acres

FPUP No. P23FC00045

Sheet 4

| Class H or IRA w/ Underlying Class H Habitat (H or IRA/H)** |         |              | Option to basic requirement (Xeroriparian)* | Option to basic requirement (Class H)** |        |
|---|---------|--------------|---|---|--------|
| Total mapped habitat onsite                                 |         | 0.00 Acre(s) |   |   |        |
| Area of disturbed RRH                                       |         | 0.00 Acre(s) |   |   |        |
| % of mapped habitat disturbed                               | #DIV/0! | Acre(s)      |   |   |        |
| Area of mitigation  |         | 0.00 Acre(s) |   |   |        |
| Total number of trees required (90 trees/ac)                | 88      | 0 Trees      | na  | 0                                       | Trees  |
| Total number of shrubs required (100 shrubs/ac)             | 98      | 0 Shrubs     | na  | 0                                       | Shrubs |
| IRA w/ Underlying Xeroriparian Class A Habitat (IRA/XA)**   |         |              |   |   |        |
| Total mapped habitat onsite                                 |         | Acre(s)      |   |   |        |
| Area of disturbed RRH                                       |         | Acre(s)      |   |   |        |
| % of mapped habitat disturbed                               | #DIV/0! | Acre(s)      |   |   |        |
| Area of mitigation  |         | 0.00 Acre(s) |   |   |        |
| Total number of trees required (75 trees/ac)                | 75      | 0 Trees      | 0   | na                                      | Trees  |
| Total number of shrubs required (90 shrubs/ac)              | 90      | 0 Shrubs     | 0   | na                                      | Shrubs |
| IRA w/ Underlying Xeroriparian Class B Habitat (IRA/XB)**   |         |              |   |   |        |
| Total mapped habitat onsite                                 |         | Acre(s)      |   |   |        |
| Area of disturbed RRH                                       |         | Acre(s)      |   |   |        |
| % of mapped habitat disturbed                               | #DIV/0! | Acre(s)      |   |   |        |
| Area of mitigation  |         | 0.00 Acre(s) |   |   |        |
| Total number of trees required (60 trees/ac)                |         | 0 Trees      | 0   | na                                      | Trees  |
| Total number of shrubs required (80 shrubs/ac)              |         | 0 Shrubs     | 0   | na                                      | Shrubs |
| IRA w/ Underlying Xeroriparian Class C Habitat (IRA/XC)**   |         |              |   |   |        |
| Total mapped habitat onsite                                 |         | Acre(s)      |   |   |        |
| Area of disturbed RRH                                       |         | Acre(s)      |   |   |        |
| % of mapped habitat disturbed                               | 70%     | Acre(s)      |   |   |        |
| Area of mitigation  |         | 1.70 Acre(s) |   |   |        |
| Total number of trees required (45 trees/ac)                |         | 0 Trees      | 0   | na                                      | Trees  |
| Total number of shrubs required (70 shrubs/ac)              |         | 0 Shrubs     | 0   | na                                      | Shrubs |
| IRA w/ Underlying Xeroriparian Class D Habitat (IRA/XD)**   |         |              |   |   |        |
| Total mapped habitat onsite                                 |         | Acre(s)      |   |   |        |
| Area of disturbed RRH                                       |         | Acre(s)      |   |   |        |
| % of mapped habitat disturbed                               | #DIV/0! | Acre(s)      |   |   |        |
| Area of mitigation  |         | 0.00 Acre(s) |   |   |        |
| Total number of trees required (30 trees/ac)                |         | 0 Trees      | 0   | na                                      | Trees  |
| Total number of shrubs required (x shrubs/ac)*              |         | 0 Shrubs     | 0   | na                                      | Shrubs |

| ILF Calculation   |               |                   |
|---|---------------|-------------------|
| 15-gallon trees   | 3             | \$240.00          |
| 5-gallon trees  | 3             | \$75.00           |
| 5-gallon shrubs   | 27            | \$621.00          |
| 1-gallon shrubs   | 26            | \$156.00          |
| Hydroseed   | 1.70 Acres(s) | \$1,504.50        |
| Irrigation system (materials and labor for installation)*** | 1.70 Acres(s) | \$2,550.00        |
| 5-year maintenance for Xeroriparian****                     | 0.00 Acres(s) | \$0.00            |
| 5-year maintenance for H and/or IRA****                     | 1.70 Acres(s) | \$1,785.00        |
| <b>Total Cost</b>   |               | <b>\$6,931.50</b> |

| 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) | Class H 5-year maintenance (per acre) | Xeroriparian 5-year maintenance (per acre) |
|--|----------------|---------------|----------------|----------------|--------------------|-----------------------|---------------------------------------|--|
|  | \$80           | \$25          | \$23           | \$6            | \$885              | \$1,500               | \$1,050                               | \$610                                      |

\*Density determined by onsite plant survey.

\*\*Guideline plant density requirements have been provided. The applicant may choose to perform an onsite plant survey in accordance with TECH-116 to determine plant density.

\*\*\*Irrigation costs are calculated as a percentage of the plant material costs

\*\*\*\*Average cost based on annual plant water requirements, plant replacement @ 5% over five years, and invasive species control (cost for herbicide only).

\*Option to basic requirement for Xeroriparian Classes A-D: Reduce total plant quantity by 20% if 100% 15 gallon trees and 100% 5 gallon shrubs are used.

\*\*Option to basic requirement for Class H: Increase total plant quantity by 20% if 50% 15 gallon/50% 5 gallon trees are used and 100% 1 gallon shrubs are used.