

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Conservation Agreement for the Multiple Species Conservation Program (MSCP) Plan

**Policy
Number**

I-123

Page

1 of 2

Purpose

The adoption of the MSCP places a long-term funding obligation on the County of San Diego to acquire and manage Preserve Lands. This land acquisition cost could be as high as \$3 Million annually in County acquisition monies, which most likely would be General Fund expenditures. The County has also developed a concept that provides an opportunity for the County to acquire habitat lands at minimal public cost while providing incentives for voluntary landowner participation in the program without the need to develop his/her property. The implementing mechanism for this concept would be effected through a new instrument called a Conservation Agreement.

Background

The MSCP Deal Points approved by the Board of Supervisors included a goal to establish incentives to encourage voluntary participation in the MSCP. While landowners that have an immediate interest in developing their land have an obvious incentive to participate by using the MSCP as an alternative to the lengthy and more costly Federal 10(a) permit process, landowners with no development plans have no real incentive.

The County has developed a form of a Conservation Agreement through which a landowner would permanently set aside land which contributes to the County's MSCP Preserve in exchange for certain financial and permitting benefits. The property owner would receive Third Party Beneficiary Status, be included in the County's MSCP and may qualify for reductions in Water Availability Stand-By charges provided by the Metropolitan Water District of Southern California or the County Water Authority. The Conservation Restrictions would be defined within the Conservation Easement that is transferable to heirs and can be sold to new owners.

Policy

It is the Policy of the Board of Supervisors that:

1. The County will encourage voluntary private participation in the MSCP;
2. The County will provide for private participation in the MSCP through entering into Conservation Agreements with landowners who conserve their habitat lands that contribute to the MSCP Biological Preserve system;
3. To the benefit of the County, such lands will be permanently protected through the dedication of "Conservation Easements" as defined by (California Civil Code Sections 815-816) ;
4. This program will be limited to areas which are located within or adjacent to the MSCP "pre-approved mitigation areas"; and

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Conservation Agreement for the Multiple Species Conservation Program (MSCP) Plan

**Policy
Number**

I-123

Page

2 of 2

5. Third Party Beneficiary status will be conveyed to participating landowners at the time the conservation easement is recorded. The area of property to be granted take authorization, through the Third Party Beneficiary status, will be defined in the Conservation Agreement. The extent and definition of take authorized areas must be consistent with the provisions and standards of the County's Biological Mitigation Ordinance and Subarea Plan.

Conservation Agreement Implementation Procedure

1. A landowner must apply for a Conservation Agreement which will require a Pre-Application Meeting;
2. Department of Planning & Development Services will determine if the subject property is eligible to be included in a Conservation Agreement: a) located within the MSCP area, b) in or adjacent to pre-approved conservation areas, and c) which does not have a development application on file with the County;
3. Landowner will undertake a biological survey of property which maps the habitat on the property subject to the Agreement. These surveys must be performed using biological survey standards to the satisfaction of the Director of the Department of Planning & Development Services; and
4. Staff and the landowner will agree upon the area to be conserved and the take authorized area, using the standards set forth in the MSCP.
5. Staff would prepare and process for public review the necessary document required by the California Environmental Quality Act.

Sunset Date

December 31, 2021

Board Action

05/12/99 (9)
06/22/05 (21)
12/09/08 (33)
09/25/12 (11)
12/03/14 (4)

CAO Reference

Department of Planning & Development Services