

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

**FOR PURPOSES OF CONSIDERATION OF
Boyer 3-Lot Tentative Parcel Map, TPM 20794; ER 03-08-063**

April 10, 2008

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES

NO

NOT APPLICABLE/EXEMPT

Discussion:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

However, the following information is presented in compliance with the NCCP. The NCCP is a state program that identifies and provides for the regional or area-wide protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity. The Southern California Coastal Sage Scrub NCCP was designed because many species that are listed as sensitive, threatened, or endangered by federal and state resource agencies are associated with coastal sage scrub. This program enables jurisdictions, through agreements with the state and federal agencies, to benefit from interim take provisions established in the USFWS special rule [4(d) rule]. The interim take refers to the authorization for removal of coastal sage scrub and/or any incidental impacts to target species during the time that a jurisdiction, such as the County of San Diego, prepares a Subregional NCCP. The County already has a Subregional and Subarea NCCP (the Multiple Species Conservation Program) covering some of the unincorporated lands. The County is currently working on draft proposals for two additional Subregional Plans, one in North County and one in East County. Until such time as plans are approved for those areas, the County must follow the Coastal Sage Scrub NCCP Process Guidelines (November 1993).

This project will not preclude connectivity between areas of high habitat values because the project occurs in agricultural and medium value habitat according to the NCCP Habitat Evaluation Model. In addition, it is not within the proposed Pre-approved Mitigation Area for North County MSCP, and there are no listed species present. Habitat loss has been mitigated appropriately in accordance with County Guidelines.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES

NO

NOT APPLICABLE/EXEMPT

Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES NO NOT APPLICABLE/EXEMPT

Discussion:

The project will obtain its water supply from the Valley Center Municipal Water District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations (Article IV, Sections 1 & 2) of the Resource Protection Ordinance?	YES	NO	NOT APPLICABLE/EXEMPT
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Floodways and Floodplain Fringe section (Article IV, Section 3) of the Resource Protection Ordinance?	YES	NO	NOT APPLICABLE/EXEMPT
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The <u>Steep Slope</u> section (Article IV, Section 5)?	YES	NO	NOT APPLICABLE/EXEMPT
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Sensitive Habitat Lands section (Article IV, Section 6) of the Resource Protection Ordinance?	YES	NO	NOT APPLICABLE/EXEMPT
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Article IV, Section 7) of the Resource Protection Ordinance?	YES	NO	NOT APPLICABLE/EXEMPT
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

Wetland and Wetland Buffers:

The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year.

Floodways and Floodplain Fringe:

The project is not located near any floodway or floodplain fringe area as defined in the resource protection ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map.

Steep Slopes:

Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. The project is in conformance with the RPO.

Sensitive Habitats:

Based on an analysis of the County's Geographic Information System (GIS) records, the County's Comprehensive Matrix of Sensitive Species, site photos, and a Biological Resources Letter Report dated December 12, 2007 prepared by William T. Everett, Certified Biological Consultant, and a field visit by staff biologist, Greg Krzys, the site has limited biological value and therefore, no Sensitive Habitat Lands are present on the site. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the Resource Protection Ordinance.

Significant Prehistoric and Historic Sites:

The property has been surveyed by a County approved archaeologist and it has been determined that there is one archaeological site on the property. Testing and other investigation has determined that the archaeological site is not significant under the Resource Protection Ordinance, but is significant under the State California Environmental Quality Act (CEQA) Guidelines, Section 15064. The project complies with the CEQA because the site has been sufficiently tested and project impacts will be mitigated to a level below significant with the implementation of a data recovery program.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES

NO

NOT APPLICABLE

Discussion:

The Department of Planning and Land Use (DPLU) and Department of Public Works (DPW) staff have reviewed the Stormwater Management Plan (SWMP) dated November 14, 2007 and prepared by Robert O. Sukup. This document complies with the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (WPO, Section 67.817).

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES

NO

NOT APPLICABLE

Discussion:

Even though the proposal could expose people to potentially significant noise levels (i.e., in excess of the County General Plan or Noise Ordinance), the following noise mitigation measures are proposed to reduce the noise impacts to applicable limits: noise attenuation barriers.