

**MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT**  
**For Jamul Commercial Major Use Permit and Tentative Parcel Map;**  
**PDS2018-MUP-18-008, PDS2018-TPM-21262; PDS2018-ER-18-19-002**  
**APN 596-071-60**

**February 28, 2019**

**I. Introduction**

The project proposes a Major Use Permit and Tentative Parcel Map to subdivide the property into two legal lots for a Hobby Farm retail store (Tractor Supply Co.) and a self-storage facility. The proposed project is located at 3018 Jefferson Road in the Jamul-Dulzura Community Plan Area in the unincorporated County of San Diego (APN 596-071-60-00). Access would be provided by two private driveways connecting each parcel to Jefferson Road (County Maintained). Water service would be provided by the Otay Water District and individual on-site wastewater systems (supplemental treatment systems) are proposed. Proposed earthwork quantities for the project consist of 20,000 cubic yards of cut and 65,000 cubic yards of fill with no export required.

The project site is subject to the Semi-Rural Regional Category and the Rural Commercial (C-4) Land Use Designation. The Zoning Use Regulation for the site is of General Commercial (C-36) with a Special Use Regulation for a Planned Development Area (P).

The project is located within the Metro-Lakeside-Jamul Area of the Multiple Species Conservation Plan (MSCP). With the exception of a small sliver in the southeast corner of the property, the project is located outside the Pre-Approved Mitigation Area (PAMA). The site contains 0.57 acres of Coastal Sage Scrub, 3.11 acres of Coast Live Oak Woodland and 15.72 acres of Disturbed Habitat. Sensitive wildlife species identified on-site include Cooper's hawk, red-shouldered hawk, turkey vulture, and Belding's orange-throated whiptail. Sensitive plant species identified on-site include Engelmann oak and San Diego County viguiera.

Table 1. Impacts to Habitat and Required Mitigation

<b>Habitat Type</b>	<b>Tier Level</b>	<b>Existing On-site (ac.)</b>	<b>Proposed Impacts (ac.)</b>	<b>Impact Neutral (ac.)</b>	<b>Mitigation Ratio</b>	<b>Required Mitigation</b>
Disturbed Habitat	IV	16.75	12.8	3.95	--	0
Coastal Sage Scrub	II	0.57	0	0.57	1:1	0
Coast Live Oak Woodland	I	2.09	0	2.09	3:1	0
<b>Total:</b>	--	19.41	12.80	6.61	--	0

The findings contained within this document are based on County records, staff field site visits and the Biological Resources Letter Report prepared by Blackhawk Environmental, dated February 18, 2019. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in

circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Wildlife and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

## **II. Biological Resource Core Area Determination**

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

### **A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.**

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

#### **i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

With the exception of a small sliver in the southeast corner of the property, the project is located outside the Pre-Approved Mitigation Area (PAMA).

#### **ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

The site is not located in an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species as the majority of the site is disturbed.

#### **iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:**

- a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and**

- contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
- b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

While the onsite drainage may function as a local wildlife movement corridor, the site is not part of a regional linkage or corridor.

- iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.**

The northwestern and western edges of the site is shown as very high on the Habitat Evaluation Model; however, these portions of the site are avoided through the dedication of an easement over the corresponding drainage and have therefore been avoided by design. The remainder of the site is shown as agriculture and developed on the Habitat Evaluation Model.

- v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.**

The land is not within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat.

- vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:**
- a. Gabbroic rock;**
  - b. Metavolcanic rock;**
  - c. Clay;**
  - d. Coastal sandstone**

The site does not contain a high number of sensitive species (sensitive wildlife species identified on-site include Cooper's hawk, red-shouldered hawk, turkey vulture, and Belding's orange-throated whiptail and sensitive plant species identified on-site include Engelmann oak and San Diego County viguiera) as much of the site is disturbed. The site also does not contain geologic formations which are known to support sensitive species.

**B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.**

The open space proposed on-site for this project is solely for purposes of avoiding a sensitive resource. This open space is not considered a Biological Resource Core Area and therefore, is not considered part of the regional MSCP preserve system. The requirements relating to the "Preserve" outlined in the County's Subarea Plan, the Implementation Agreement and the Final MSCP Plan will not apply to this open space.

**III. Biological Mitigation Ordinance Findings**

**A. Project Design Criteria (Section 86.505(a))**

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The project does not propose impacts to Critical Populations of Sensitive Plant Species, Significant Populations of Narrow Endemic Animal Species, Narrow Endemic Plant Species, Sensitive Plants, or a Biological Resource Core Area. Therefore, the Project Design Criteria Findings do not apply.

**B. Preserve Design Criteria (Attachment G)**

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

With the exception of a small sliver in the northwestern portion of the site, the project is not located within PAMA and the site is not Preserve land. Therefore, the Preserve Design Criteria do not apply.

**C. Design Criteria for Linkages and Corridors (Attachment H)**

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

The site is not located within a regional linkage or corridor. While the project site contains a drainage along the northwestern and southwestern boundaries of the property which may contribute to local wildlife movement, this area is avoided by

project design as it is located within an open space easement as required by the Resource Protection Ordinance (RPO).

#### **IV. Subarea Plan Findings**

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

**1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.**

The project site contains a drainages along the northern and southwestern boundaries of the property. The drainages are avoided as they will be placed in biological open space. The project has maintained a minimum 50-foot setback from the drainage and therefore there will be no wetland impacts and therefore no net loss of wetlands.

**2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.**

All native habitat onsite (coastal sage scrub and coast live oak woodland) will be conserved onsite within an open space easement. Therefore the habitat structural diversity has been maximized to the extent feasible.

**3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.**

The project site contains a drainages along the northern and southwestern boundaries of the property which are ranked as very high by the habitat evaluation model. The entirety of the drainages as well as adjacent coastal sage scrub habitat will be conserved onsite within an open space easement.

**4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

The project site contains a drainages along the northern and southwestern boundaries of the property which will be conserved onsite within an open space easement. The open space easement will include all native habitat onsite and edge effects will be reduced by the inclusion of a limited building zone easement and open space fencing and signage.

**5. The project provides for the development of the least sensitive habitat areas.**

The project will develop entirely within existing disturbed habitat onsite. The onsite drainages and all native habitat onsite will be conserved within an open space easement and therefore, the project provides for the development of the least sensitive habitat areas.

**6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

No threatened, endangered, narrow endemic species were detected on the project site. Developing the site will not eliminate highly sensitive habitat or impact key populations of covered species.

**7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

The site is small and not located within a large interconnecting block of habitat; however, all native habitat onsite will be conserved within an open space easement which could contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate.

**8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

The site does not support critical populations or narrow endemics.

**9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

The project will not jeopardize the assembly of a preserve system because the site is does not qualify as a BRCA and is not within an area of regional significance with regard to conservation of sensitive species and habitats. Developing the site will not hinder possible preserve systems.

**10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

The onsite drainages and all native habitat onsite will be conserved within an open space easement. While the open space is not counted toward project mitigation requirements, the project will implement a limited building zone and open space fencing and signage which will reduce potential edge effects.

**11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.**

The project site does not qualify as a BRCA. The project includes the preservation of all native habitat onsite (coastal sage scrub and coast live oak woodland) and development of the existing disturbed areas. No threatened, endangered, narrow endemic species were detected on the project site. The project will implement a limited building zone and open space fencing and signage which will reduce potential edge effects. Therefore, every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.

Ashley Smith, Planning & Development Services  
February 28, 2019

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