

MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT
For Oro Verde TPM
PDS2022-21323
APN(s) 241-140-02-00

November 28, 2023

I. Introduction

The project proposes to subdivide the 51.2-acre parcel into two lots (4.04 acres (Parcel 1) and 47.15 acres (Parcel 2)). Parcel 1 contains the onsite project impact area which was previously permitted as a part of PDS2014-TM-5583, for which shared private access and utility easement is provided via Vista Lucia. The project does not propose any additional grading. The project site is located at 2000 Oro Verde Road, directly southeast of the City of Escondido, in an unincorporated portion of San Diego County. The project is also located within the Metro-Lakeside-Jamul segment of the County's Multiple Species Conservation Program (MSCP). The site does not qualify as Biological Resource Core Area (BRCA) and is not located in proximity to any Pre-Approved Mitigation Areas or undeveloped land.

Biological resources on the site were evaluated in a Biological Resources Letter Report (DUDEK, November 2023). The site contains 1.36 acres of urban/developed, 4.91 acres of disturbed, 0.56 acres of disturbed southern coast live oak riparian forest, 0.25 acres of herbaceous wetland, and 44.11 acres of orchard habitat. Special-status wildlife species identified on site are red-shouldered hawk (*Buteo lineatus*), turkey vulture (*Cathartes aura*), western bluebird (*Sialia mexicana*), Nuttall's woodpecker (*Picoides nuttallii*), wrentit (*Chamaea fasciata*), mountain lion (*Puma concolor*), mule deer (*Odocoileus hemionus*). No special-status plant species were observed on the site.

The project will impact 0.11 acres of urban/developed, 0.79 acres of disturbed, and 0.64 acres of orchard/vineyard habitat. These impacts do not require mitigation. The Resource Protection Ordinance (RPO) wetland and RPO wetland buffers will be preserved within an open space easement. Breeding season avoidance will also be implemented to ensure project consistency with the Migratory Bird Treaty Act (MBTA).

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Urban/Developed	IV	1.36	0.11	--	0.00
Disturbed	IV	4.91	0.79	--	0.00
Disturbed Southern Coast Live Oak Riparian Forest	I	0.56	0.00	3:1	0.00
Herbaceous Wetland	I	0.25	0.00	3:1	0.00
Orchard	IV	44.11	0.63	--	0.00
Total:	--	51.19	1.53	--	0.00

The findings contained within this document are based on County records and the Biological Resource Letter Report (DUDEK, November 2023). 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.

The land is not shown as Pre-Approved Mitigation Area (PAMA) on the wildlife agencies' Pre-Approved Mitigation Area map. Therefore, this criterion does not apply.

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.

While the land contains habitat and drainages suitable for wildlife, there is no offsite connectivity for wildlife. The land is not adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area. Therefore, this criterion does not apply.

- 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.)**

The land is not part of a regional linkage/corridor. Therefore, this criterion does not apply.

- 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 land is shown on the Habitat Evaluation Map as agriculture and does not link significant blocks of habitat. Therefore, this criterion does not apply.

- 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 does not consist of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat. Therefore, this criterion does not apply.

- 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**

While the land contains a number of sensitive species, it is not adjacent or contiguous to surrounding undisturbed habitat and does not contain soil derived from the listed geological formations. Therefore, this criterion does not apply.

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 would not impact 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. Therefore, the Project Design Criteria does 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.

The project is not located within a Pre-Approved Mitigation Area (PAMA) or areas designated as Preserve land. Therefore, the Preserve Design Criteria from Attachment G does 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 project site is not located within a regional linkage or corridor. Therefore, the Design Criteria for Linkages and Corridors from Attachment H does not apply.

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 does not propose impacts to state or federal wetlands. An open space easement will be placed over the RPO wetland and RPO wetland buffer areas. Therefore, the project will not conflict with the no net loss of wetlands standards.

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

The project site does not contain unique habitats or habitat features. The site is currently being used for an agricultural operation. The RPO wetland and RPO wetland buffers will be conserved within an open space easement.

- 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 does not contain coastal sage scrub or other habitat types ranked as having high or very high biological values.

- 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 onsite preservation is not being used toward the required mitigation, but as an avoidance measure to prevent impacts to the RPO wetlands and RPO wetland buffers. Due to the existing uses onsite and surrounding development, it is not possible or desirable to create a significant block of habitat through onsite preservation.

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

The proposed project will not impact native vegetation communities within the project site. All impacts will remain within the orchard, developed, and disturbed habitats within the northern portion of the project site. 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.**

No wide-ranging species are expected to occur on the site due to the agricultural use on the site and adjacent development and surrounding land uses.

- 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.**

No critical or narrow endemic species were detected on the site. Most sensitive species have a low potential to be present due to the existence of surrounding development.

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

The project site is not within an area of regional significance with regard to conservation of sensitive species and habitats. The site is not part of or adjacent to large interconnecting blocks of habitat, lands identified as PAMA or Preserve, or other sensitive resources. The existing onsite uses and surrounding development does not aid in conservation or wildlife dispersal. Therefore, 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 project does not propose to count onsite preservation toward their mitigation responsibility. Therefore, this criterion does not apply.

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

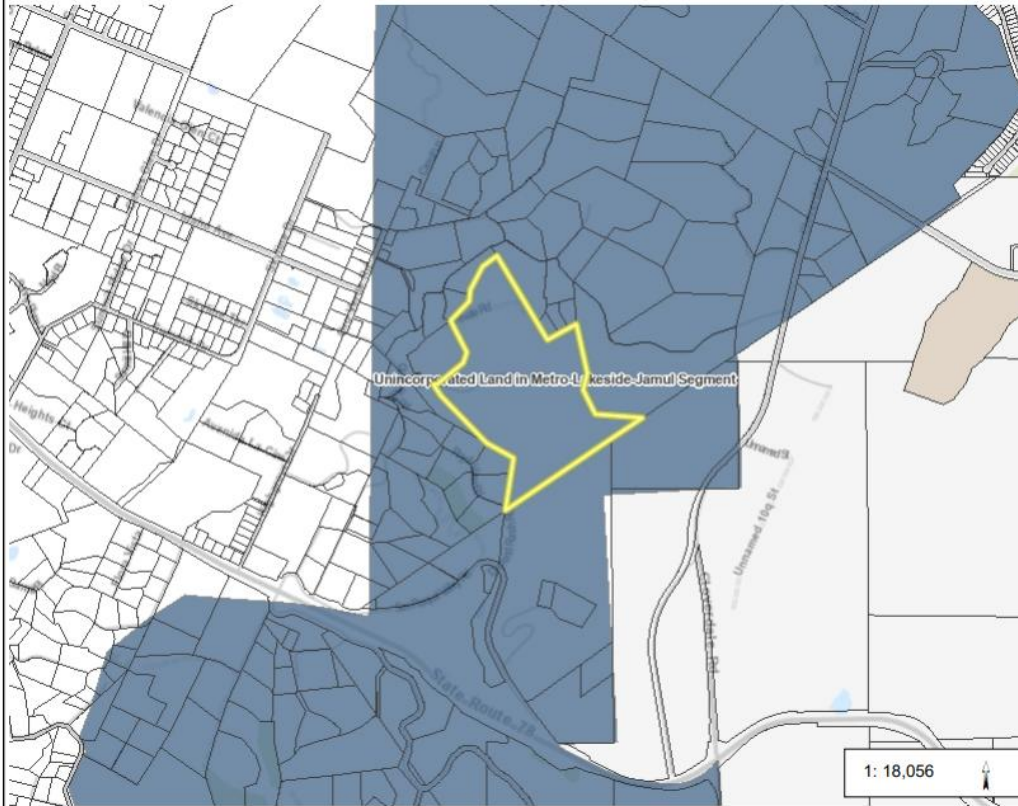
The project site does not qualify as a BRCA. No threatened, endangered, or narrow endemic species were detected on the project site. Due to the existing agricultural

operation on the site and surrounding development, the project site is suitable for development. The onsite RPO wetland and RPO wetland buffer areas will be conserved within an open space easement. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined by the BMO.

Kendalyn White, Planning & Development Services

November 28, 2023

MSCP Designation



Legend

- ☐ Parcels
- Multiple Species Conservation County)
 - State and Federal Pre-Approved M
 - Hardline Preserve
 - Take Authorized Area
 - Conserved Subject to Agreement w
 - Otay Ranch Areas Where no Take
 - Major Amendment Area
 - Minor Amendment Area
 - Minor Amendment Area Subject to
 - Santa Fe Valley Sensitive Biological Areas
 - Golf Course Related Development, Open Space II Areas
 - Unincorporated Land in Metro-Lake

1: 18,056

0.6 0 0.28 0.6 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
Planning and Development Services

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes