



County of San Diego

GARY PRYOR
DIRECTOR
(619) 694-2982

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (619) 694-2980

December 4, 1997

Assistant Regional Director
U.S. Fish and Wildlife Service
911 Northeast 11th Ave
Portland, OR 97232

Director
California Department of Fish and Game
1416 9th Street
Sacramento, CA 95814

Re: Application for Multiple Species Take Permit

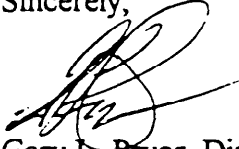
The County of San Diego respectfully submits herein, an application for a Take Authorization for 85 species within the County of San Diego's Subarea of the Multiple Species Program (MSCP), an approved Habitat Conservation Plan (HCP)/Natural Communities Conservation Program (NCCP) plan. The County's MSCP Plan and implementing ordinances were adopted by the County Board of Supervisors on October 22, 1997. In addition to the application form we submit those implementing ordinances and the County's Subarea Plan:

1. Implementing Agreement for the County's Subarea by and between the U.S. and Wildlife Service, the California Department of Fish and Game, and the County of San Diego;
2. the County's Biological Mitigation Ordinance which will implement the MSCP Plan in the County's MSCP Subarea;
3. the amendment to the County's Habitat Loss Permit (HLP) Ordinance which removes the HLP process from the County's MSCP Subarea;
4. the amendment to the Grading and Clearing Ordinance for the County's MSCP Subarea;
- and
5. the County's MSCP Subarea Plan.

EXHIBIT A

If you have any questions, please contact either Robert Asher ((619) 694 3722) or Thomas Oberbauer ((619) 694 3700) of my staff.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Pryor', with a large, stylized loop at the end.

Gary L. Pryor, Director
Department of Planning and Land Use

cc: Gail Kobetich, USFWS, 2730 Loker Avenue West, Carlsbad, CA 92008
Bill Tippetts, CDFG, 4949 Viewridge Avenue, San Diego CA 92123
Tom Story, City of San Diego, 202 C Street, 5th Floor, San Diego, CA 92101



DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)

County of San Diego
1600 Pacific Highway
San Diego, CA 92101-2472

4. IF APPLICANT IS AN INDIVIDUAL, COMPLETE THE FOLLOWING

| | | |
|--|------------------------|------------|
| <input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MESS. <input type="checkbox"/> MS. | HEIGHT | WEIGHT |
| DATE OF BIRTH | COLOR HAIR | COLOR EYES |
| PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER | |
| OCCUPATION | | |

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

2. APPLICATION FOR (License or Permit)



IMPORT OR EXPORT LICENSE



PERMIT

3. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED

ENDANGERED/THREATENED SPECIES

☒ Take

☐ Interstate Commerce

☐ Renewal/Amendment of Permit #

5. IF APPLICANT IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING

EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

COUNTY OF SAN DIEGO
Lawrence B. Prior III
Chief Administrative Officer
1600 Pacific Highway
San Diego, CA 92101-2472

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (619) 531-6226

Lawrence B. Prior III, Chief Administrative Officer
IF APPLICANT IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED

Southwestern part of County of San Diego as identified in the San Diego Subarea Plan.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of documentation)

A combined HCP/NCCP Plan is submitted for State of California approval.

9. CHECKED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

\$ 25.00 Exempt

10. DESIRED EFFECTIVE DATE

11. DURATION NEEDED

50 years

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.22(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

See 50 CFR 17.22(b) & 17.32(b); 50 CFR 13

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17 OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER 3 OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In red)

DATE

12/4/97

Table 1-2: Habitat Protection Goals for the San Diego County Subarea

| Vegetation Community | Segment Goals | | | | Total Goal ¹ | Currently Conserved (acres) ² | To Be Protected (acres) ³ |
|----------------------------------|----------------|---------------------|----------------------|-------------------|-------------------------|--|--------------------------------------|
| | Total (acres) | Lake Hodges (acres) | South County (acres) | Lks-Jamul (acres) | | | |
| Coastal Sage Scrub | 71,326 | 2,591 | 23,037 | 18,626 | 44,254 | 25,798 | 18,455 |
| Maritime Succulent Scrub | 285 | 0 | 158 | 0 | 158 | 157 | 1 |
| Chaparral | 79,764 | 1,391 | 19,874 | 18,619 | 39,884 | 26,901 | 12,983 |
| Southern Maritime Chaparral | 59 | 5 | 0 | 0 | 5 | 5 | 0 |
| Coastal Sage Scrub/Chaparral | 3,119 | 20 | 153 | 1,152 | 1,325 | 664 | 662 |
| Grassland | 10,864 | 305 | 1,658 | 1,603 | 3,566 | 1,712 | 1,854 |
| Freshwater Marsh ⁵ | 343 | 50 | 173 | 15 | 238 | 187 | 51 |
| Oak Riparian Forest ⁵ | 4,346 | 7 | 141 | 2,045 | 2,194 | 338 | 1,856 |
| Riparian Forest ⁵ | 526 | 21 | 243 | 84 | 348 | 199 | 149 |
| Riparian Woodland ⁵ | 26 | 6 | 8 | 6 | 20 | 18 | 2 |
| Riparian Scrub ⁵ | 1,118 | 38 | 424 | 298 | 760 | 436 | 324 |
| Oak Woodland | 4,999 | 21 | 284 | 1,901 | 2,206 | 781 | 1,425 |
| Tecate Cypress Forest | 5,710 | 0 | 5,589 | 0 | 5,589 | 5,438 | 151 |
| Eucalyptus Woodland | 868 | 61 | 17 | 41 | 120 | 79 | 41 |
| Open Water | 282 | 19 | 6 | 124 | 149 | 42 | 107 |
| Disturbed Wetland | 157 | 4 | 34 | 52 | 90 | 22 | 68 |
| Flood Channel | 391 | 15 | 132 | 197 | 344 | 147 | 197 |
| Other Habitat ⁴ | 66 | 16 | 2 | 0 | 18 | 16 | 2 |
| Total | 184,248 | 4,570 | 51,934 | 44,764 | 101,268 | 62,940 | 38,328 |

Notes:

- ¹ Component parts may not add to total because of rounding errors.
- ² If the number of acres already conserved in any segment exceeds the conservation goal for that segment, then the conservation goal is used in this column.
- ³ The number of acres to be protected is calculated by subtracting the currently conserved acreage from the total goal; because of the adjustment described in Note 2, this amount cannot be less than zero.
- ⁴ Disturbed, agricultural and developed areas with habitat value.
- ⁵ No net loss of wetland habitat is allowed as per Federal Wetland Regulations/State Policies & Regulations

No additional land will be required for preserve purposes to meet the above listed goals, from those projects with agreed upon preserve lines as identified and described in chapters 2, 3 and 4 of this Subarea Plan.

EXHIBIT B

Table 1-3: Anticipated Conservation Levels for Species in the County Subarea

| Scientific Name Common Name | Within County Subarea | | | Total MSCP Area |
|--|-----------------------|------------------|-------------------|--|
| | Number of Occurrences | Protection Level | % to be Protected | % of Total Protected in County Subarea |
| Plants | | | | |
| <i>Acanthomintha ilicifolia</i> San Diego thorn-mint | 16 | 15.1 | 94 | 56 |
| <i>Ambrosia pumila</i> San Diego ambrosia | 2 | 2.0 | 100 | 19 |
| <i>Arctostaphylos glanulosa</i> var. <i>crassifolia</i> Del Mar manzanita | 6 | 6 | 100 | 6 |
| <i>Arctostaphylos otayensis</i> Otay manzanita | 25 | 24.7 | 99 | 100 |
| <i>Astragalus deanei</i> Dean's milk vetch | 6 | 4.5 | 75 | 100 |
| <i>Baccharis vanessae</i> Encinitas baccharis | 25 | 24.4 | 98 | 82 |
| <i>Brodiaea orcuttii</i> Orcutt's brodiaea | 32 | 29.9 | 93 | 73 |
| <i>Calamagrostis densa</i> Dense reed grass | 5 | 4.7 | 94 | 82 |
| <i>Calochortus dunnii</i> Dunn's Mariposa lily | 40 | 40 | 100 | 94 |
| <i>Caulanthus stenocarpus</i> Slender-pod jewelflower | 21 | 20.7 | 99 | 55 |
| <i>Ceanothus cyaneus</i> Lakeside ceanothus | 7 | 5.2 | 74 | 100 |
| <i>Ceanothus verrucosus</i> Wart-stemmed ceanothus | 21 | 20.4 | 97 | 44 |
| <i>Cordylanthus orcuttianus</i> Orcutt's bird's-beak | 2 | 2 | 100 | 36 |
| <i>Cupressus forbesii</i> Tecate cypress | 23 | 22.1 | 96 | 89 |
| <i>Dudleya variegata</i> Varigated dudleya | 125 | 123.8 | 99 | 63 |
| <i>Dudleya viscida</i> Sticky dudleya | 2 | 2 | 100 | 100 |
| <i>Ericameria palmeri</i> ssp. <i>palmeri</i> Palmer's ericameria | 17 | 14.9 | 88 | 59 |
| <i>Eryngium aristulatum</i> var. <i>parishii</i> San Diego button-celery | 48 | 48 | 100 | 29 |
| <i>Ferocactus viridescens</i> San Diego barrel cactus | 532 | 498.1 | 94 | 55 |
| <i>Fremontodendron mexicanum</i> Mexican flannelbush | 7 | 7 | 100 | 100 |
| <i>Hemizonia conjugens</i> Otay tarplant | 78 | 77.5 | 99 | 93 |
| <i>Horkelia truncata</i> Ramona horkelia | 1 | 0.7 | 70 | 100 |
| <i>Lepechima ganderi</i> Gander's pitcher sage | 25 | 25 | 100 | 100 |
| (continued) | | | | |

Table 1-3: Anticipated Conservation Levels for Species in the County Subarea (continued)

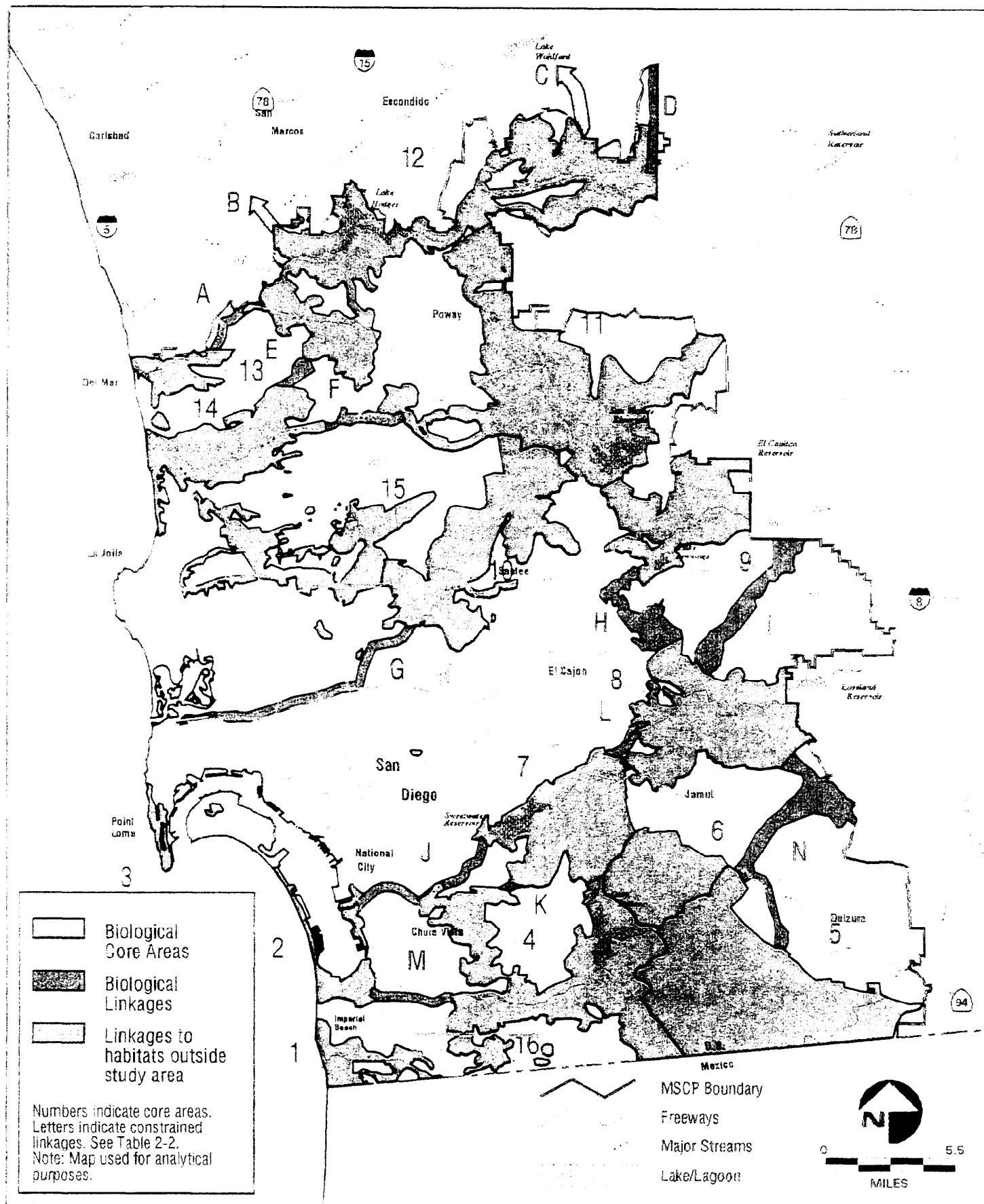
| Scientific Name Common Name | Within County Subarea | | | Total MSCP Area |
|--|-----------------------|------------------|-------------------|--|
| | Number of Occurrences | Protection Level | % to be Protected | % of Total Protected in County Subarea |
| Plants (continued) | | | | |
| <i>Monardella hypoleuca</i> ssp. <i>lanata</i> Felt-leaved monardella | 5 | 5 | 100 | 100 |
| <i>Monardella linoides</i> ssp. <i>viminea</i> Willow monardella | 14 | 14 | 100 | 32 |
| <i>Muilla clevelandii</i> San Diego goldenstar | 98 | 88.1 | 90 | 87 |
| <i>Myosurus minimus</i> ssp. <i>apus</i> Little mousetail | 3 | 2.4 | 80 | 38 |
| <i>Navarretia fossalis</i> Prostrate navarretia | 1 | 1 | 100 | 22 |
| <i>Nolina interrata</i> Dehesa bear-grass | 33 | 33 | 100 | 100 |
| <i>Opuntia parryi</i> var. <i>serpentina</i> Snake cholla | 9 | 9 | 100 | 42 |
| <i>Pogogyne nudiuscula</i> Otay Mesa mint | 74 | 74 | 100 | 86 |
| <i>Satureja chandleri</i> San Miguel savory | 2 | 1.7 | 85 | 100 |
| <i>Senecio ganderi</i> Gander's butterweed | 4 | 4 | 100 | 100 |
| <i>Solanum tenuilobatum</i> Narrow-leaved nightshade | 100 | 99.7 | 99.7 | 91 |
| <i>Tetracoccus dioicus</i> Parry's tetracoccus | 30 | 30 | 100 | 100 |
| Invertebrates | | | | |
| <i>Lycaena hermes</i> Hermes copper butterfly | 3 | 3 | 100 | unknown |
| Amphibians | | | | |
| <i>Bufo microscamphus californicus</i> Arroyo southwestern toad | 1 | 1 | 100 | 7 |
| <i>Rana aurora draytoni</i> California red-legged frog | 1 | 1 | 100 | 100 |
| Reptiles | | | | |
| <i>Clemmys marmorata pallida</i> Southwestern pond turtle | 3 | 2 | 67 | 29 |
| <i>Phrynosoma coronatum blainvillei</i> San Diego horned lizard | 134 | 114.2 | 85 | 62 |
| <i>Cnemidophorus hyperythrus beldingi</i> Orange-throated whiptail | 195 | 165.6 | 85 | 52 |
| Birds | | | | |
| <i>Accipiter cooperii</i> Cooper's hawk | 32 | 29.5 | 92 | 63 |
| (continued) | | | | |

Table 1-3: Anticipated Conservation Levels for Species in the County Subarea (continued)

| Scientific Name Common Name | Within County Subarea | | | Total MSCP Area |
|--|-----------------------|------------------|-------------------|--|
| | Number of Occurrences | Protection Level | % to be Protected | % of Total Protected in County Subarea |
| Birds (continued) | | | | |
| <i>Agelaius tricolor</i> Tricolored blackbird | 2 | 2 | 100 | 22 |
| <i>Aimophila ruficeps canescens</i> California rufous-crowned sparrow | 185 | 175.6 | 95 | 59 |
| <i>Ammodramus savannarum</i> Grasshopper sparrow | 19 | 18.4 | 97 | 59 |
| <i>Aquila chrysaetos</i> Golden eagle | 27 | 21 | 78 | 74 |
| <i>Buteo regalis</i> Ferruginous hawk | 1 | 0.7 | 70 | 43 |
| <i>Buteo swainsoni</i> Swainson's hawk | 1 | 1 | 100 | 100 |
| <i>Campylorhynchus brunneicapillus cousei</i> Coastal cactus wren | 143 | 139.1 | 97 | 51 |
| <i>Circus cyaneus</i> Northern harrier | 14 | 12.8 | 91 | 45 |
| <i>Falcon peregrinus anatum</i> American peregrine falcon | 2 | 2 | 100 | 36 |
| <i>Haliaeetus leucocephalus</i> Bald eagle | 3 | 2.1 | 70 | 71 |
| <i>Passerculus sandwichensis beldingi</i> Belding's savannah sparrow | 1 | 1 | 100 | 4 |
| <i>Polioptila californica californica</i> California gnatcatcher | 937 | 894.2 | 95 | 49 |
| <i>Sialia mexicana</i> Western bluebird | 2 | 1.7 | 85 | 50 |
| <i>Speotyto cunicularia hypugaea</i> Burrowing owl | 10 | 7 | 70 | 66 |
| <i>Vireo bellii pusillus</i> Least Bell's vireo | 74 | 73.7 | 99.6 | 27 |
| Mammals | | | | |
| <i>Felis concolor</i> Mountain lion | 17 | 9.1 | 54 | 40 |
| <i>Odocoileus hemionus fuliginata</i> Southern mule deer | 63 | 54 | 86 | 43 |

Note:

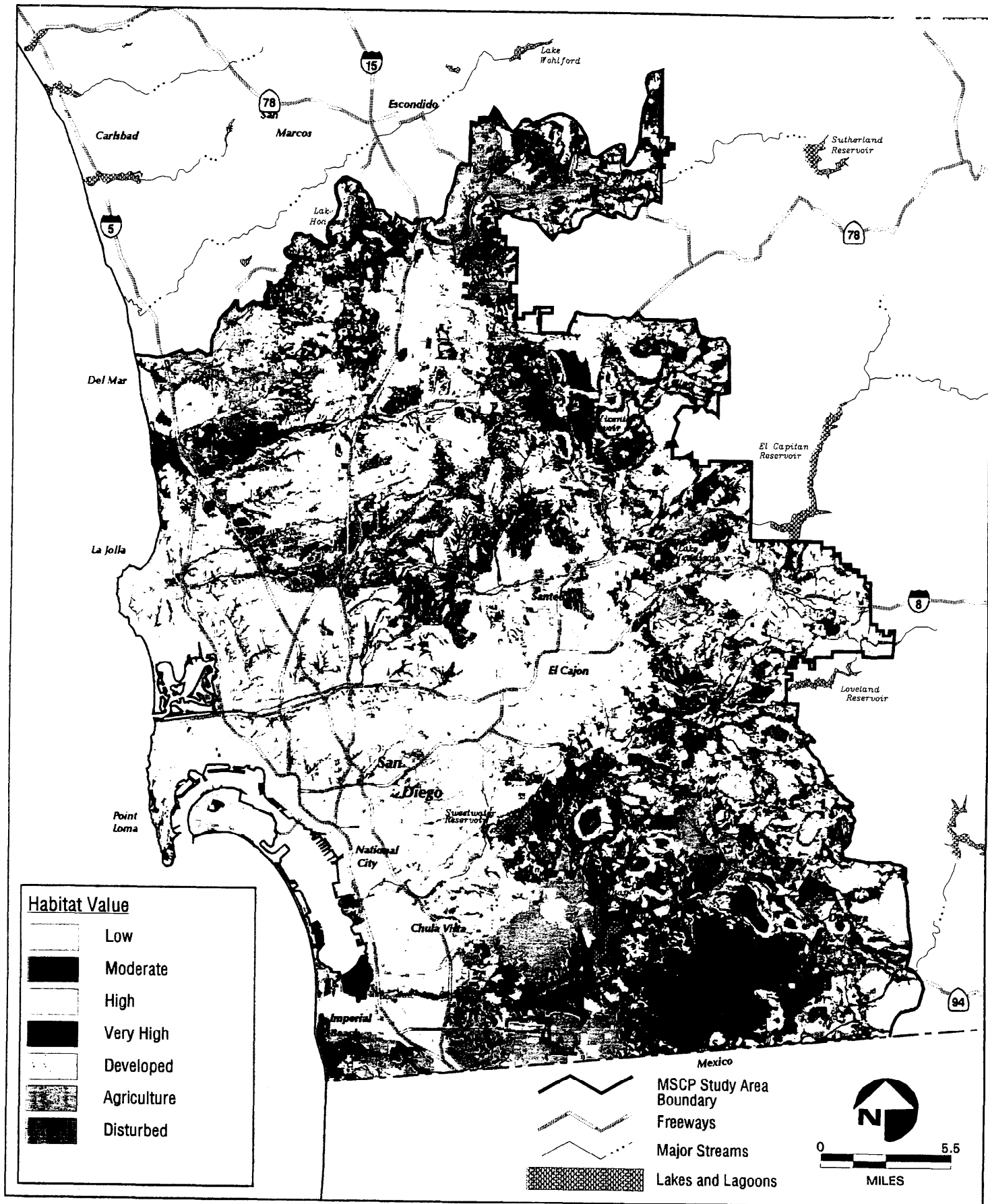
No additional land will be required for preserve purposes from areas where there are agreed upon hardlines should the number of occurrences change. Mitigation for impacts to newly discovered occurrences of covered species within soft line areas shall be as specified in the Subarea Plan and implementing regulations.



OGDEN
■■■■■

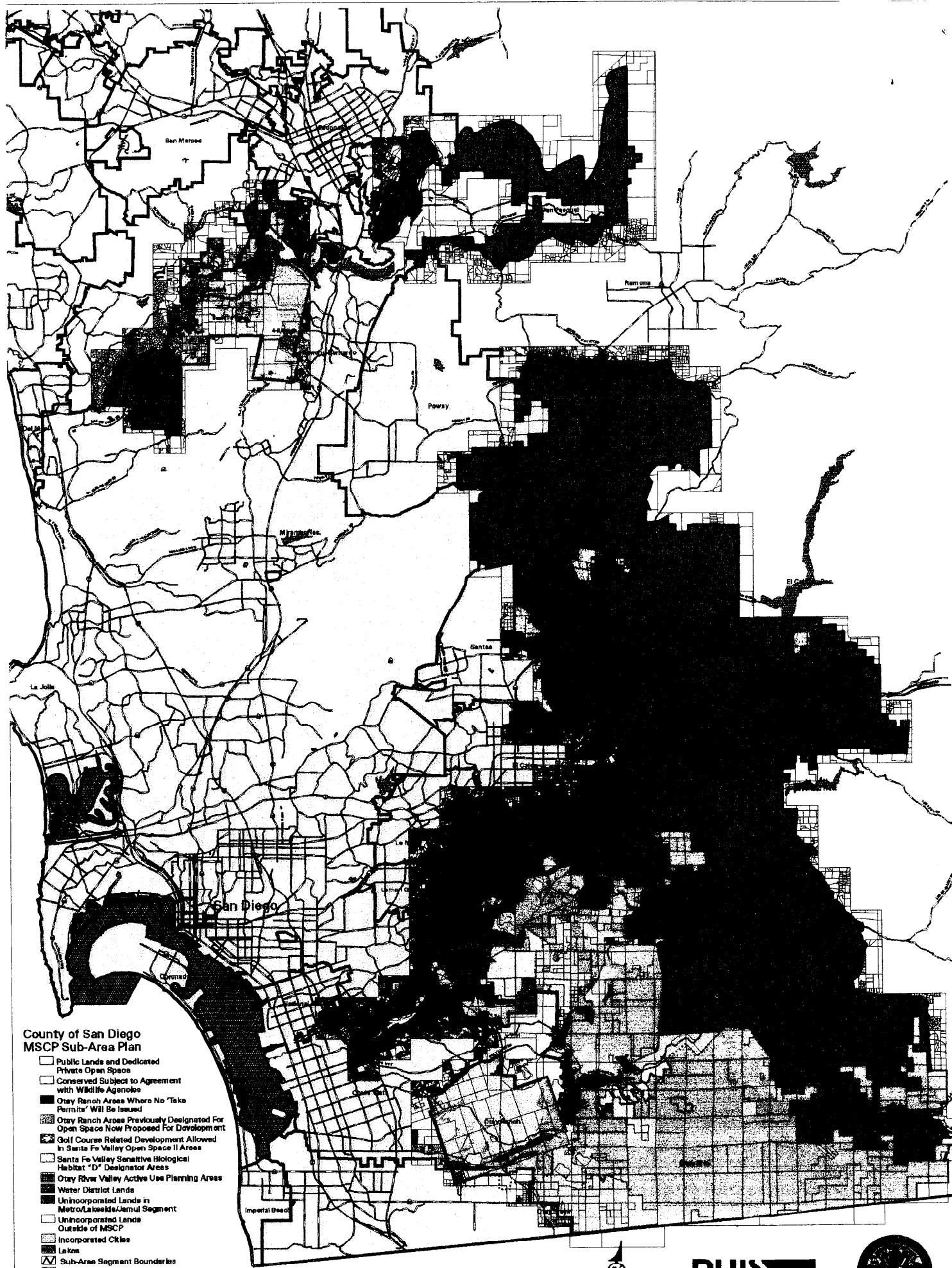
Generalized Core Biological Resource Areas and Linkages

EXHIBIT C



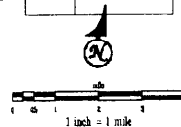
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Habitat Evaluation Map



County of San Diego MSCP Sub-Area Plan

- ☐ Public Lands and Dedicated Private Open Spaces
- ☐ Conserved Subject to Agreement with Wildlife Agencies
- ☒ Otay Ranch Areas Where No "Take Permits" Will Be Issued
- ☒ Otay Ranch Areas Previously Designated For Open Spaces Now Proposed For Development
- ☒ Golf Course Related Development Allowed In Santa Fe Valley Open Space II Areas
- ☐ Santa Fe Valley Sensitive Biological Habitat "D" Designated Areas
- ☒ Otay River Valley Active Use Planning Areas
- ☒ Water District Lands
- ☒ Unincorporated Lands in Metropolitan/Lake/Juana Segment
- ☐ Unincorporated Lands Outside of MSCP
- ☒ Incorporated Cities
- ☒ Lakes
- ☒ Sub-Area Segment Boundaries
- ☒ MSCP Boundary
- ☒ Roads
- ☒ City of Chula Vista MSCP
- ☒ Subarea Plan Component Boundaries
- ☒ Proposed State Route 126 Alignments (Project Not Affected By Segment Plan)



RUI
DPLU - COUNTY OF SAN DIEGO



**LIST OF SAN DIEGO COUNTY VEGETATION COMMUNITIES
AND THEIR TIER LEVELS WITHIN THE MSCP***

TIER I

Closed Cone Coniferous Forest including Torrey Pine Woodland and Cypress Forest
Coastal Bluff Scrub
Southern Maritime Chaparral**
Mafic Southern Mixed Chaparral and Mafic Chamise Chaparral
Native Grassland
Oak Woodlands and Broad Leaved Upland Forest
Wetlands**, including Vernal Pools, Alkali Marsh, Freshwater Marsh,
Riparian Forests, Riparian Woodlands, and Riparian Scrubs
Maritime Succulent Scrub**

TIER II

Coastal Sage Scrub
Coastal Sage-Chaparral Scrub
Flat-topped Buckwheat

TIER III

Chaparral except for Southern Maritime Chaparral and Mafic Chamise
and Mafic Southern Mixed Chaparral
Non-native grassland ***

TIER IV (Lands which do not support natural vegetation and which are not regulated by this ordinance)

Disturbed Lands
Agricultural Lands
Eucalyptus Woodland

* Impacts to vegetation communities within the MSCP Subarea shall be mitigated within the MSCP Subarea shown on Attachment A.

** These vegetation communities require in-kind mitigation.

*** Notwithstanding any mitigation ratios set out in Attachment M, non-native grasslands shall be mitigated at the ratio of 0.5 acres of mitigation land for every 1.0 acres of land impacted. Occupied Burrowing owl habitat shall be mitigated according to the Biological Mitigation Ordinance.

TABLE OF MITIGATION RATIOS

| <i>TIER I</i> | <i>Impacted land</i> | |
|--|--|--|
| <i>Mitigation Site*</i> | meets criteria for biological resource core area | does not meet criteria for biological resource core area |
| meets criteria for biological resource core area | 2:1 | 1:1 |
| does not meet the criteria for biological resource core area | 3:1 | 2:1 |

| <i>TIER II</i> | <i>Impacted land</i> | |
|--|--|--|
| <i>Mitigation Site*</i> | meets criteria for biological resource core area | does not meet criteria for biological resource core area |
| meets criteria for biological resource core area | 1.5:1 | 1:1 |
| does not meet the criteria for biological resource core area | 2:1 | 1.5:1 |

| <i>TIER III</i> | <i>Impacted land</i> | |
|--|--|--|
| <i>Mitigation Site*</i> | meets criteria for biological resource core area | does not meet criteria for biological resource core area |
| meets criteria for biological resource core area | 1:1 | 0.5:1 |
| does not meet the criteria for biological resource core area | 1.5:1 | 0.5:1 |

* Impacts to vegetation communities within the MSCP Subarea shall be mitigated within the MSCP Subarea

EXHIBIT D

COUNTY OF SAN DIEGO MEMORANDUM

DATE: August 14, 1997

TO: Robert Asher, Land Use Chief, Department of Planning and Land Use

FROM: Amy Wepsic, Student Worker III, Department of Planning and Land Use

SUBJECT: Fiscal Analysis of San Diego County MSCP

EXECUTIVE SUMMARY

- Of the three segments within the San Diego County MSCP Subarea Plan, the Metro-Lakeside-Jamul Segment will have the largest fiscal impact on the County of San Diego.
- The fiscal impact to San Diego County is estimated at approximately \$665 thousand per year loss in property taxes. The County general fund portion of this loss is approximately \$106 thousand per year (using an average 15.97% "County Share" of property taxes).
- No districts are completely contained within the Federal and State Preapproved Mitigation Area boundaries, and thus no single assessment district will stop receiving all property tax income.

INTRODUCTION

Per your request, I have prepared the following fiscal analysis of the San Diego County MSCP. Attempting to answer the question of the effect the MSCP could have on the tax base of San Diego County is a large challenge. The MSCP is a complex project with many undetermined variables, such as development and mitigation locations. The undetermined location and density of potential development in the MSCP area makes an analysis of the fiscal impact of the MSCP on the County difficult to determine. Assuming the impact of the MSCP is in the form of reduced development, the impacts could be measured by the reduction in projected revenues (property and sales tax) and corresponding reductions in expenditures for County services due to reduced development. However, without knowing the number and location of units to be developed, as well as the acreage and location mitigation efforts, estimating the fiscal impacts of the MSCP area development to the County of San Diego is a futile effort.

This analysis does not account for existing federal and state environmental laws and regulations which may prohibit development in much of the pre-approved areas as it contains endangered, rare and sensitive species and habitat. Due to the presence of physical constraints and existing general and community plan designation, most of the lands which would be preserved as open space under the MSCP would already be preserved.

The San Diego County MSCP Subarea is divided into three Segment Areas: The South County Segment, the Lake Hodges Segment, and the Metro-Lakeside-Jamul Segment. The Lake Hodges and South County Segments have plans which designate specific areas and acreage for development and for preservation. In these segments, San Diego County has reached agreements with the landowners, and for many of these areas the take of covered species has been authorized. It is the assumption of this analysis that the development and mitigation plans in the South County and Lake Hodges Segments will occur regardless of the adoption of the MSCP by the County Board of Supervisors. Thus, the fiscal impacts of the South County and the Lake Hodges Segments are not analyzed in this report.

Unlike the South County and the Lake Hodges Segments, within the Metro-Lakeside-Jamul Segment plans for the location and size of development projects and corresponding mitigation are not yet developed. In the Metro-Lakeside-Jamul Segment the take of covered species and their habitats will be authorized for development projects based on their conformance with the Biological Mitigation Ordinance and MSCP Subarea Plan. Under the Biological Mitigation Ordinance, the ratio for developed acreage to mitigation acreage vary depending on the location of the development and mitigation efforts. The ratios encourage project developers to mitigate within the Preapproved Mitigation Area, and to develop lands outside of the Preapproved Mitigation Area's boundaries. Because of the incentives to mitigate within the Preapproved Mitigation Area, and to simplify this fiscal analysis, the following assessment assumes that all project mitigation occurs within the Preapproved Mitigation Area.

Finally, those places where this analysis contains assumptions in methodology or numerical analysis have been noted in this report. It is very possible that each and every assumption has not been noted. Please be aware of the limited value that an analysis like the following can have to San Diego County decision makers.

REPORT GOALS

The goals of this report are to analyze the fiscal impacts of the MSCP on San Diego County's tax base. Approaching the subject from many angles, the following questions were asked of this analysis:

1. What is the financial gain or loss to San Diego County in terms of property taxes where lands are preserved through acquisition or mitigation for development projects?
2. What is the financial impact on assessment districts located in the MSCP preserve area?
3. What are the methods of assessment that are used by the County Assessor's Office that will be applied to lands in the MSCP preserve area?
4. Under the MSCP will San Diego lose all property tax revenue now received on lands located in the MSCP preserve area?
5. Are there recommendations related to the assessment of the MSCP preserve that should be considered by San Diego County decision makers when adopting the MSCP plan?

PROPERTY TAXES: SAN DIEGO COUNTY ASSESSMENT MECHANISMS

The assessment of lands in San Diego County, and their respective property tax requirements, depends on their ownership and use. Projecting the County revenue under the MSCP is a difficult task to complete accurately, as parcels preserved may be assessed differently, depending on the mechanism used for preservation, such as direct public acquisition, or mitigation as a result of development. Basically, there are three types of land ownership considered in this analysis:

1. Land directly purchased and held as open space by a public agency such as a city, county, state or federal agency is considered nontaxable and is no longer assessed by the County Assessor's Office.¹
2. Land directly purchased and held as open space by a qualifying nonprofit organization such as a land trust or conservancy with 501(c)(3) tax-exempt status is assessed, but is required to pay little, if any, property taxes.
3. For land dedicated as a result of a subdivision exaction or as a result of a development project environmental mitigation, the assessed value of the property preserved as open space is transferred to the property experiencing development. In these cases, there is usually more than a compensating increase in the value of land receiving development approval. This is often reflected as a net increase in the total assessment roll. In the following analysis, the transfer of property value is conservatively estimated, and considered a no net gain/loss of assessed value for the County.

The fiscal impacts of different land ownership methods will be accounted for in this analysis.

METHODOLOGY AND ASSUMPTIONS

This study analyzes one development scenario for San Diego County: "With the MSCP". This scenario is based on a series of assumptions which produce a quantitative analysis of the fiscal impacts of the preservation of the MSCP Preapproved Mitigation Areas within the Metro-Lakeside-Jamul Segment.

The following assumptions apply:

- "With the MSCP"² is defined as the instance in which the MSCP program has been adopted and implemented by San Diego County. This analysis assumes that all of the MSCP conservation goals have been met.

¹ The Refuge Revenue Sharing Act provides for payments to Counties in lieu of taxes, using revenues derived from the sale of products from refuges. It is likely that San Diego County will receive some amount of in lieu fees for those lands held by the US Fish and Wildlife Service.

- The "With the MSCP" scenario does not consider the Lake Hodges and South County Segments, for which development agreements exist, regardless of the adoption of the MSCP. Instead, this scenario focuses on the Metro-Lakeside-Jamul Segment, and assumes that all land preservation requirements will be met within the Preapproved Mitigation Area.
- Under the "With the MSCP" scenario, those parcels for which more than 50% of their acreage is contained within the Preapproved Mitigation Area, and are preserved under the MSCP plan.

This analysis was done using Geographic Information Systems technology. The land values and Mitigation Area acreage were calculated using *Arcinfo*.

THE PREAPPROVED MITIGATION AREA: BASIC CALCULATIONS

The Metro-Lakeside-Jamul Segment is made up of a total of 172,952 acres of which 115,241 acres are native vegetation with habitat value. Of this 115,241 acres, approximately 76,649 acres, or 67%, is encompassed by the Preapproved Mitigation Area boundary. Within the Metro-lakeside-Jamul Segment, approximately 32,500 acres are to be conserved under the MSCP. This fiscal analysis assumes that the majority of these acres are preserved within the Metro-Lakeside-Jamul Segment's Preapproved Mitigation Area (approximately 76,649 acres). If all acres that need to be conserved under the MSCP (approximately 32,500 acres) were conserved within the Preapproved Mitigation Area boundaries, 42% of the Preapproved Mitigation Area would be in preservation.

The table below outlines the general statistics on the Preapproved Mitigation Area in the Metro-Lakeside-Jamul Segment.

| STATISTICS ON PREAPPROVED MITIGATION AREA IN METRO-LAKESIDE-JAMUL SEGMENT | |
|--|-------------------|
| Total number of acres | 76,649.0 |
| Number of Parcels | 3,885.0 |
| Mean Lot Size (Acres) | 20.4 |
| Maximum Lot Size (Acres) | 1,261.93 |
| Assessed Total Value | \$ 392,525,689.00 |

² This definition does not account for existing federal and state environmental laws and regulations which may prohibit development in much of the pre-approved areas as it contains endangered, rare and sensitive species and habitat. It is worth noting that many believe that most of the lands which would be preserved as open space under the MSCP would already be preserved under existing regulations, due to the presence of physical constraints and existing general and community plan designation.

As previously stated, the method of conservation and form of land ownership, affects the method of assessment used by San Diego County Assessor's Office. According to the County's MSCP Subarea Plan, 30% of the preserve acres will be acquired through direct acquisition by public, federal and state agencies. 70% will be conserved through existing open space lands and private mitigation efforts. In the Metro-Lakeside-Jamul segment, approximately 13,000 acres will be directly purchased by public agencies and local governments. Approximately 19,500 will be preserved as a result of development project mitigation. Remaining are the approximately 11,000 acres that are currently conserved in this Segment.

TAX IMPACTS: ASSESSING THE MSCP PRESERVE

The Preapproved Mitigation Area, currently containing approximately 76,649 acres, has a total assessed value of \$392,525,689. This is an overall average value of \$5,121 per acre. Under this scenario, with all of the conservation within the Metro-Lakeside-Jamul Segment occurring within the Preapproved Mitigation Area, approximately 42%, or 32,500 acres, of the total Preapproved Mitigation Area would be conserved. Under this scenario, the total assessed value of land in conservation due to the MSCP would be approximately \$176 million.

**VALUE OF THE PREAPPROVED MITIGATION AREA IN THE
METRO-LAKESIDE-JAMUL SEGMENT³**

| | <u>North of I-8</u> | <u>South of I-8</u> | <u>TOTAL</u> |
|--|---------------------|---------------------|-------------------|
| Total Acres Available for Conservation in entire Metro-Lakeside-Jamul Segment Area | 51,543 | 63,698 | 115,241 |
| Total Acreage in Preapproved Mitigation Area of the Metro-Lakeside- Jamul Segment | 48,155 | 28,494 | 76,649 |
| Total Value of Land in Preapproved Mitigation Area | \$ 196,404,605.00 | \$ 196,121,084.00 | \$ 392,525,689.00 |
| Average Value per Acre in Preapproved Mitigation Area | \$ 4,078.60 | \$ 6,882.89 | \$ 5,121.09 |
| Acres to be conserved | 17,000 | 15,500 | 32,500 |
| Total Value of Land to be in Conservation | \$ 69,336,224.94 | \$ 106,684,803.89 | \$ 176,021,028.83 |

³ Parcels with more than 50% of total acreage within the boundaries of the preapproved area in the Metro-Lakeside-Jamul Segment.

Of the approximate 32,500 acres preserved, it is estimated that 19,500 acres will be preserved through the process of mitigation for development projects. The property value of these approximate 19,500 acres will be transferred to the land development project, increasing its value, and thus creating a no net loss or gain in assessed value for San Diego County. Approximately 13,000 acres are estimated to be purchased directly by federal, state and local government agencies. The majority of this property will be considered nontaxable, and will be a loss of revenue to the County. The table below illustrates these details.

| ESTIMATED ANNUAL REVENUE LOSS FOR SAN DIEGO COUNTY | |
|---|----------------------|
| Total Acreage Conserved as Mitigation for Development | 19,650 |
| Total Acres to be Conserved via Direct Public Acquisition | 13,000 |
| Total Property Value of Acres Conserved through Mitigation (at average value of \$5,121.09 per acre) | \$ 100,629,373.61 |
| Total property value of acres conserved from direct public acquisition (at average value of \$5,121.09 per acre) | \$ 66,574,140.30 |
| Total Property Value to be Transferred to the Property Experiencing Development and Remain Within San Diego County (or total value of acres conserved via mitigation) | \$ 100,629,373.61 |
| Total Value to be Tax-Exempt or Nontaxable (or total value of land conserved via direct public acquisition) | \$ 66,574,140.30 |
| TOTAL LOSS TO THE COUNTY OF SAN DIEGO PROPERTY TAX BASE (at 1% property tax rate) | \$ 665,741.40 |
| TOTAL LOSS TO COUNTY GENERAL FUND (using a 15.97% average "County Share" of property tax revenue) | \$ 106,318.90 |

The total annual loss of property taxes to be experienced by San Diego County under this scenario is estimated at \$665,741. Applying the average "County Share" of 15.97% of property tax revenue for San Diego County calculates a total annual loss of \$106,318 for the County of San Diego General Fund.

SPECIAL ASSESSMENT DISTRICTS

Previous to this analysis, concerns were raised regarding the potential financial impacts on the assessment districts located within the MSCP preserve area. If an assessment district were located solely within the boundaries of an area conserved, it could lose most or all income from property taxes and experience extreme financial hardship. According to the GIS analysis completed for this study, no special assessment district is located solely within the Preapproved Mitigation Area.⁴ Thus, although these districts may lose revenue, they will not be obliterated or made to go bankrupt because of the MSCP. (See attached figures.)

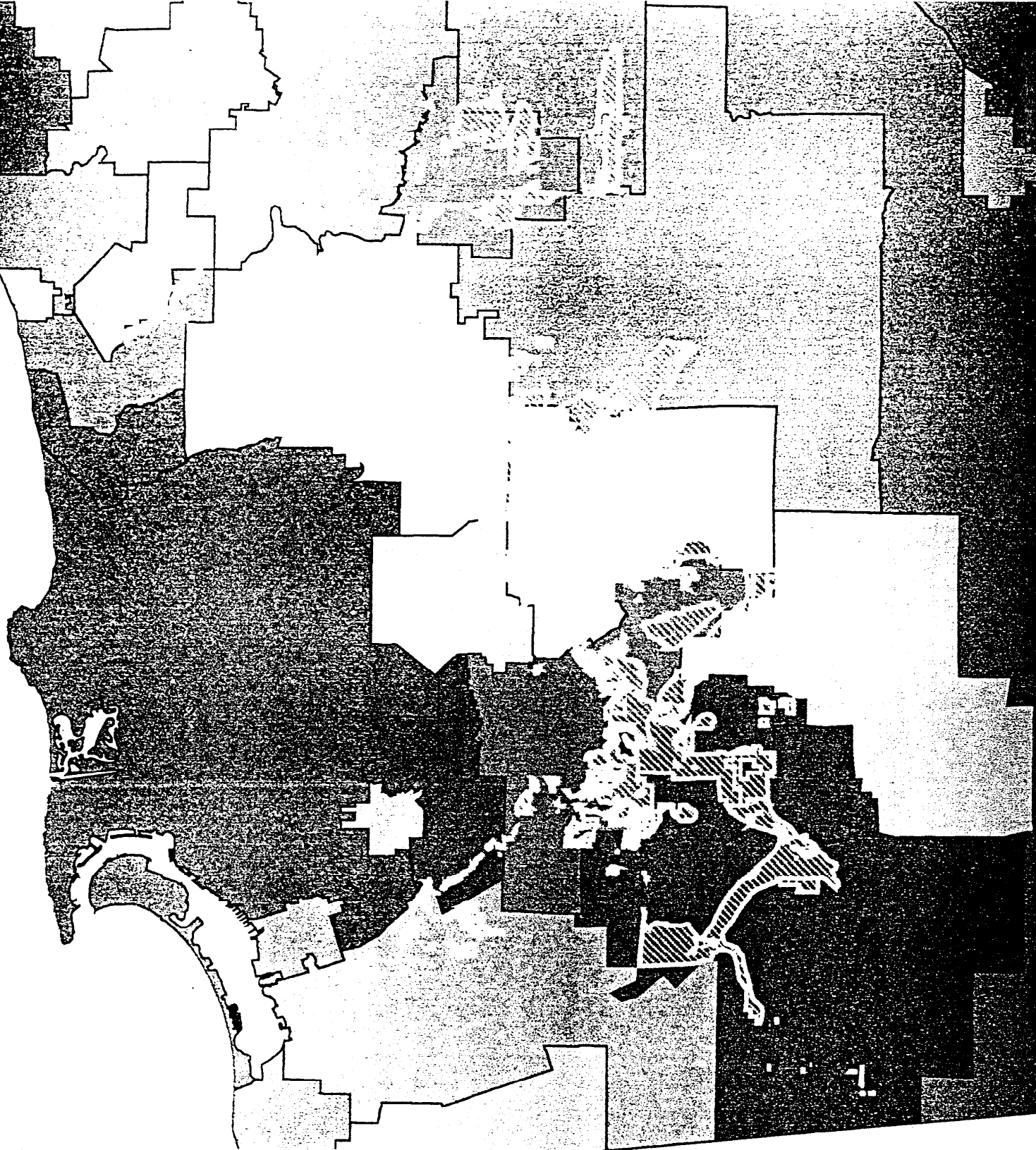
FINDINGS: SUMMARY OF IMPACTS OF MSCP ON SAN DIEGO COUNTY

The fiscal impact to San Diego County can be summarized in the following figures. The total annual property tax estimated to be lost within San Diego County is \$ 665,741. The total annual impact to the San Diego County General Fund from property taxes loss is estimated at \$ 106,318.90.

In addition to these figures, it is important to note that although under the MSCP there may not be a large loss of aggregate regional property tax revenues, there will be a shift of property values between jurisdictions impacting tax rate areas and various assessment districts differently.

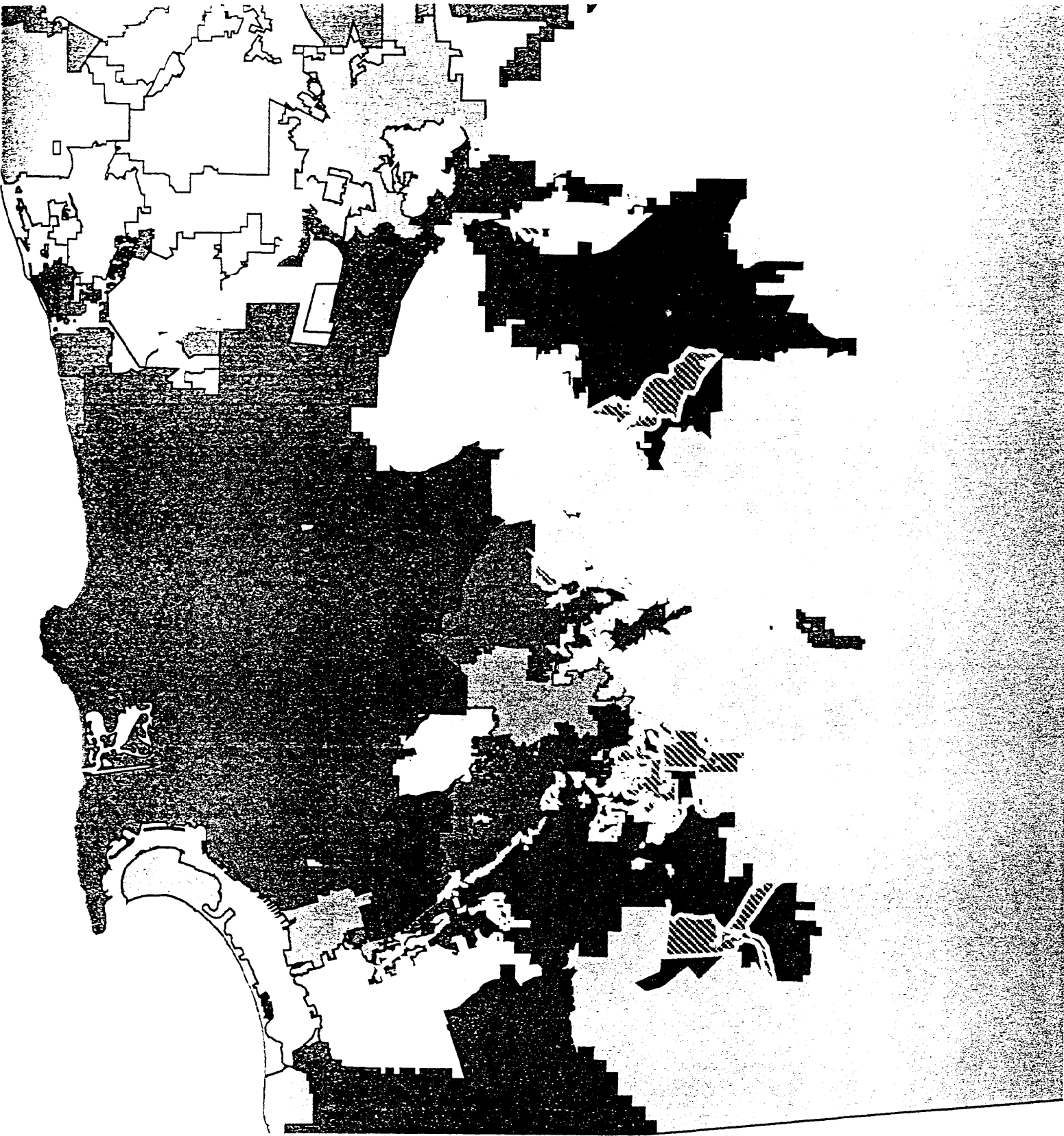
Perhaps more importantly, one must examine the future fiscal impacts on San Diego County *without* the MSCP, where the economic impacts of no local mechanism for take authorization may stunt the economic growth of the region.

⁴ The following assessment districts are not solely located within the Preapproved Mitigation Area of the Metro-lakeside-Jamul Segment: Water Districts, unified School Districts, Redevelopment Districts, Irrigation Districts, Elementary School Districts, Maintenance Districts, Lighting Districts, Hospital Districts, Flood Control Districts, Community Service Districts, County Service Areas, and County Water Districts.



Elementary School Districts
and Fed./State Preapproved
Mitigation Area

Fed./State Preapproved Mitigation Area



Sewer Districts and
Fed./State Preapproved
Mitigation Area

Fed./State Preapproved Mitigation Area

Digest of Federal Resource Laws of Interest to the U.S. Fish and Wildlife Service

Refuge Revenue Sharing Act

This Act, Refuge Revenue Sharing Act (16 U.S.C. 715s) -- Section 401 of the Act of June 15, 1935, (49 Stat. 383) provided for payments to counties in lieu of taxes, using revenues derived from the sale of products from refuges.

Public Law

88-523, approved August 30, 1964, (78 Stat. 701) made major revisions by requiring that all revenues received from refuge products, such as animals, timber and minerals, or from leases or other privileges, be deposited in a special Treasury account and net receipts distributed to counties for public schools and roads.

Public Law

93-509, approved December 3, 1974, (88 Stat. 1603) required that moneys remaining in the fund after payments be transferred to the Migratory Bird Conservation Fund for land acquisition under provisions of the

Migratory Bird Conservation Act.

Public Law

95-469, approved October 17, 1978, (92 Stat. 1319) expanded the revenue sharing system to include National Fish Hatcheries and Service research stations. It also included in the Refuge Revenue Sharing Fund receipts from the sale of salmonid carcasses. Payments to counties were established as:

1) on acquired land, the greatest amount calculated on the basis of 75 cents per acre, three-fourths of one percent of the appraised value, or 25 percent of the net receipts produced from the land; and

2) on land withdrawn from the public domain, 25 percent of net receipts and basic payments under Public Law

94-565 (31 U.S.C. 1601-1607, 90 Stat. 2662), payment in lieu of taxes on public lands.

This amendment also authorized appropriations to make up any difference between the amount in the Fund and the amount scheduled for payment in any year. The stipulation that payments be used for schools and roads was removed, but counties were required to pass payments along to other units of local government within the county which suffer losses in revenues due to the establishment of Service areas.

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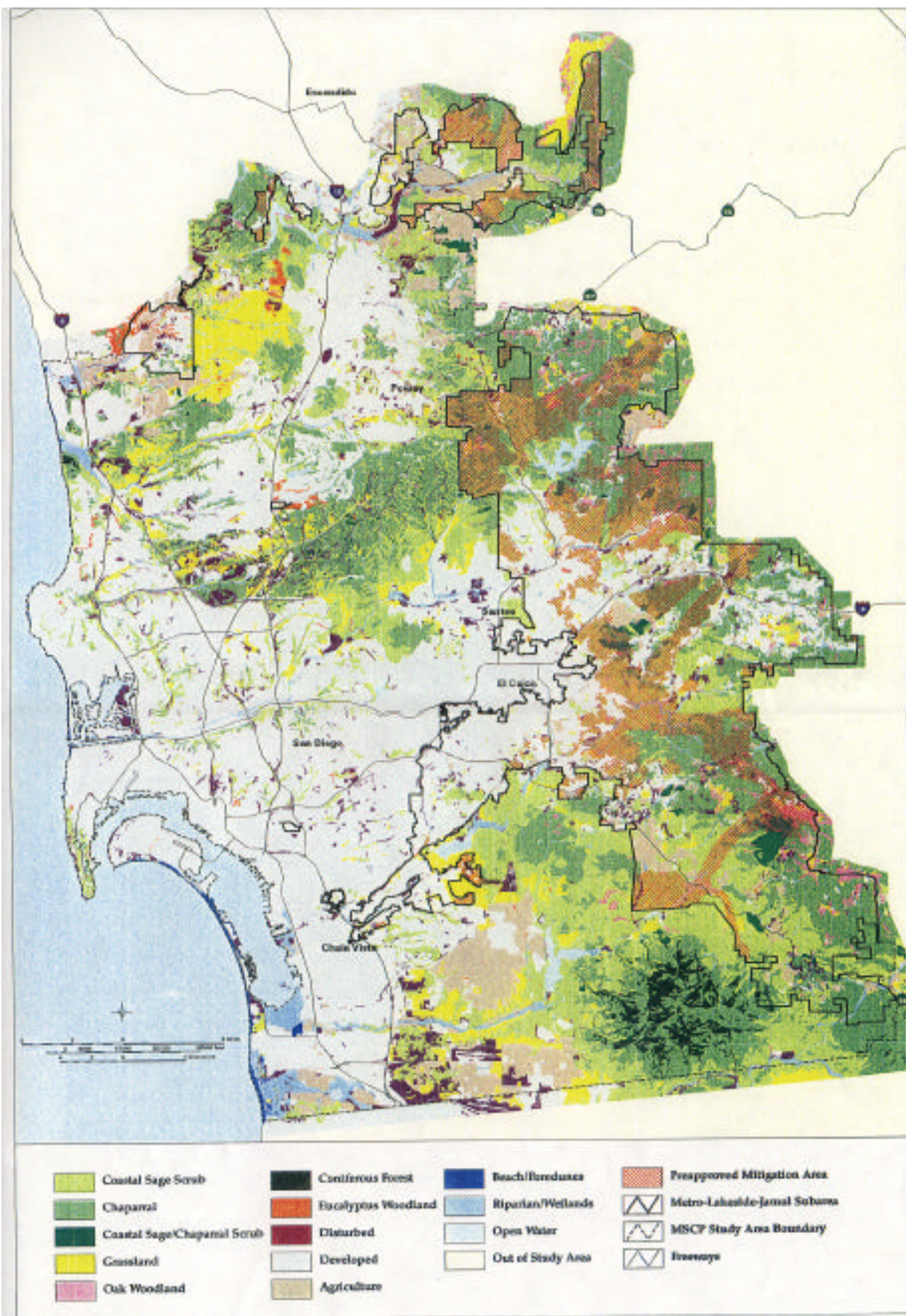


Figure 1. Wildlife Agency Preapproved Mitigation Area

