



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

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DATE: May 24, 2023

05

TO: Board of Supervisors

SUBJECT

MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP) CONSISTENCY REVIEW AGREEMENT FOR MAR VISTA ISLAND ANNEXATION AND ASSOCIATED EXEMPTION TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (DISTRICTS: 5)

OVERVIEW

This is a request for the Board of Supervisors (Board) to consider approving the Multiple Species Conservation Program (MSCP) Consistency Review Agreement (CRA) between the County of San Diego (County), City of Vista (City), United States Fish & Wildlife Service (Service), and California Department of Fish & Wildlife (Department). The MSCP is a program that provides a large, connected preserve within the unincorporated area to help better protect rare, threatened and endangered species as development occurs. This program allows for important conservation land to be set aside for future management as new recreation, agriculture, and development occurs, achieving both environmental and economic benefits for the region. The CRA ensures the Mar Vista Island Annexation (Annexation) will not jeopardize the buildout of the Draft North County MSCP Priority Conservation Area (PCA) or compromise viable habitat linkages within the PCA. The PCA is the area in which mitigation and conservation are anticipated to occur and has been identified as having the highest biological value and best areas to assemble a habitat preserve.

The Annexation consists of two non-contiguous islands within the City's sphere of influence that will be annexed from the unincorporated area into the City. The area to be annexed is fully developed with primarily single-family homes and does not include any undisturbed areas that could qualify as conservation lands. The Annexation application submitted by the City was conditionally approved on November 7, 2022 by the San Diego Local Agency Formation Commission (LAFCO). LAFCO is a commission made up of appointed elected officials and public members that are responsible for coordinating and overseeing the establishment, expansion, and organization of cities, towns, and special districts as well as their municipal service areas. The immediate purpose of the Annexation is to avoid overlapping responsibilities involving wastewater, fire protection, and emergency medical services. The long-term purpose is to bring the unincorporated islands into the City's jurisdiction and coordinate land use to be consistent with the City's General Plan.

At the County's request, LAFCO conditioned the Annexation to require the completion of the CRA because it will result in approximately 143 acres located within the County's Draft North

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County MSCP Plan Area moving into the City. The County requested this condition to address Section 6.8.3 of the North and East County MSCP Planning Agreement (Planning Agreement). The Planning Agreement defines the County's, Service's, and Department's commitment to preparing the MSCP Plans. It requires that the County request a CRA to ensure annexations within the MSCP planning areas will not jeopardize the buildout of future preserves or the coverage of species within the Planning Areas, or compromise viable habitat linkages within the proposed preserves. County staff have reviewed the CRA and determined the Annexation will not impact the Draft North County MSCP because it is not within or adjacent to the Priority Conservation Area (proposed preserve), and because it is fully developed. Therefore, it meets the requirements set forth in Section 6.8.3 of the Planning Agreement.

**RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER**

1. Find in accordance with Section 15061(b)(3) of the State of California Environmental Quality Act (CEQA) Guidelines that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and is, therefore, exempt from the California Environmental Quality Act.
2. Approve and authorize the Clerk of the Board to execute, upon receipt, two original copies of the Multiple Species Conservation Program Consistency Review Agreement for Mar Vista Island Annexation (Attachment B, on file with the Clerk of the Board) by and among the City of Vista, the County of San Diego, the United States Fish and Wildlife Service, the California Department of Fish and Wildlife.

EQUITY IMPACT STATEMENT

The MSCP CRA identified within this Board Letter will support County of San Diego efforts to conserve habitat and protect vulnerable species within the unincorporated area, including rare, threatened, and endangered species. The CRA ensures the viability of the Draft North County MSCP PCA. Future implementation of the North County MSCP will have a positive impact on all residents and visitors by improving water and air quality and preserving the natural environment for future generations.

SUSTAINABILITY IMPACT STATEMENT

The MSCP CRA will support the County of San Diego Sustainability Goal No. 6 to protect ecosystems, habitats, and biodiversity, according to the County of San Diego's Sustainability Vision and Goals. The CRA helps sustain the Draft North County MSCP by ensuring the PCA remains viable even as this land is annexed out of the County. The CRA ensures the annexation will not jeopardize the buildout of future preserves or the coverage of species within the Draft North County MSCP, or compromise viable habitat linkages within the PCA.

FISCAL IMPACT

There is no fiscal impact associated with the approval of the Mar Vista Consistency Review Agreement. There will be no change in net General Fund costs and no additional staff years.

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BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

The MSCP is a program that provides a large, connected preserve within the unincorporated area to help better protect rare, threatened and endangered species as development occurs. This program allows for important conservation land to be set aside for future management as new recreation, agriculture, and development occurs, achieving both environmental and economic benefits for the region. The MSCP is important in that it preserves the natural environment for generations to come.

In 2021, the County of San Diego (County) entered into a Planning Agreement with the United States Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department) for the North and East County Multiple Species Conservation Program (MSCP) Plans. The Planning Agreement defines the County's, Service's, and Department's commitment to preparing the MSCP Plans. The Planning Agreement identifies the Planning Areas and preliminary conservation objectives and establishes processes and procedures for any development or annexations that occur during the preparation of the MSCP Plans in North and East County. Section 6.8.3 of the Planning Agreement establishes the annexation process and requires the County to request that the San Diego Local Agency Formation Commission (LAFCO) condition any annexing jurisdiction to enter into an MSCP Consistency Review Agreement (CRA) with the County, Service, and Department. The purpose of the CRA is to ensure that the proposed annexation will not negatively impact the buildout of the future preserves, jeopardize the coverage of species within the Planning Areas, or compromise viable habitat linkages within the proposed preserves, and that any development of the annexed lands proceeds in accordance with the Preliminary Conservation Goals set out in Section 5 of the Planning Agreement. The CRA also needs to set forth the resulting responsibilities for any ongoing maintenance, monitoring, and enforcement of the terms of the Planning Agreement as they relate to the annexed land.

The Mar Vista Island Reorganization (Reorganization) proposal requested by the City of Vista (City) was conditionally approved by LAFCO on November 7, 2022. The Reorganization includes two parts: detachments from Buena Sanitation District and Vista Fire Protection District, and the Mar Vista Island Annexation (Annexation). The Annexation consists of approximately 143 acres within two non-contiguous islands that will be annexed from the unincorporated county into the City (Attachment A). The area to be annexed is fully developed with a combination of single-family homes, agricultural uses, and accessory structures with no significant habitat or preserve identified. The immediate purpose of the Annexation is to avoid overlapping responsibilities involving wastewater, fire protection, and emergency medical services. The long-term purpose is to bring the unincorporated islands into the City's jurisdiction and coordinate land use to be consistent with the City's General Plan.

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Since the Annexation will result in approximately 143 acres located within the County's draft North County MSCP Plan Area and moving into the City, the County requested that LAFCO condition the Annexation in compliance with the Planning Agreement. LAFCO included a condition requiring the City submit a copy of the completed CRA associated with the Annexation. The Annexation is located within the County's Draft North County MSCP Plan Area but is not within or adjacent to the Draft North County MSCP Priority Conservation Area (PCA). The PCA is the area in which mitigation and conservation are anticipated to occur and has been identified as having the highest biological value and best areas to assemble a habitat preserve.

Mar Vista MSCP Consistency Review Agreement

County staff have reviewed the CRA, which describes how the Annexation meets the criteria in Section 6.8.3 of the Planning Agreement. County staff, along with the Department and Service, determined in the CRA documents that the Annexation will not negatively impact the buildout of the County's Draft North County MSCP PCA, jeopardize the coverage of species within the Planning Area, or compromise viable habitat linkages within the PCA since the annexation area is fully developed. The annexation area is not identified to be within or adjacent to the PCA; therefore, the CRA satisfies the LAFCO condition.

ENVIRONMENTAL STATEMENT

Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA. Here, the MSCP Consistency Review Agreement is administrative and does not relate to impacts on the environment.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action to consider approving the MSCP Consistency Review Agreement supports the County of San Diego's 2023-2028 Strategic Plan sustainability initiative by protecting natural resources, diverse habitats, and sensitive species.

Respectfully submitted,



SARAH E. AGHASSI
Deputy Chief Administrative Officer

ATTACHMENT(S)

Attachment A – Vicinity Map

Attachment B – MSCP Consistency Review Agreement for Mar Vista Island Annexation