

**COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject

MITIGATION ON COUNTY-OWNED LAND MANAGED BY THE DEPARTMENT OF PARKS AND RECREATION

Policy Number

I-138

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Purpose

This Policy establishes a process by which lands owned or acquired by the County and managed by the Department of Parks and Recreation (DPR) may be used by County departments and other public and private entities to mitigate for impacts to sensitive biological resources. Mitigation may include conservation and/or restoration of land. Revenue obtained through this process will be used to purchase additional preserve lands and fund ongoing stewardship of County-owned preserve lands within the County of San Diego.

This Policy will: 1) streamline planning and implementation of public and private projects; and 2) provide funding for the acquisition of additional preserve lands and ongoing stewardship of County-owned preserve lands to advance the goals of the County’s regional conservation program, including the Multiple Species Conservation Program (MSCP).

Background

The County builds a variety of projects to serve the public (including roads, libraries, and community centers). In addition, the County reviews and comments on development proposed by other public agencies and processes applications for private development projects. These public and private projects may result in the disturbance of biological resources and/or sensitive species, resulting in the need to mitigate for project impacts.

Policy

It is the policy of the Board of Supervisors that land owned or acquired by the County and managed by DPR for conservation purposes may be used to meet the mitigation needs of public and private development projects. It is not the intent of the Board of Supervisors to require any County department or public or private entity to utilize County-owned land as mitigation for development projects. The DPR will administer the accounting of mitigation credits and acquisition of additional preserve land.

Procedure

I. General

DPR will maintain a list and map of County land available for use as mitigation for project impacts (“County Mitigation Land”). The list will contain only lands that have biological preservation or restoration value and have not been previously used for mitigation, have not been counted as baseline preserve lands in the MSCP, and are not restricted in use by their funding source.

a. County Departments and Other Public Entities

County departments and other public entities may contact DPR directly to determine if any County lands are available that may meet a project’s biological mitigation requirements.

b. Private Applicants

If requested by an applicant, the lead processing department, which is typically the Department of Planning and Land Use (DPLU), will contact DPR to determine if any County Mitigation Lands are available that may meet a project’s biological mitigation requirements. The lead processing department,

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which is typically DPLU, will determine whether land proposed for mitigation under this Policy is adequate mitigation for a project's biological impacts.

c. Valuation of Credits and Acquisition and Stewardship Costs

The value of the mitigation credits and the acquisition cost to be paid to DPR for use of County Mitigation Lands will be determined by one of the two following options based on an applicant's preference: 1) a County market analysis prepared in-house and based on comparable mitigation sales; or 2) an independent appraisal conducted by a contractor chosen from the County's pre-approved appraiser list. Applicants will be responsible to fund the cost of the market analysis and/or independent appraisal.

In addition, DPR will calculate an amount for an endowment needed to cover the costs for ongoing annual stewardship. The endowment amount will be added to the cost of the mitigation credits and subsequently deposited into a separate DPR interest-bearing trust fund to cover annual ongoing costs.

If the County department, or other public or private entity elects to utilize mitigation land under this Policy, a deposit to reserve mitigation credits for a certain period of time will be required. DPR shall administer the final sale of credits.

The costs of mitigation credits will be reviewed on an annual or bi-annual basis by DPR to determine if costs should be adjusted.

II. County Land Acquisition

Revenue generated through implementation of this Policy will be deposited into the DPR MSCP Acquisitions account to offset future acquisition costs.

a. The following criteria shall be considered when selecting land to be acquired utilizing revenue in this account:

i. Land that contributes to the County's regional conservation program, including the existing south and future north and east County MSCP plans;

ii. Land that is adjacent or otherwise provides connectivity to permanently protected land and/or is large enough to ensure the long-term biological viability of the resources;

iii. Land that the state and/or federal governments have designated as priority acquisitions for habitat conservation;

iv. Land that promotes watershed protection and water quality;

v. Land that can be reasonably restored for habitat/sensitive species/mitigation purposes.

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- b. Land with any of the following characteristics shall not be acquired utilizing revenue in this account:
- i. Land that does not meet the regional conservation needs forecast by the County;
 - ii. Land designated for a public purpose or use which is not consistent with habitat/resource protection;
 - iii. Land that is already encumbered by a biological conservation easement or other restriction related to conservation as open space.

Responsible Departments

- 1. Parks and Recreation
- 2. Planning and Land Use
- 3. Public Works
- 4. General Services

Sunset Date

This policy will be reviewed for continuance by 12-31-2013.

References

Board Action

01/13/2010 (6)