

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
FOR ALBERS MINOR SUBDIVISION
TPM 20843, ER 04-14-022**

May 17, 2007

I. Introduction

The project is a subdivision of a 23.64-acre parcel into four residential parcels and a remainder parcel. The proposed project will preserve the on-site drainage within a 7.55-acre dedicated Biological Open Space Easement. The project site is located on Lilac Lane in the Alpine Community Planning area of unincorporated San Diego County.

The project site contains an existing shed and a paved road. The site is gently to steeply sloping, and is interspersed with large boulders. Habitats on-site consist of dense Engelmann oak woodland, granitic southern mixed chaparral, non-native grassland, and developed land. One sensitive plant species and one sensitive wildlife species were observed on-site: Engelmann oak (*Quercus engelmannii*) and red-shouldered hawk (*Buteo lineatus*). Protocol surveys were performed for Quino checkerspot butterfly and California gnatcatcher in 2004-2005 with negative results. The project site is within North Metro-Lakeside-Jamul segment of the County Subarea Plan. The land is not a Pre-Approved Mitigation Area, nor is it considered a Biological Resource Core Area (BRCA). There are no known regional wildlife corridors or linkages through the site.

The subdivision would directly impact 16.09 acres of the project site through clearing, grading and construction for housing pads, septic fields, fire-clearing, stormwater Best Management Practices (BMPs) and access roads/driveways. Off-site road improvements to Lilac Lane are required, but are within existing developed areas. Impact acreages are listed in Table 1. One on-site Open Space Easement and Limited Building Zone Easement shall be dedicated for preservation and avoidance of the onsite drainage that qualifies as a County wetland, State jurisdictional watercourse, and a Waters of the U.S. The on-site open space is required for ordinance compliance as well as avoidance of Engelmann oak trees. Mitigation credit is not granted for the on-site preserved areas. Mitigation will consist of off-site habitat purchase, as detailed in the Mitigation Negative Declaration (MND).

Table1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Off-site Impacts (ac.)	Preserved On-site / Neutral (ac.)	Mitigation Ratio	Required Mitigation (ac.)
Dense Engelmann oak woodland	I	1.24	0	0	1.24	1:1	0
Southern mixed chaparral	III	14.89	8.77	0	6.12	0.5:1	4.39
Non-native grassland	III	6.61	6.42	0	0.19	0.5:1	3.21
Developed	IV	0.90	0.90	0.26	0	N/A	N/A
Total:	--	23.64	16.09	0.26	7.55	--	7.6

The findings contained within this document are based on County records, staff field site visits and the Biological Technical Report (RC Biological Consulting, Inc., April 2007). 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 require new findings 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 Game 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 offsite 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 a Pre-Approved Mitigation Area.

- 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 land supports one sensitive plant species and one sensitive wildlife species: Engelmann oak and red-shouldered hawk. However, it is not adjacent or contiguous with preserved habitat within a Pre-Approved Mitigation Area.

- 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 contains steeply sloping topography and dense tree cover along a drainage that flows through the site and through backyards both upstream and downstream from the project site. Although no mammals were observed onsite, they are expected to occur (RC Biological Consulting, Inc., April 2007). The drainage is likely used for local wildlife movement through the area, but is not part of a regional linkage or corridor, as lands surrounding the site are predominantly residential lots with existing residential development.

- 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 wetland area in the southwestern portion of the site is shown as very high value. The existing road is shown as developed, while the remainder of the land

is shown as low value. The site does not link significant blocks of habitat, as there are no significant blocks of habitat adjacent to the land.

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 approximately 23 acres, and is not within a block of habitat greater than 500 acres 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 land supports numerous Engelmann oak trees, a County sensitive plant species. Two red-shouldered hawks, a County sensitive wildlife species were observed flying over the site. The soils onsite are Cieneba-Fallbrook rocky sandy loams, which are not known to support sensitive species.

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

The Mitigation Site is considered a BRCA because off-site mitigation purchase will occur within a County-approved mitigation bank or at a site meeting one or more of the criteria presented above

The open space proposed onsite 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 will not impact any of these types of resources. Project Design Criteria, including Attachments G and H, are not required.

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 property contains a natural drainage that is considered a San Diego County wetland, State jurisdictional watercourse, and a Waters of the U.S. The entire drainage and wetland buffer will be preserved in a Biological Open Space Easement. Therefore, there will be no net loss of wetlands due to this project.

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

The site contains three habitat types: Dense Engelmann oak woodland, granitic southern mixed chaparral and non-native grassland. The Dense Engelmann oak woodland is considered the most unique habitat onsite. All of the Dense Engelmann oak woodland will be conserved in a dedicated Biological Open Space Easement. The project will preserve an additional 9 individual Engelmann oak trees within the granitic southern mixed chaparral habitat adjacent to the wetland buffer.

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 site does not contain coastal sage scrub habitat. The wetland area in the southwestern portion of the site is shown as very high biological value. The project will conserve 7.55 acres of habitat within an open space easement to protect the on-site wetland and wetland buffer. The remainder of the site does not have a high or very high biological value, as the existing road is shown as developed, while the remainder of the land is shown as low value. The project will conserve the on-site habitat ranked as very high value.

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.

Since the project site is surrounded by residential development, it is not possible or desirable to create a significant block of habitat through on-site preservation. The open space proposed on-site for this project is solely for purpose of avoiding a sensitive resource. Off-site mitigation as proposed by the project will contribute toward creating large blocks of high quality habitat where edge effects are minimal and land is protected in perpetuity.

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

The project will impact 16.09 acres of the site, including southern mixed chaparral, non-native grassland and isolated Engelmann oak trees. These habitats are considered sensitive within the MSCP. The project site is surrounded by existing development, thereby limiting its value for future preservation as a large habitat block. However, the project will preserve the site's dense Engelmann oak woodland, some isolated Engelmann oak trees, some southern mixed chaparral and numerous boulders within an open space easement that avoids the onsite wetland and wetland buffer. With offsite mitigation, development of the remainder of this site is not considered a significant impact to sensitive habitat.

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 or narrow endemic species were detected on the project site. One County-sensitive plant species and one sensitive wildlife species were observed onsite: Engelmann oaks and red-shouldered hawk. Due to the size of the site and surrounding existing development, no key populations of these species are anticipated. The on-site preserve will avoid impacts to a significant number of Engelmann oak trees, which will continue to support sensitive wildlife species that use this area. Direct impacts will be mitigated through the off-site purchase and preservation of high quality habitat in an approved mitigation bank or BRCA. The off-site purchase will provide for habitat conservation that will conserve covered species and sensitive habitats in biologically functioning units.

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 not located adjacent to any known golden eagle nest sites or within known eagle foraging areas. Lands surrounding the property are developed with residential uses such as those proposed with the project. Although wide-ranging species may occasionally use the property, the site does not connect to other habitat blocks. Off-site purchase and preservation of high quality habitat in an approved mitigation bank or BRCA will contribute to the development of large interconnecting blocks of habitat that support these species.

- 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 project site has no critical populations, narrow endemic species, or rare and/or endangered plants.

- 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 a Pre-Approved Mitigation Area, nor is it considered a Biological Resources Core Area for the reasons stated in section II.A. The site has low biological diversity and relatively small size, limiting its potential to support significant habitat blocks or populations of any species. In addition, existing development adjacent to the site precludes the land from being a biologically-viable preserve. Therefore, development of the site will not hinder possible preserve systems within the Subarea Plan.

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

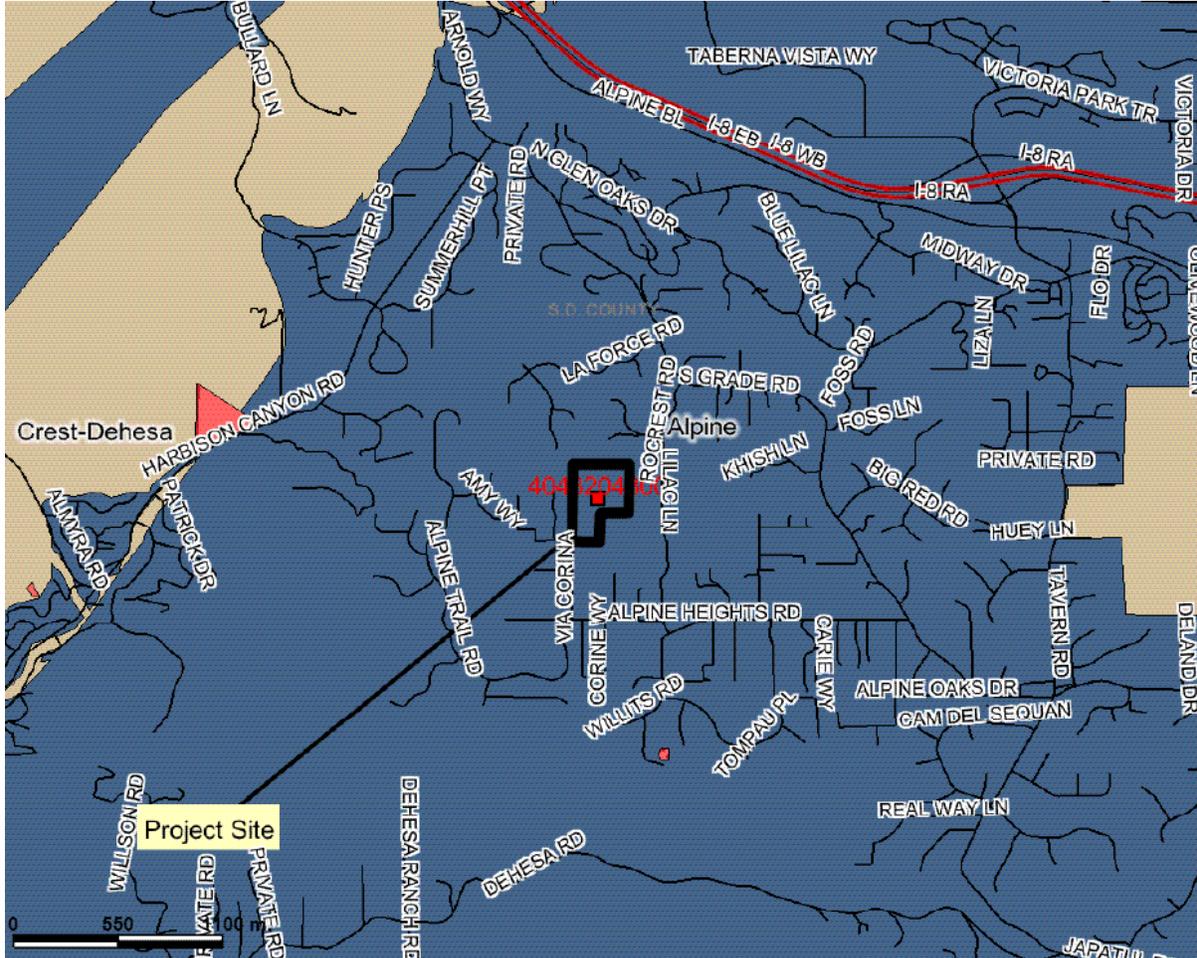
The on-site preservation is required to comply with the Resource Protection Ordinance, and will not be counted toward mitigation. The on-site drainage and wetland buffer will be preserved within dedicated Biological Open Space Easements. The wetland buffer width will be at least 50 feet wide, and will protect the preserved wetlands from future edge effects from residential development. The Open Space Easement will be surrounded by a 100-foot Limited Building Zone Easement, which will prevent construction that would require fire-clearing or fire fuel modification within the open space.

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 is not within a Biological Resource Core Area. The project site contains Tier I and III habitats, which are considered sensitive under the BMO. The project will conserve all of the Dense Engelmann oak woodland, 6.12 acres of southern mixed chaparral, and 0.19 acres of non-native grassland on-site in conjunction with a natural drainage. There were no threatened, endangered or narrow endemic species detected on the site. One sensitive plant species and one sensitive wildlife species were observed onsite: Engelmann oak and red-shouldered hawk. Due to the size of the site and adjacent development, no regionally significant populations of these species are anticipated. Avoidance is not necessary and project related impacts are not considered significant once mitigation pursuant to BMO requirements is incorporated.

Christine Stevenson, Department of Planning and Land Use
May 17, 2007

MSCP Designation For Albers Minor Subdivision TPM 20843; ER 04-14-022



- Water Bodies
- MSCP_Designations - South**
- Hardline Preserve
- Pre-Approved Mitigation Area (PAMA)
- Major Amendment Area
- Minor Amendment Area
- Minor Amendment Area Subject to Special Considerations
- Conserved Subject to Agreement with Wildlife Agencies
- Santa Fe Valley Open Space II
- Santa Fe Valley 'D' Designator
- Otay Ranch Areas Where No Take Permits will be Issued
- Take Authorized Area
- Unincorporated Land in Metro-Lakeside-Jamul Segment
- Other