

**FINDINGS OF CONFORMANCE  
MULTIPLE SPECIES CONSERVATION PROGRAM  
For Dyke  
TPM 20899**

**July 20, 2006**

**I. Introduction**

The proposed subdivision is a two lot split of an 8.33 acre parcel (APN 509-200-11) with an existing single-family residence. The site is located in Crest in the unincorporated portion of San Diego County. Access is east of La Cresta Boulevard, south of East Lane via Highline Trail on the eastern side of Crest.

The site has an existing single family residence mapped as developed and approximately 7.72 acres of southern mixed chaparral on an east facing slope. The site is located within a Pre-Approved Mitigation Area (PAMA) and contains numerous outcroppings. The site remains largely undeveloped and is contiguous with other undeveloped lands to the east, south and north. The entire site is recovering from the 2003 Cedar fires.

Site surveys were completed March and April 2005. A total 31 sensitive plant and 35 sensitive animal species have the potential to occur on-site. Only one species, *Viguiera laciniata*, was observed throughout the returning chaparral. These sensitive species can be reviewed in the biology report prepared by RC Biological Consulting dated April 2005. In addition to general surveys, TRS Consultants completed a Quino checkerspot butterfly survey was completed in 2005. No primary or secondary host plants and no Quino checkerspot butterflies were observed.

The proposed project will impact 3.85 acres of southern mixed chaparral. These impacts are associated with grading and construction of a single family residence and the installation of two septic fields. One septic field has portions of leach lines and the future expansion lines shown in the biological open space. This impact has been mitigated. However, because the repairs to and use of the future leach field area is low, this area of chaparral habitat can still function as natural system and will be an exception to the open space. As part of a PAMA, on-site open space will contribute to preservation of a regional wildlife linkage that extends from the Sweetwater River northeast towards El Capitan reservoir.

The open space will preserve 3.87 acres of southern mixed chaparral. The open space design can be found in the biological resources report. Therefore, all mitigation will occur on-site at a minimum 1:1 ratio. In addition to the biological open space, there will be a 100-foot limited building zone adjacent to the open space with temporary and permanent fencing and signage to delineate the resource, and a breeding season avoidance condition. These conditions can be found within the mitigated negative declaration

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Southern mixed chaparral	III	7.72	3.85	1:1	3.85
Developed	IV	0.61	0.61	--	--
<b>Total:</b>	--	8.33	4.46	--	3.85

The findings contained within this document are based on County records, staff field site visits and the biological resources report and Quino survey as noted above. 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 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 off-site impacts.**

The site is located within a PAMA and is therefore a BRCA.

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

Mitigation shall occur on-site. As a Biological Resource Core Area, the open space resulting from this project is considered part of the regional MSCP preserve system. As such, all of the requirements relating to the "Preserve" outlined in the County's Subarea Plan, the Implementation Agreement and the Final MSCP Plan apply to

## 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.

**1. Project development shall be sited in areas to minimize impact to habitat.**

The residence on the newly created lot is proposed within a 150 feet of the existing residence. Therefore, much of site grading and development will occur within the developed footprint of the existing residence. This location avoids the majority of rock outcroppings, and primary local and regional movement routes. Therefore, proposed development has been sited to minimize overall habitat impacts.

**2. Clustering to the maximum extent permitted by County regulations shall be considered where necessary as a means of achieving avoidance.**

Although clustering per se was not a factor in choosing the development area, the chosen location on the 8.33 acre site is immediately adjacent to the existing residence. Therefore, avoidance has been achieved.

**3. Notwithstanding the requirements of the slope encroachment regulations contained within the Resource Protection Ordinance, effective October 10, 1991, projects shall be allowed to utilize design that may encroach into steep slopes to avoid impacts to habitat.**

Encroachment into steep slopes would have increased impacts to habitats and sensitive resources. Therefore, steep slope encroachment was not used as an avoidance mechanism.

**4. The County shall consider reduction in road standards to the maximum extent consistent with public safety considerations.**

The project is in compliance with the minimum road standards for fire safety and access. No additional road standard reductions may be applied.

**5. Projects shall be required to comply with applicable design criteria in the County MSCP Subarea Plan, attached hereto as Attachment G (Preserve Design Criteria) and Attachment H (Design Criteria for Linkages and Corridors).**

The project is in compliance with Attachment G and H.

**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.

- 1. Acknowledge the “no net loss” of wetlands standard that individual projects must meet to satisfy State and Federal wetland goals, policies, and standards, and implement applicable County ordinances with regard to wetland mitigation.**

No jurisdictional resources are present on-site or will be impacted in any way through development of this project.

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

The primary elements of the site are the monotypic southern mixed chaparral, rock outcroppings and location within the regional wildlife movement route. The proposed open space will conserve all of these features. Therefore, suitable measures have been made to maximize habitat structural diversity.

- 3. Provide for the 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 value by the MSCP habitat evaluation model.**

The site is mapped as medium and high value and has no coastal sage scrub habitat. However, preservation of the open space within a PAMA linkage will contribute to the establishment of the MSCP and the long-term survival and recovery of multiple species.

- 4. Create significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats. Subsequently, using criteria set out in Chapter 6, Section 6.2.3 of the MSCP Plan, potential impacts from new development on biological resources within the preserve that should be considered in the design of any project include access, non-native predators, non-native species, illumination, drain water (point source), urban runoff (non-point source) and noise.**

The proposed open space will preserve slightly more than half of the mapped southern mixed chaparral on-site. This open space measures 360 feet by 450 feet, totals 3.87 acres, and abuts undeveloped native lands to the south, east and north. As a block of habitat that is approximately rectangular and adjacent to other native habitats, edge effects have been minimized. In addition, other measures such as LBZ, fencing and signs will further protect the open space to

reduce edge effects and indirect impacts. Future development that could occur around the site and open space will not be allowed to impact the short and long-term success of the off-site open space (the open space dedicated with this project) and continued connectivity within the MSCP PAMA. Therefore, the project will have achieved this goal.

**5. Provide incentives for development in the least sensitive habitat areas.**

Through development within proximity of the existing residence, mitigation may occur on-site thereby reducing the economic costs of development while contributing to the preservation the MSCP PAMA.

**6. Minimize impacts to narrow endemic species and avoid impacts to core populations of narrow endemic species.**

No narrow endemic species were observed on-site.

**7. Preserve the biological integrity of linkages between BRCA.**

The project site is located within a PAMA and is therefore part of a larger BRCA that comprises a MSCP wildlife linkage. The proposed open space will contribute to the preservation of this linkage.

**8. Achieve the conservation goals for covered species and habitats (refer to Table 3-5 of the MSCP Plan).**

The project has achieved the MSCP conservation goals through on-site habitat mitigation.

**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:

**1. Habitat linkages as defined by the BMO, rather than just corridors, will be maintained.**

The topography of the site is an east facing slope with no terrain features or drainages that might act as local corridors. However, the overall site is part of a much larger block of undeveloped, native habitat. As such, on-site preservation will contribute to the development of a preserved habitat linkage within the PAMA. Therefore, this goal has been achieved.

**2. Existing movement corridors within linkages will be identified and maintained.**

No existing corridors were identified on this project site. The overall habitat and rock formations contribute to the larger landscape as part of a regional wildlife linkage.

**3. Corridors with good vegetative and/or topographic cover will be protected.**

Although the site and surrounding land burned in the 2003 Cedar fire, the regeneration of chaparral habitat has begun. The expectation is the continued regrowth of the chaparral that will again provide a good vegetative cover. Therefore, the project contributes to the establishment of preserved linkage with good cover for wildlife movement through dedication of 3.87 acres of open space.

**4. Regional linkages that accommodate travel for a wide range of wildlife species, especially those linkages that support resident populations of wildlife, will be selected.**

The site is located on the western edge of a PAMA linkage that extends from the Sweetwater River northeast towards El Capitan Reservoir. This linkage was designed with the expectation that it will provide habitat and cover for the movement of a wide range of species. The proposed open space will contribute to the establishment of a preserved linkage within this PAMA. Therefore, this goal has been achieved.

**5. The width of a linkage will be based on the biological information for the target species, the quality of the habitat within and adjacent to the corridor, topography, and adjacent land uses. Where there is limited topographic relief, the corridor must be well vegetated and adequately buffered from adjacent development.**

The regional PAMA linkage starts on-site and extends to the east on average 4900 feet and to the southwest and northeast towards the Sweetwater River and El Capitan Reservoir. The on-site open space will preserve 3.87 acres of southern mixed chaparral within this PAMA linkage. The open space is 450 feet north to south and 360 feet from west to east and encompasses the eastern portion of the property from the northern to southern property lines. This open space preserves much of the PAMA overlay as identified in the County's GIS mapping. Therefore, the project has preserved the maximum width and depth of linkage area on-site with expected good vegetative cover based on continuing regrowth of the burned chaparral habitat.

**6. If a corridor is relatively long, it must be wide enough for animals to hide in during the day. Generally, wide linkages are better than narrow ones. If narrow corridors are unavoidable, they should be relatively short. If the minimum width of a corridor is 400 feet, it should be no longer than 500 feet. A width of greater than 1,000 feet is recommended for large mammals and birds. Corridors for bobcats, deer, and other large animals**

**should reach rim-to-rim along drainages, especially if the topography is steep.**

Starting in the southwest corner of the site, the PAMA overlay spans 780 feet east to west before dropping to 495 feet and expanding again to 560 feet (approximate dimensions). North to south, the PAMA covers the full width. The proposed open space will preserve the full north to south extent (approx. 450 feet) and 360 feet east to west. This open space preserves much of the PAMA overlay as identified in the County's GIS mapping and contributes to the establishment of a preserved linkage for movement of a wide range of species.

- 7. Visual continuity (i.e., long lines-of-site) will be provided within movement corridors. This makes it more likely that animals will keep moving through it. Developments along the rim of a canyon used as a corridor should be set back from the canyon rim and screened to minimize their visual impact.**

The site is an east facing slope once covered by a dense chaparral habitat approximately 8-10 feet in height. The site and surrounding undeveloped lands burned in the 2003 Cedar fires and are now in a process of regrowth. Thus, dedication of a 3.87 acre open space will preserve habitat contiguous with off-site resources that provide dispersing species continued visual continuity.

- 8. Corridors with low levels of human disturbance, especially at night, will be selected. This includes maintaining low noise levels and limiting artificial lighting.**

The proposed development is situated adjacent to an existing residence on the western side of the property. Both residences will be located within the proximity of other residential development that makes up the community of Crest. The proposed open space is adjacent to undeveloped, native habitat. Therefore, human disturbance including night lighting and noise will be minimal. In addition, lighting standards for the property are set forth in Zone B lighting requirements, which restrict the lamp type and require shielding to control light spread.

- 9. Barriers, such as roads, will be minimized. Roads that cross corridors should have ten foot high fencing that channels wildlife to underpasses located away from interchanges. The length-to-width ratio for wildlife underpasses is less than 2, although this restriction can be relaxed for underpasses with a height of greater than 30 feet.**

No barriers, paths, roads, etc are proposed.

- 10. Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Box culverts will only be used when they can achieve the wildlife crossing/movement goals for a**

**specific location. Crossings will be designed as follows: sound insulation materials will be provided; the substrate will be left in a natural condition, and vegetated with native vegetation if possible; a line-of-site to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.**

No culverts or bridges are required and no wildlife crossings were identified on-site.

**11. If continuous corridors do not exist, archipelago (or stepping-stone) corridors may be used for short distances. For example, the gnatcatcher may use disjunct patches of sage scrub for dispersal if the distance involved is less than 1-2 miles.**

The site is located within a continuous PAMA linkage. The preservation of on-site open space will contribute to the establishment of a preserved linkage. Therefore, the project has achieved this goal by contributing preserved land to a continuous linkage.

#### **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.**

No jurisdictional resources are present on-site or will be impacted in any way through development of 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 primary elements of the site are the southern mixed chaparral, rock outcroppings, two drainages and location within both local and regional wildlife movement routes. The proposed open space will conserve all of these features. Therefore, suitable measures have been made to maximize habitat structural diversity.

**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 is mapped as medium and high value and has no coastal sage scrub habitat. However, due to the site's location within a regional PAMA linkage,

preservation of the open space will contribute to the establishment of the MSCP preserve and the long-term survival and recovery of multiple species.

- 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 proposed open space will preserve slightly more than half of the mapped southern mixed chaparral on-site. This open space measures 360 feet by 450 feet, totals 3.87 acres, and abuts undeveloped native lands to the south, east and north. As a block of habitat that is approximately rectangular shape and adjacent to other native habitats, edge effects have been minimized. In addition, other measures such as LBZ, fencing and signs will further protect the open space to reduce edge effects and indirect impacts. Therefore, the project will have achieved this goal.

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

Through development within proximity of the existing residence, mitigation may occur on-site thereby reducing the economic costs of development while contributing to the preservation the MSCP PAMA.

- 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 narrow endemic or covered species were observed on-site. Several species have a potential to occur. Through the dedication of 3.87 acres of southern mixed chaparral, habitat for these species shall be preserved and continue to provide foraging, nesting and movement routes for a variety of 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.**

The proposed open space will contribute to the establishment of a preserved linkage within this MSCP PAMA. This PAMA was designed with the expectation that a wide range of species including large predators and prey would reside in and disperse through. Therefore, the proposed open space although small in size will contribute to the conservation of a larger network of interconnected habitats.

- 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 narrow endemics were observed on-site.

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

The proposed project is located on the western edge of a MSCP PAMA linkage. The proposed development is located adjacent to existing residences and the proposed open space will add to the preserve system. Therefore, the project will not jeopardize the preserve assembly.

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

On-site open space is proposed. The 3.87 acres open space is adjacent to undeveloped lands to the west, south and north. Any development proposed on the adjacent properties will be required to develop in manner that does not impact the open space on the current project site. Therefore, edge effect impacts, if any, will be from the existing and proposed development on-site. To reduce these impacts, a 100-foot LBZ will be dedicated adjacent to the biological open space. Fencing and signage will be placed along the interface of the LBZ and open space. The purpose is to reduce human intrusion and future encroachment. Additional measures will include a bird breeding season avoidance. With these measures implemented, edge effects will be reduced to less than significant.

**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 a BRCA located within a regional MSCP PAMA linkage. Site development will occur adjacent to the existing residence and in proximity to residential development in the community of Crest. Biological surveys did not identify any narrow endemic or covered species on-site. However, mitigation for impacts to 3.85 acres of southern mixed chaparral will preserve on-site habitat that could contribute to the long-term survival and recovery of sensitive species. Therefore, the proposed development has avoided impacts to sensitive species and the BRCA, and in turn, will contribute to the establishment of a preserved linkage.

Greg Krzys, Department of Planning and Land Use

July 20, 2006