

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
For Shorees; TPM 21054; ER 07-14-002**

April 3, 2008

I. Introduction

The project is a minor subdivision of 13.8 acres into 4 residential parcels. The project will preserve 5.1 acres onsite within a dedicated Biological Open Space Easement. The project site is located at 5550 Dehesa Road within the Crest/Dehesa/Harbison Canyon/Granite Hills Subregional Plan in unincorporated San Diego County. The site is located immediately north of the Sycuan Reservation, and approximately 2.25 miles west of Loveland Reservoir and 2.25 miles southeast of Crestridge Ecological Reserve. There are no adjacent open space easements or preserved lands.

The project site contains one existing residence, and supports steep slopes and areas of native vegetation. The site contains does not contain any natural drainages. Habitats onsite consist of Diegan coastal sage scrub, disturbed Diegan coastal sage scrub, non-native grassland, non-native vegetation, disturbed land, orchard, and urban/developed land. Two sensitive plant species were observed on site: Robinson's peppergrass (*Lepidium virginicum* var. *robinsonii*) and San Diego viguiera (*Viguiera laciniata*). Seven sensitive wildlife species were observed either onsite or overhead: orange-throated whiptail (*Cnemidophorus hyperythrus*), rosy boa (*Lichanura trivirgata*), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), Cooper's hawk (*Accipiter cooperii*), golden eagle (*Aquila chrysaetos*), red-shouldered hawk (*Buteo lineatus*), and turkey vulture (*Cathartes aura*). Protocol surveys for Quino checkerspot butterfly and California gnatcatcher were performed in 2007 with negative results. A burrowing owl survey was conducted in 2007 with negative results. The project site is within a Pre-Approved Mitigation Area in the North Metro-Lakeside-Jamul segment of the County Subarea Plan. The project site likely does not serve as a wildlife corridor or linkage.

The subdivision would directly impact 5.8 acres of the project site through clearing, grading and construction for housing pads, septic fields, fire-clearing, and access roads/driveways. Offsite road improvements are not required. Impact acreages are listed in Table 1. An onsite Open Space Easement and Limited Building Zone Easement will be dedicated to mitigate the project's impacts. The project's mitigation requirements are detailed in the Mitigation Negative Declaration (MND).

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier	Existing Onsite (ac)	Proposed Impacts (ac)	Mitigation Ratio	Required Mitigation	Preserved Onsite (ac)	Impact Neutral (ac)
Diegan coastal sage scrub	II	5.3	0.7	1.5:1	1.1	4.0	0.6
Disturbed Diegan coastal sage scrub	II	1.9	0.4	1.5:1	0.6	1.0	0.4
Non-native grassland	III	3.7	3.3	0.5:1	1.7	0.0	0.4
Non-native vegetation	IV	0.2	0.2	N/A	N/A	0.0	0.0
Disturbed Orchard	IV	1.3	0.7	N/A	N/A	0.1	0.5
Orchard	IV	0.3	0.0	N/A	N/A	0.0	0.3
Urban/developed	IV	1.1	0.5	N/A	N/A	0.0	0.6
Total:	--	13.8	5.8	--	3.4	5.1	2.8

The findings contained within this document are based on County records, staff field site visits and the Biological Resource Letter Report (Merkel and Associates, Inc., May 16, 2008). 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 will 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 off-site impacts.**

The site qualifies as a BRCA because the land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

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

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 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.

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

Development of the project site will impact Diegan coastal sage scrub (including disturbed), non-native grassland, and non-sensitive lands (non-native vegetation, disturbed land, orchard, and urban/developed land). There is an existing residence located in the northeast corner of the site that will remain. To minimize habitat impacts, the three new home locations will be sited in the southern end of the site and access will be from Dehesa Road.

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

The three new house sites will be located as close to the south side of the property as possible, given the topographic constraints and requirements for lot configuration. By locating new house sites toward the southern end of the property, a large contiguous block of habitat can be preserved in the center and northwest portions of the property.

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.

The steep slopes are in the northern portion of the property and will be preserved in biological open space. Slope encroachment to avoid impacts to habitat and preserve more resources is not proposed or warranted.

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

The project proposes three new private driveways between Dehesa Road and the three new house sites. Reduction in road standards is not required, as the driveways are not within areas that need to be preserved.

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).

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.

The land does not contain state or federal wetlands.

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

The project will preserve 5.1 acres of onsite open space. The open space will include Diegan coastal sage scrub (including disturbed), a small amount of disturbed habitat (an old dirt road/pathway), and the entire observed onsite populations of coastal rosy boa, rufous-crowned sparrow and Robinson’s pepper grass (County Group A plant). The project will maximize habitat structural diversity by preserving sensitive habitat, the entire onsite population of a County Group A plant species, habitat for the orange-throated whiptail, portions of the onsite population of San Diego sunflower (County Group D Plant), and foraging habitat for Cooper’s hawk, golden eagle, red-shouldered hawk, and turkey vulture.

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 MSCP habitat evaluation model ranks the site as high and medium value, with the high habitat located in the center and extending into the northeast corner of the site. A large portion of the high value habitat will be preserved in dedicated open space. Most of the onsite Diegan coastal sage scrub will be preserved within the open space easement. The project will preserve 5.0 of the 7.2 acres of Diegan coastal sage scrub onsite. The house pads could not be located closer to Dehesa Road because of lot design and septic requirements.

- 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 onsite open space will connect to undeveloped land to the north. There are no edge effects anticipated in this direction. To reduce edge effects from the proposed three additional residential lots created by this project, a 100-foot wide Limited Building Zone Easement, temporary fencing (during grading), permanent fencing, and permanent signage will be required adjacent to the Open Space. The Limited Building Zone Easement will prohibit the construction of any habitable structures within 100 feet of the Open Space Easement, therefore precluding the need for future fire-clearing in the Open Space and reducing the noise and lighting levels in the preserve. The project will comply with the San Diego County Watershed Protection, Storm Water Management, and Discharge Control Ordinance (WPO) and the Stormwater Management Plan (Site Design Associates, October 14, 2008), which will prevent adverse impacts from runoff to the Open Space.

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

The project will conserve the most sensitive habitat areas on site, the majority of the onsite Diegan coastal sage scrub and entire observed onsite populations coastal rosy boa, rufous-crowned sparrow and Robinson's pepper grass (County Group A plant). The new house locations were cited as close to existing development along Dehesa Road as feasible.

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

The project will preserve 5.1 acres of onsite open space. A golden eagle, an MSCP narrow endemic species was observed flying overhead. The open space

will include the entire onsite populations of coastal rosy boa, rufous-crowned sparrow and Robinson's pepper grass (County Group A plant). The open space will continue to provide foraging opportunities for golden eagle.

7. Preserve the biological integrity of linkages between BRCA's.

The site is adjacent to undeveloped land to the north which is also a Biological Resource Core Area. Onsite habitat will be preserved, and the onsite Limited Building Zone Easement, fences, and signage will reduce edge effects and ensure the biological viability of the onsite habitat. The onsite habitat will not only be linked to another BRCA, it will also become part of the larger preserve system. Therefore, biological integrity will be preserved.

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

The following covered species were observed: on site: orange-throated whiptail and rufous-crowned sparrow; overhead: Cooper's hawk and golden eagle. The onsite open space will include the entire onsite population of rufous-crowned sparrow. The project will preserve the highest value habitat onsite within a dedicated biological open space easement. The onsite preserve will include a natural vegetation with topographic variation that will support movement and foraging for the orange-throated whiptail, Cooper's hawk and golden eagle. The onsite preserve meets the design criteria for preserves, and will contribute to large blocks of protected lands that will be conserved in a functional manner. Therefore, the project will contribute to achieving the conservation goals for orange-throated whiptail, rufous-crowned sparrow, Cooper's hawk and golden eagle contained in Table 3-5 of the MSCP Plan.

C. Design Criteria for Linkages and Corridors (Attachment H)

The site does not serve as a wildlife corridor or linkage. The project site does not lie within or adjacent to a riparian corridor, canyon bottom, or along a ridgeline that facilitates wildlife movement. Steep slope topography that dominates the site does not favor wildlife movement. The following human development and human activities may act as a barrier to wildlife movement: Dehesa Road along the southern boundary, existing newly constructed Sycuan Tribe housing south of Dehesa Road, existing residential development to the east and west, an existing large dog kennel adjacent to the project's east boundary, and fences around the eastern, western, and southern perimeters of the project site.

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 land does not contain state or federal wetlands.

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

The project will preserve 5.1 acres of onsite open space. The open space will include Diegan coastal sage scrub (including disturbed), a small amount of disturbed habitat (an old dirt road/pathway), and the entire observed onsite populations coastal rosy boa, rufous-crowned sparrow and Robinson's pepper grass (County Group A plant). The project will maximize habitat structural diversity by preserving sensitive habitat, the entire onsite population of a County Group A plant species, habitat for the orange-throated whiptail, portions of the onsite population of San Diego sunflower (County Group D Plant), and foraging habitat for Cooper's hawk, golden eagle, red-shouldered hawk, and turkey vulture.

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 MSCP habitat evaluation model ranks the site as high and medium value, with the high habitat located in the center and extending into the northeast corner of the site. A large portion of the high value habitat will be preserved in dedicated open space. Most of the onsite Diegan coastal sage scrub will be preserved within the open space easement. The project will preserve 5.0 of the 7.2 acres of Diegan coastal sage scrub onsite. The house pads could not be located closer to Dehesa Road because of lot design and septic requirements.

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 onsite open space will connect to undeveloped land to the north. There are no edge effects anticipated in this direction. To reduce edge effects from the proposed three additional residential lots created by this project, a 100-foot wide Limited Building Zone Easement, temporary fencing (during grading), permanent fencing, and permanent signage will be required adjacent to the Open Space. The Limited Building Zone Easement will prohibit the construction of any habitable structures within 100 feet of the Open Space Easement, therefore precluding the need for future fire-clearing in the Open Space and reducing the noise and lighting levels in the preserve. The project will comply with the San Diego County Watershed Protection, Storm Water Management, and Discharge Control Ordinance (WPO)

and the Stormwater Management Plan (Site Design Associates, October 14, 2008), which will prevent adverse impacts from runoff to the Open Space.

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

The project will conserve the most sensitive habitat areas on site, the majority of the onsite Diegan coastal sage scrub and entire observed onsite populations coastal rosy boa, rufous-crowned sparrow and Robinson's pepper grass (County Group A plant). The new house locations were cited as close to existing development along Dehesa Road as feasible.

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 key regional populations of covered species are present on the site. The project will preserve 5.1 acres of onsite open space. A golden eagle, an MSCP narrow endemic species was observed flying overhead. The open space will include the entire onsite populations of coastal rosy boa, rufous-crowned sparrow and Robinson's pepper grass (County Group A plant), and will be connected to additional undeveloped habitat in the north. The open space will continue to provide foraging opportunities for golden eagle, and will provide habitat for small wildlife currently found onsite.

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 onsite open space will connect to undeveloped land to the north. Two wide-ranging species are known to occur on site or in the vicinity. Golden eagle was observed flying overhead, and coyote scat was observed on site. Golden eagle would not nest on the site, due to lack of eagle nesting habitat. However, the species may use the area as foraging habitat. Preservation of 5.1 acres of onsite habitat will preserve foraging opportunities for the future. Coyote may be found onsite after development, although the site is not part of a wildlife corridor or linkage, since the onsite habitat will be connected to other habitats to the north.

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 5.1 acres of onsite open space will include the entire onsite populations Robinson's pepper grass (County Group A plant).

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

The biological resources onsite are connected to a large block of undeveloped habitat to the north. The western and eastern boundaries of the project site are adjacent to existing residential development, and the southern border of the site is Dehesa Road. Development of three additional residential sites adjacent to existing residential development will not jeopardize assembly of the preserve system.

The project site contains a population of a County Group A Plant species. All of the Group A plants will be completely preserved. The project will contribute to the assembly of a preserve system through onsite preservation that conforms to MSCP project design criteria as described in findings III.A and III.B.

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

To reduce edge effects from the residential lots created by this project, permanent fencing and signage will be required as well as a 100-foot wide Limited Building Zone Easement adjacent to the Open Space. The Limited Building Zone Easement will prohibit the construction of any habitable structures within 100 feet of the Open Space Easement, thereby reducing noise and lighting levels associated with structures and precluding the need for future fire-clearing in the Open Space. Compliance with the San Diego County Watershed Protection, Storm Water Management, and Discharge Control Ordinance (WPO) will prevent adverse impacts from runoff to 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.

As the site is a BRCA, project design includes preservation of 5.1 acres in a dedicated Open Space easement. The proposed development will be located toward the southern end of the site, adjacent to Dehesa Road. A Limited Building Zone Easement, permanent fencing and permanent signage will be required to reduce edge effects from future residential uses. The project has made every effort to avoid impacts to BRCAs, sensitive resources and sensitive species because it will conserve the most sensitive habitat areas on site: most of the onsite Diegan coastal sage scrub, the entire onsite population of Robinson's peppergrass (*Lepidium virginicum* var. *robinsonii*), and the observed onsite populations of coastal rosy boa and rufous-crowned sparrow. The onsite preserve will also contain habitat for the orange-throated whiptail, portions of the onsite population of San Diego sunflower (County Group D Plant), and foraging habitat for Cooper's hawk, golden eagle, red-shouldered hawk, and turkey vulture. The project proposes development in an area subject to the greatest existing edge effects from existing offsite development. The proposed biological open space is the largest and least fragmented design practicable because it connects to large areas of undeveloped habitat to the north.

Seven sensitive wildlife species and two sensitive plant were observed on site. The onsite open space preserve will include Diegan coastal sage scrub, habitat for sensitive species that may colonize the land in the future. Through project design and mitigation conditions, the project has reduced its impacts to the BRCA, sensitive resources and sensitive species.

Christine Stevenson, Department of Planning and Land Use
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MSCP Designation For Shores TPM 21054; ER 07-14-002

