

RESOLUTION NO. 2022-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPTING FINDINGS THAT PLANNING APPLICATION NO. 2021-28 (CONDITIONAL USE PERMIT NO. 2021-06 AND INDUSTRIAL DESIGN REVIEW NO. 2021-04) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

Whereas, Brad Woods, RD Construction, has filed an application with the City of Lake Elsinore (City) requesting Design Review approval (IDR 2021-04) to construct two industrial buildings totaling 63,030 square feet and related improvements, in conjunction with a Conditional Use Permit (CUP 2021-06) to establish two warehouses and an outdoor storage area on 3.04 acres of land within the Action Sports, Tourism, Commercial & Recreational and Airport Overlay districts of the East Lake Specific Plan (APNs: 370-080-007, 370-080-006, 370-080-020); and,

Whereas, Section 6.0 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) requires that all discretionary projects within a MSHCP Criteria Cell undergo the Lake Elsinore Acquisition Process (LEAP) and Joint Project Review (JPR) to analyze the scope of the proposed development and establish a building envelope that is consistent with the MSHCP criteria; and,

Whereas, Section 6.0 of the MSHCP further requires that the City adopt consistency findings demonstrating that the proposed discretionary entitlement complies with the MSHCP Criteria Cell, and the MSHCP goals and objectives; and,

Whereas, pursuant to Section 17.415.070 (Conditional Use Permits) and Section 17.415.050 (Major Design Review) of the Lake Elsinore Municipal Code (LEMC), the Planning Commission (Commission) has been delegated with the responsibility of reviewing and approving, conditionally approving, or denying conditional use permits and design review applications; and,

Whereas, on May 3, 2022 at a duly noticed Public Hearing the Commission has considered evidence presented by the Community Development Department and other interested parties with respect to this item.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1: The Commission has considered the Project and its consistency with the MSHCP prior to adopting Findings of Consistency with the MSHCP.

Section 2: That in accordance with the MSHCP, the Commission makes the following findings for MSHCP consistency:

1. The Project is a project under the City's MSHCP Resolution, and the City must make an MSHCP Consistency finding before approval.

Pursuant to the City's MSHCP Resolution, the Project is required to be reviewed for MSHCP consistency, including consistency with other "Plan Wide Requirements." The Project site has been previously disturbed and is currently developed with single-family residences. A General Biological Assessment and Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis report dated October

2021 prepared by Hernandez Environmental Services (Biological Report) has been prepared for the Project site based on literature review and field surveys. The Project site is not located within a MSHCP Criteria Cell. Based upon the Biological Report, there are no issues regarding consistency with the MSHCP's other "Plan Wide Requirements." The only requirement potentially applicable to the Project were the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool Guidelines (Section 6.1.2 of the MSHCP) and payment of the MSHCP Local Development Mitigation Fee (Section 4 of the MSHCP Ordinance).

2. The Project is subject to the City's LEAP and the Western Riverside County Regional Conservation Authority's (RCA) Joint Project Review processes.

As stated above, the Project is not located within a Criteria Cell and therefore the Project was not processed through the City's LEAP and JPR processes.

3. The Project is consistent with the Riparian/Riverine Areas and Vernal Pools Guidelines.

According to the Biological Report, neither riparian/riverine areas and nor vernal pools or suitable habitat for fairy shrimp occur on the site. Therefore, the Project is consistent with the Riparian/Riverine Areas and Vernal Pool Guidelines under Section 6.1.2 of the MSHCP.

4. The Project is consistent with the Protection of Narrow Endemic Plant Species Guidelines.

The Project site is located within the Narrow Endemic Plant Species Survey Area (NEPSSA) for multiple narrow endemic species. According to the Biological Report, habitat assessments were conducted specifically for Munz's onion, San Diego ambrosia, many-stemmed dudleya, spreading navarretia, California Orcutt grass, Hammitt's clay-cress, and Wright's trichocoronis. It was determined that no habitat is present to support any Narrow Endemic Plant Species. The Project is therefore consistent with the Protection of Narrow Endemic Plant Species Guidelines.

5. The Project is consistent with the Additional Survey Needs and Procedures.

The MSHCP only requires additional surveys for certain species if the Project is located in Criteria Area Species Survey Areas, Amphibian Species Survey Areas, Burrowing Owl Survey Areas, and Mammal Species Survey Areas of the MSHCP. The Project site is not located additional survey areas for amphibians, mammals, or any special linkage areas; however, the Project site is located within the burrowing owl survey area. A habitat assessment for burrowing owl determined that there is no suitable habitat present that can support this species. Therefore, the subject project is consistent with the Additional Survey Needs and Procedures of the MSHCP.

6. The Project is consistent with the Urban/Wildlands Interface Guidelines.

The Project site is not within or adjacent to any MSHCP criteria or conservation areas. Therefore, the Urban/Wildlands Interface Guidelines of MSHCP Section 6.1.4 are not applicable.

7. The Project is consistent with the Vegetation Mapping requirements.

There are no resources located on the Project site, requiring mapping as set forth in

MSHCP Section 6.3.1.

8. The Project is consistent with the Fuels Management Guidelines.

The Project site is not within or adjacent to any MSHCP criteria or conservation areas. Therefore, the Fuels Management Guidelines of MSHCP Section 6.4 are not applicable.

9. The Project will be conditioned to pay the City’s MSHCP Local Development Mitigation Fee.

As a condition of approval, the Project will be required to pay the City’s MSHCP Local Development Mitigation Fee at the time of issuance of building permits.

10. The Project is consistent with the MSHCP.

As described above, the Project complies with all applicable MSHCP requirements.

Section 3: Based upon the evidence presented, both written and testimonial, and the above findings, the Commission hereby finds that the Project is consistent with the MSHCP.

Section 4: This Resolution shall take effect immediately upon its adoption.

Passed and Adopted on this 3rd day of May, 2022.

John Gray, Chairman

Attest:

Damaris Abraham
Planning Manager

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Damaris Abraham, Planning Manager of the City of Lake Elsinore, California, hereby certify that Resolution No. 2022-__ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held on the 3rd day of May, 2022 and that the same was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Damaris Abraham
Planning Manager