

RESOLUTION NO. 2022-____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE
ELSINORE, CALIFORNIA, FINDING THAT PLANNING APPLICATION NO. 2016-46
(COMMERCIAL DESIGN REVIEW NO. 2019-10) IS CONSISTENT WITH THE
WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT
CONSERVATION PLAN (MSHCP)**

Whereas, Brian Moening, Vantage Auctions, Inc. has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2016-46 (Commercial Design Review No. 2019-10) to add one additional office trailer to the project site as well as street improvements, utilities, and landscaping to the previously approved heavy-construction equipment yard. The project would also repair the two existing infiltration basins and create a new 35-foot driveway leading into the parking lot. The approximately 25-acre property is located northerly of Flint Street, southerly of Minthorn Street, easterly of Chaney Street, and westerly of Poe Street and more specifically referred to as 521 Silver Street (APNs: 377-160-018, -023, -026, 377-180-030, -054, -057, and 374-033-029, -031); 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) process 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 cell criteria, and the MSHCP goals and objectives; and,

Whereas, pursuant to Section 17.415.050 (Major Design Review) of the Lake Elsinore Municipal Code (LEMC), the Planning Commission (Commission) has the responsibility of reviewing and approving, conditionally approving, or denying design review applications; and,

Whereas, on May 17, 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 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 a 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 is not located within a MSHCP Criteria Cell. Based upon the site

reconnaissance survey there are no issues regarding consistency with the MSHCP's other "Plan Wide Requirements." The only requirements 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). The Project site is located in a previously disturbed site, and has no habitat, including riparian/riverine areas or vernal pools, present on site.

2. The Project is not subject to the City's LEAP and the Western Riverside County Regional Conservation Authority's (RCA) JPR processes.

As stated above, the Project is not located within a Criteria Cell and therefore was not required to go through the LEAP and JPR processes.

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

The proposed project would consist of the addition of a third office trailer, the relocation of overhead power lines, the creation of a parking lot, street improvements, and the maintenance of two existing infiltration basins. The disturbed developed areas on site would continue to be used as an auction area and storage areas would continue to be disturbed by heavy construction machinery. All proposed Project impacts would remain on the presently disturbed and developed land. As such, the Riparian/Riverine Areas and Vernal Pool Guidelines as set forth in Section 6.1.2 of the MSHCP are not applicable.

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

The site does not fall within any Narrow Endemic Plant Species Survey Areas. Neither a habitat assessment nor further focused surveys were required for the Project. Therefore, Protection of Narrow Endemic Plant Species Guidelines as set forth in Section 6.1.3 of the MSHCP are not applicable to the Project.

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 site is located within the Western Riverside County MSHCP burrowing owl (*Athene cunicularia*) survey area. As such, a burrowing owl habitat assessment was conducted onsite in August 2021 and determined that no burrowing owl signs were found on the site and that the area was not in use by the species. Prior to any construction activity, a preconstruction survey would be required based on standard MSHCP requirements to ensure that no burrowing owls have colonized the site prior to Project activities. Therefore, the project is consistent with MSHCP Section 6.3.2.*

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

The project site is not within or adjacent to any MSHCP Criteria Cell 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.

The proposed project would consist of the addition of a third office trailer, the relocation of overhead power lines, the creation of a parking lot, street improvements, and the maintenance of two existing infiltration basins. The disturbed developed areas on site would continue to be used as an auction area and storage areas would continue to be disturbed by heavy construction machinery. All proposed Project impacts would remain on the presently disturbed and developed land. There are no resources located on the Project site requiring mapping as set forth in MSCHP 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 Cell 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.

The Project site is not within or adjacent to any MSHCP Criteria Cell or conservation areas. As described above, the Project complies with all application MSHCP requirements.

Section 3: Based upon all of the evidence presented 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 17th 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 May 17, 2022 and that the same was adopted by the following vote:

AYES

NOES:

ABSTAIN:

ABSENT:

Damaris Abraham,
Planning Manager