

RESOLUTION NO. 2022-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPTING FINDINGS THAT PLANNING APPLICATION NO. 2021-13 (TENTATIVE PARCEL MAP NO. 38124 AND INDUSTRIAL DESIGN REVIEW NO. 2021-01) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

Whereas, Mark Severson, Saddleback Associates has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2021-13 (Tentative Parcel Map No. 38124 and Industrial Design Review No. 2021-01) to subdivide the 7.51-acre site into 12 parcels ranging in size from 0.34 acres to 0.88 acres. The project also proposes to develop a neighborhood business park with 12 buildings (approximately 94,665 sq. ft. in total) ranging in size from 5,900 sq. ft. to 10,200 sq. ft. that would be constructed in five (5) separate building clusters. The project will provide 276 parking spaces including 21 accessible spaces, landscaping, and related site improvements. The site is located southerly of the I-15 freeway, between Collier Avenue and El Toro Road (APNs: 389-220-003, 004, 005, and 006); and,

Whereas, Section 6.0 of the Multiple Species Habitat Conservation Plan (MSHCP) requires that all discretionary projects within a MSHCP Criteria Cell undergo the Lake Elsinore Acquisition Process (LEAP) and the 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 Lake Elsinore Municipal Code (LEMC) Section 17.415.050 (Major Design Review) and Chapter 16.24 (Tentative Map), Section 17.410.070 (Approving Authority), and Section 17.410.030 (Multiple Applications) the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to tentative maps 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 and by resolution recommended that the Council adopt Findings of Consistency with the MSHCP; and,

Whereas, on June 14, 2022, at a duly noticed Public Hearing, the Council has considered the recommendation of the Commission as well as evidence presented by the Community Development Department and other interested parties with respect to this item.

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

Section 1: The foregoing recitals are true and correct and are hereby incorporated into these findings by this reference.

Section 2: The Council has considered the project and the recommendation of the Commission as well as evidence presented by the Community Development Department and other interested parties with respect to this item.

Section 3: That in accordance with the MSHCP, the Council 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.

The site is located within Criteria Cell #4266 which is an Independent Cell Group in the Elsinore Sub-Unit (3) of the Elsinore Area Plan. Pursuant to the City's MSHCP Resolution, the project has been reviewed for MSHCP consistency, including consistency with "Other Plan Requirements." These include the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool Guidelines (MSHCP, § 6.1.2), Protection of Narrow Endemic Plant Species Guidelines (MSHCP, § 6.1.3), Additional Survey Needs and Procedures (MSHCP, § 6.3.2), Urban/Wildlands Interface Guidelines (MSHCP, § 6.1.4), Vegetation Mapping (MSHCP, § 6.3.1) requirements, Fuels Management Guidelines (MSHCP, § 6.4), and payment of the MSHCP Local Development Mitigation Fee (MSHCP Ordinance, § 4).

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

The site is located within Criteria Cell #4266 which is an Independent Cell Group in the Elsinore Sub-Unit (3) of the Elsinore Area Plan. Therefore, a formal and complete LEAP application, LEAP 2008-02 was submitted to the City on May 27, 2008. The JPR application, JPR 09-06-09-01 was submitted to the Regional Conservation Authority (RCA). The RCA completed the review on June 22, 2009 and found the project consistent with both the Criteria and Other Plan Requirements.

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

Natural watercourses or riparian vegetation and habitat of any kind are not present on the site. The biological functions and values of Riparian/Riverine Areas or Vernal Pools that could provide suitable habitats for endangered and threatened species of fairy shrimp are not present on the site. In addition, the kinds of perennial or seasonal aquatic features that could be classified as federally protected wetlands as defined by Section 404 of the Clean Water Act are not present on the site. 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 property is not in a Narrow Endemic Plant Species Survey Area (NEPSSA) for any narrow endemic species, and no NEPSSA surveys are required. The proposed 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 requires additional surveys for certain species if the project is located in certain locations. Based on the RCA MSHCP Information Map for this site, it is located in Roughstep 8(HMU-Santa Ana Mountains). The map's Conservation Description for the site states that it

is not located in a Criteria Area Species Survey Area, Amphibian Species Survey Area, Burrowing Owl Survey Area, or Mammal Species Survey Area where additional surveys are needed for certain species in conjunction with MSHCP implementation in order to achieve coverage for these species.

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

The site has no physical connectivity to Proposed Linkage 2, and therefore has no direct or indirect relationship to the assembly of Proposed Linkage 2. Also, it is not located within the 250-foot buffer used in the MSHCP to complete an edge analysis for indirect effects of land uses located adjacent to a MSHCP Conservation Area. As such, the treatment and management of edge conditions will not be necessary to ensure that land uses adjacent to the Linkage do not degrade water quality or inhibit floodplain processes. Therefore, the Project will not be subject to Guidelines Pertaining to the Urban/Wildlands Interface for the management of edge conditions such as lighting, urban runoff, toxics, and domestic predators as presented in Section 6.1.4 of the MSHCP.

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

*Non-native grasslands are growing throughout the site. It is growing on heavily compacted soils with little available oxygen, and could easily be classified as Ruderal Vegetation. Invasive, non-native species are abundant, and dominate the landscape. Other species are not that abundant and diverse, and include a few spring annuals that take root after the winter rains. Species composition also includes a few typical native species. The surface of the site also includes large areas that are bare ground with exposed soils and areas covered by gravel that are void of any vegetation. Non-native plant species identified include * Australian saltbush (*Atriplex semibaccata*), *slender wild oat (*Avena barbata*), *shortpod mustard (*Brassica geniculata*), *brome grasses (*Bromus diandrus* and *B. madritensis* subsp. *rubens*), *Tocalote (*Centaurea melitensis*), *common horseweed (*Conyza canadensis*), *filarees (*Erodium brachycarpum* and *B. cicutarium*), *spotted spurge (*Euphorbia maculata*), *weedy cudweed (*Gnaphalium luteo-album*), *foxtail barley (*Hordeum murinum* subsp. *leporinum*), *Spanish clover (*Lotus purshianus*), *common horehound (*Marrubium vulgare*), *sourclover (*Melilotus indicus*), *oleander (*Nerium oleander*), *annual bluegrass (*Poa annua*), *curly dock (*Rumex crispus*), *Russian thistle (*Salsola tragus*), and *London rocket (*Sisymbrium irio*).*

*A large number of non-native tree species are growing on the site, and are included in the Non-native grasslands Vegetation Subassociation. Species identified include *Tree of Heaven (*Ailanthus altissima*), *river red gum (*Eucalyptus camaldulensis*), *common fig (*Ficus carica*), *Chinaberry (*Melia azedarach*), *tree tobacco (*Nicotiana glauca*), *Mexican palo verde (*Parkinsonia aculeata*), and *Mediterranean tamarisk (*Tamarix ramosissima*).*

*Native species include common fiddleneck (*Amsinckia menziesii* var. *intermedia*), sand pigmy-stonecrop (*Crassula connata*), doveweed (*Croton setiger*), jimsonweed (*Datura wrightii*), brittlebush (*Encelia farinosa*), interior California buckwheat (*Eriogonum fasciculatum* subsp. *foliolosum*), rattlesnake weed (*Euphorbia albomarginata*), California everlasting (*Gnaphalium californicum*), slender sunflower (*Helianthus gracilentus*), alkali heliotrope (*Heliotropium curassavicum*), telegraph weed (*Heterotheca grandiflora*), laurel sumac (*Malosma laurina*), and black willow (*Salix gooddingii*). This mapping is sufficient under the MSHCP and is consistent with the MSHCP vegetation mapping requirements.*

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

The site is not located in the vicinity of a MSHCP Conservation Area. The most proximate conservation area is Proposed Linkage 2 which is located approximately 0.3 miles west of the site. In accordance with existing policies, brush management will not be required for future development on the site. Plant communities with shrub species that create fuel loads are not present along site property lines. The trees growing on the site will be removed. Therefore, the Project is consistent with the Fuels Management Guidelines as set forth in Section 6.4 of the MSHCP.

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 stated above, the entire site is located within Cell #4266 of an Independent Cell Group in the Elsinore Sub Unit (3) of the Elsinore Area Plan. Conservation within Cell #4266 will contribute to the assembly of Proposed Linkage 2. The proposed project site is developed on three sides. The project site then has no direct or indirect relationship to the assembly of Proposed Linkage 2. There are no native habitats present on the site. The site is located in the northeast corner of the Cell approximately 0.2 miles east of areas located in the western portion that are targeted for conservation. It was concluded in the RCA JPR #: 09-06-09-01 case completed for the previous project proposed at the site did not conflict with the Reserve Assembly requirements of the MSHCP. Therefore, conservation of the project site, or any portion thereof, is not required. The proposed project is consistent with the MSHCP.

Section 4: Based upon the evidence presented, both written and testimonial, and the above findings, the Council hereby finds that the project is consistent with the MSHCP.

Section 5: This Resolution shall take effect immediately upon its adoption.

Section 6: The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

Passed and Adopted on this 14th day of June, 2022.

Timothy J. Sheridan
Mayor

Attest:

Candice Alvarez, MMC
City Clerk

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

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2022-____ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of June 14, 2022, and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Candice Alvarez, MMC
City Clerk