

RESOLUTION NO. 2017-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE,
CALIFORNIA, ADOPTING FINDINGS THAT PLANNING APPLICATION 2016-103 IS
CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES
HABITAT CONSERVATION PLAN (MSHCP)**

Whereas, C&C Housing submitted an application for a residential design review, proposing to build an affordable multifamily development with 81 apartments units and associated features and facilities including resident/visitor parking, a leasing/management office, a community center, onsite laundry facility, active and passive open spaces, and a maintenance garage. The Project is generally located on vacant land west of Mission Trail, approximately 500 feet south of Hidden Trail and Elberta Road and is more specifically referred to as Assessor Parcel Number (APN: 365-030-001); and,

Whereas, Section 6.0 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) requires that all projects which are proposed on land covered by an MSHCP criteria cell and which require discretionary approval by the legislative body undergo the Lake Elsinore Acquisition Process (LEAP) and a Joint Project Review (JPR) between the City and the Regional Conservation Authority (RCA) prior to public review of the project applications; and,

Whereas, Section 6.0 further requires that discretionary development Projects be analyzed pursuant to the MSHCP "Plan Wide Requirements" even if not within an MSHCP criteria cell; and,

Whereas, the Project is discretionary in nature and requires review and approval by the Planning Commission (Commission) and City Council (Council); and,

Whereas, a portion of the Project is within MSHCP Criteria Cell 4743 and the entire Project is within the Elsinore Plan Area of the MSHCP, and therefore, the Project was reviewed pursuant to the MSHCP "Plan Wide Requirements"; and,

Whereas, Section 6.0 of the MSHCP requires that the City adopt consistency findings prior to approving any discretionary Project entitlements for development of property that is subject to the MSHCP; and,

Whereas, pursuant to LEMC Chapter 16.24 (17.184 (Design Review) the Commission has been delegated with the responsibility of making recommendations to the Council pertaining to Design Review of residential Projects; and,

Whereas, on June 6, 2017, 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,

Whereas, pursuant to 17.184 (Design Review) the Council has the responsibility of making decisions to approve, modify or disapprove recommendations of the Commission for Design Review applications; and,

Whereas, on June 27, 2017, at a duly noticed Public Hearing the Council has considered 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, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The City Council has reviewed and analyzed the proposed applications and their consistency with the MSHCP prior to making a decision to adopt Findings of Consistency with the MSHCP for the Project.

Section 2. That in accordance with the Lake Elsinore Municipal Code (LEMC), and the MSHCP, Findings for adoption have been made as follows:

1. The proposed 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 Implementing Resolution, prior to approving any discretionary entitlement, the City is required to review the Project to ensure consistency with the MSHCP criteria and other "Plan Wide Requirements." The Project, as proposed, was found to be consistent with the MSHCP criteria. In addition, the Project was reviewed and found consistent with the following "Plan Wide Requirements". Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool Guidelines (MSHCP § 6.2), 1. Protection of Narrow Endemic Species MSHCP § 6.3), 1. Urban/Wildlands Interface Guidelines (MSHCP § 6.4), 1. Vegetation Mapping (MSHCP § 6.1), 3. Additional Survey Needs and Procedures (MSHCP § 6.2), 3. Fuels Management (MSHCP § 6.4), and payment of the MSHCP Local Development Mitigation Fee (MSHCP Ordinance § 4.0).

2. The proposed Project is subject to the City's Lake Elsinore Acquisition Process (LEAP) and the County's Joint Project (JPR) Review processes.

*The Project site, borrow site, and temporary haul road is located within Subunit 3 (Elsinore) of Elsinore Area Plan of the Western Riverside County MSHCP. The Project site, borrow site, and temporary haul road is located within MSHCP Criteria Cells, proposed extension of the existing Core 3, and in the vicinity of proposed Linkage 8. The Project site, borrow site, and temporary haul road are located within the MSHCP Project site, borrow site, and temporary haul road for the western burrowing owl (*Athene cunicularia hypugaea*) pursuant to Section 6.3.2 of the MSHCP. The borrow site and temporary haul road are also located within the MSHCP Project site, borrow site, and temporary haul road for Narrow Endemic plant species pursuant to Section 6.1.3 of the MSHCP and Criteria Area plant species pursuant to Section 6.3.2 of the MSHCP. The Project would be required to comply with the MSHCP through obtaining a consistency determination and any other additional approvals required by the MSHCP, including processes such as the City's implementation of the HANS (Habitat Evaluation and Acquisition Negotiation Strategy) process, the Lake Elsinore Acquisition Process (LEAP), and/or a Determination of Biologically Equivalent or Superior Preservation (DBESP), if appropriate. It is anticipated that a DBESP will be required for this Project, subject to MSHCP approval, and the Project will be required to demonstrate consistency with the MSHCP through the preservation of equivalent or superior resources in comparison to project impacts.*

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

Section 6.21.of the MSHCP focuses on protection of riparian/riverine areas and vernal pool habitat types based upon their value in the conservation of a number of MSHCP covered species. All potential impacts to riparian/riverine areas will be mitigated as identified in the Determination of Biological Equivalent or Superior Preservation DBESP) to be completed and approved prior to the issuance of a building permit. There are no vernal pools or fairy shrimp habitat on the Project Site, and therefore, the Project is consistent with Section 6.21.of the MSHCP.

4. The proposed Project is consistent with the Protection of Narrow Endemic Plant Species (NEPS) Guidelines.

There is potential for direct and indirect impacts to special status plants within the Survey Area. The species with the highest likelihood of occurrence within the Survey Area are little mousetail and smooth tarplant; focused surveys pursuant to the MSHCP Narrow Endemic and Criteria Area Species Survey requirements will be conducted in spring 2017. The impacts to sensitive plants are not currently known, however it is expected that compliance with the MSHCP (including required mitigation, if applicable) will reduce potential direct impacts to a below significance. Additionally, potential indirect impacts to special status species within.

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

The Project is located within the Criteria Area Species Survey Area (CASSA) for several criteria area plants and the Burrowing Owl survey area as identified in Section 6.23. Additional Survey Needs and Procedures of the MSHCP. Surveys were conducted on the entire Project Site, and the results indicated that two plant species, the smooth tarplant and little mousetail are not present on the Project Site. Additional surveys shall be conducted to ensure that the smooth tarplant and little mouse tail are not onsite. In the event that either the smooth tarplant and little mousetail are onsite, they will be relocated to on and off-site mitigation areas which will provide adequate long-term protection of these species. No Burrowing Owls occupied the Project Site. As such, the Project is consistent with Section 6.23.of the MSHCP.

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

Section 6.41.of the MSHCP sets forth guidelines which are intended to address indirect effects associated with locating development in proximity to the MSHCP Conservation Area, where applicable. Future Development in proximity to the MSHCP Conservation Area may result in Edge Effects that will adversely affect biological resources within the MSHCP Conservation Area. To minimize such Edge Effects, guidelines shall be implemented in conjunction with review of individual public and private Development projects in proximity to the MSHCP Conservation Area. Through implementation of mitigation measures the Project will minimize the identified potential indirect impacts with potential future open space. As such, the Project is consistent with Section 6.41.of the MSHCP.

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

Vegetation mapping was conducted as part of the biological surveys conducted on the entire Project Site and is consistent with the MSHCP Section 6.13. Vegetation Mapping requirements.

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

The Fuels Management Guidelines presented in Section 6.4 of the MSHCP are intended to address brush management activities around new development within or adjacent to the MSHCP Conservation Area and shall be implemented as part of the Project. As such, the Project is consistent with the Fuels Management Guidelines.

9. The proposed Project is 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 reserve assembly requirements of the MSHCP.

The Project Site is located in the Back Basin area and is subject to the 770 Acre Back Basin Agreement with the Wildlife Agencies related to reserve assembly and shall meet the reserve assembly requirements of the Back Basin Agreement, the Project does not conflict with the reserve assembly requirements of the MSHCP.

11. The proposed Project overall is consistent with the MSHCP.

The Project is consistent with all applicable provisions of the MSHCP. No further actions related to the MSHCP are required.

Section 3. Based upon the evidence presented and the above findings, the Council adopts findings that the Project is consistent with the MSHCP.

Section 4. This Resolution shall take effect from and after the date of its passage and adoption.

Passed and adopted on this 27th day of June 2017, by the following vote:

Robert E. Magee, Mayor

Attest:

Susan M. Domen, MMC
City Clerk

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

I, Susan M. Domen, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2017-____ was adopted by the City Council of the City of Lake Elsinore, California, at the Regular meeting of June 27, 2017, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Susan M. Domen, MMC
City Clerk