

RESOLUTION NO. 2017-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPT FINDINGS THAT TENTATIVE TRACT MAP NO. 37381 IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

Whereas, Nova Homes, Inc. has filed an application with the City of Lake Elsinore (City) requesting approval of Tentative Tract Map (TTM) No. 37381 for a subdivision of 19.54 acres into 73 single-family residential lots (ranging in size from 6,354 sq. ft. to 35,284 sq. ft.) and five (5) lettered lots for open space and a water quality/detention basin (Project). The Project is located southeasterly of Highway 74, westerly of Rosetta Canyon Drive, on the northern side of Third Street within the Ramsgate Specific Plan. (APNs: 347-330-001, 002, 065, 347-330-067 through 073); and,

Whereas, Section 6.0 of the MSHCP requires that all discretionary projects within an 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 cell criteria, and the MSHCP goals and objectives; and,

Whereas, pursuant to Lake Elsinore Municipal Code (LEMC) Chapter 16.24 (Tentative Map) the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to tentative maps; and,

Whereas, on October 17, 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.

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 recommending that the Council adopt 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 is located not within a MSHCP Criteria Cell. The Ramsgate Specific Plan, Revision No. 6 (RSP#6) has gone through the review process to determine consistency with the MSHCP's requirements, 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 (JPR) processes.

The Project is located within the MSHCP Elsinore Area Plan but is not located in a Criteria Cell Core or Linkage. Therefore, Project was required to be processed through the City's LEAP and JPR processes.

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

The disturbed wetland onsite is considered riparian/riverine although none of the riparian/riverine covered species have any potential to occur onsite. Seasonal ponds occur onsite, some of which possess indicators of all three wetland parameters (soils, vegetation, and hydrology). Wet season surveys for sensitive fairy shrimp were negative.

A Determination of Biologically Equivalent or Superior Preservation (DBESP) analysis report was prepared to address impacts to disturbed wetland which describes why avoidance of seasonal disturbed wetland is not feasible or preferable quantifies unavoidable impacts describes features and measures to reduce indirect effects and makes findings that demonstrate that the project would be biologically equivalent or superior to an avoidance alternative.

Because the disturbed wetland onsite is of low quality preservation of the disturbed wetland is not considered feasible or desirable In order to avoid the disturbed wetland onsite a minimum often percent (10%) of the housing units would need to be eliminated. The resulting preservation would leave small isolated disturbed wetland areas surrounded by housing development that drain into existing residential development areas The alternative is not considered feasible because a viable reserve cannot be reasonably implemented at this location and superior mitigation options are available offsite that would provide for better long -term conservation of the resources being impacted onsite.

Mitigation for impacts would include acquisition of 0.54 acre for restoration on property known as the Cloverleaf in the southern end of Lake Elsinore or other offsite mitigation parcels acceptable to the City and resource agencies. The riparian habitat restored within the Cloverleaf site will be of a much higher quality than the disturbed wetland habitat being impacted and will contribute to long -term MSHCP conservation goals The offsite acquisition meets the definition of a Biologically Equivalent Preservation Alternative consistent with Section 6.1.2.

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

The Project site is not located within the Narrow Endemic Plant Species Survey Areas as shown on Figure 6-1 of the MSHCP. The Project is consistent with the Protection of Narrow Endemic Plant Species Guidelines as set forth in Section 6.1.3 of the MSHCP.

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

The Property is outside of any Criteria Area Species Survey Area for plants, amphibians,

and mammals. No Criteria Area Species Survey Area plant species were observed during site surveys. The Property occurs within the burrowing owl survey area. No owls were observed during surveys onsite. Therefore, the Ramsgate Applications are consistent with MSHCP Section 6.3.2.

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

Section 6.1.4 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. To minimize Edge Effects, guidelines shall be implemented in conjunction with review of individual public and private development projects in proximity to the MSHCP Conservation Area. The Property is not located adjacent to conserved land or other applicable open space. Therefore, an assessment of indirect impacts associated with the Urban /Wildlands Interface is not required.

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

The Ramsgate Specific Plan, Revision No. 6 (RSP#6) was subject to the Protection of Species Associated with Riparian /Riverine and Vernal Pool policies. Any related resources were mapped as part of the Determination of Biological Equivalent or Superior Preservation submittal. The Project is consistent with MSHCP Section 6.3.1.

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

The Project is conditioned to provide a buffer to the open space area that will function as a Fuel Modification Zone. Therefore, the Project is consistent with the Fuels Management Guidelines of MSHCP Section 6.4.

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.

Section 3: Based upon all of the evidence presented, the above findings, and the conditions of approval imposed upon the Project, the Commission hereby recommends that the City Council find 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 October, 2017.

John Gray, Chairman

Attest:

Justin Kirk,
Principal Planner

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

I, Justin Kirk, Principal Planner of the City of Lake Elsinore, California, hereby certify that Resolution No. 2017-__ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held on the 17th day of October, 2017 and that the same was adopted by the following vote:

AYES

NOES:

ABSTAIN:

ABSENT:

Justin Kirk,
Principal Planner