

RESOLUTION NO. 2017-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE,
CALIFORNIA, ADOPTING FINDINGS THAT PLANNING APPLICATION 2017-37 IS
CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES
HABITAT CONSERVATION PLAN (MSHCP)**

Whereas, Jeff Pomeroy, on behalf of Civic Partners, has submitted an application for the development of 143 unit affordable multifamily development with associated features and facilities including 333 resident/visitor parking, a leasing/management office, a community center, onsite laundry facility and active and passive open spaces located on 23 parcels totaling 19.43 acre. TTM 37393 is also a part of the project, which proposes to consolidate the 23 parcels into one parcel and reconfigure the adjacent right of way. The 19.43-acre project site is generally located on vacant land north of Corydon Road, east of Grand Avenue, west of Mission Trail, and south of Stoneham Street and is more specifically referred to as Assessor's Parcel Numbers (APNs) 365-030-004 through -007, -016 through -023, and -027 through -037; 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 October 17, 2017, at a duly noticed Public Hearing the Planning 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 of the City has the responsibility of making decisions to approve, modify or disapprove recommendations of the Planning Commission for Design Review applications; and,

Whereas, on October 24, 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 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 City of Lake Elsinore Municipal Code (LEMC), and the MSHCP, Findings for adoption have been made as follows:

Section 3. The Commission has reviewed and analyzed the proposed applications and their consistency with the MSHCP prior to making a decision to recommend that the Council adopt Findings of Consistency with the MSHCP for the Project.

Section 4. That in accordance with the City of 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 (NEPS) 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 LEAP and the County's JPR processes.

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

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. 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 NEPS Guidelines.

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

5. The proposed 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 within any of the Critical Species Survey Areas. Therefore, the provisions of MSHCP Section 6.3.2 are not applicable.

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 Project consists of the establishment of a Recreational Vehicle (RV) sales facility within an existing building on a fully developed site. 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.

The Project site is not within or adjacent to any MSHCP Criteria Cell or conservation areas. The Project does not propose any construction as such no permits are required.

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 5. Based upon the evidence presented and the above findings, the Council of the City adopts findings that the Project is consistent with the MSHCP.

Section 6. This Resolution shall take effect from and after the date of its passage and adoption.

Passed and Adopted on this 24th day of October 2017.

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 October 24, 2017, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Susan M. Domen, MMC
City Clerk