

## RESOLUTION NO. 2018-\_\_\_\_

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, FINDING THAT THE CANYON ESTATES DRIVE/CANYON VIEW DRIVE INTERSECTION REALIGNMENT PROJECT IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN**

**Whereas**, City of Lake Elsinore (City) is planning to realign and reconstruct the intersection of Canyon Estates Drive and Canyon View Drive (Project) which will allow for a standard signalized four-way intersection that will connect realigned Canyon Estates Drive with Franklin Street and the future Camino Del Norte extension (currently proposed under a separate project). Canyon View Drive will connect to Franklin Street as a right-in/right out intersection and will be a stop-controlled intersection; 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 criteria cell, and the MSHCP goals and objectives; and,

**Whereas**, on February 27, 2018, at a duly noticed Public meeting, the City Council (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 DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1:** The City Council 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 City 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 proposed Project is planning the realignment and reconstruction of the intersection of Canyon Estates Drive and Canyon View Drive, which requires California Environmental Quality Act (CEQA) review by the City. 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, Section 6.1.2), Protection of Narrow Endemic Plant Species (NEPS) Guidelines (MSHCP, Section 6.1.3), Additional Survey Needs and Procedures (MSHCP, Section 6.3.2), Urban/Wildlands Interface Guidelines (MSHCP, Section 6.1.4), Vegetation Mapping (MSHCP, Section 6.5.1) requirements, Fuels Management Guidelines (MSHCP, Section 6.4), and payment of the MSHCP Local Development Mitigation Fee (MSHCP Ordinance, Section 4).*

2. The proposed Project is subject to the City's Lake Elsinore LEAP and the Western Riverside County Regional Conservation Authority's JPR processes.

*The project is located within the MSHCP Elsinore Area Plan. The project site (3.117 acres) is primarily located within Criteria Cell #4646 (3.086 acres) with a small amount in Criteria Cell #4548 (0.031 acre). Therefore, the City of Lake Elsinore initiated and processed a Lake Elsinore Acquisition Process (LEAP) review of the proposed project (LEAP 2017-05). An application for a JPR was submitted and on January 23, 2018 the Regional Conservation Authority (RCA) concluded that the "Project is consistent with both the Criteria and Other Plan Requirements."*

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

*According the Determination of Biologically Equivalent or Superior Preservation (DBESP) one drainage is located within the project boundary. The drainage is ephemeral and is vegetated with upland plant species. There are impacts to 0.13 acres of MSHCP Riverine features. Impacts to 0.13 acre of MSHCP Riverine habitat will be offset by participated in an in-lieu fee program with the Riverside-Corona Resource Conservation District at a 3:1 ratio. This alternative to onsite mitigation or preservation is considered biologically superior because the existing drainages contain habitat with low function and values, and lack sensitive resources. Best management practices will be implemented during construction of the proposed project to reduce impacts to water quality and beneficial water resource values.*

*The proposed project site does not contain riparian habitat, vernal pools, or wetland habitat; the riverine habitats do not have potential to support sensitive bird species or fairy shrimp.*

*Therefore, the Project is consistent with the riparian/riverine and vernal pool requirements of the MSHCP.*

4. The proposed Project is consistent with the Protection of NEPS 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. Thus, the Project is consistent with the NEPSSA requirements of the MSHCP.*

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

*The MSHCP requires additional surveys for certain species if the Project is located in Criteria Area Species Survey Area (CASSA), Amphibian Species Survey Area with Critical Area, Burrowing Owl Survey Areas with Criteria Area, and Mammal Species Survey Areas with Criteria Areas of the MSHCP. The project site is located outside of any CASSA for plants and mammals and no CASSA plant species were observed during the focused surveys for the site.*

*The results of the focused owl survey determined that burrowing owl is absent from the proposed project site at this time. The burrowing owl is a highly mobile species with the potential to move onto the proposed project site prior to construction. Per the MSHCP burrowing owl survey requirements, a preconstruction survey for this species will be required within 30 days prior to ground disturbance to ensure that the burrowing owl has not*

*subsequently occupied the site. If burrowing owl have colonized the property site prior to the initiation of construction, the Permittee should immediately inform the Wildlife Agencies and the RCA, and coordinate on the potential need for a Burrowing Owl Protection and Relocation Plan, prior to initiating ground disturbance.*

*Based upon the above, it can be concluded that the proposed project is consistent with the Additional Survey Needs and Procedures of the MSHCP.*

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

*The MSHCP Urban/Wildland Interface Guidelines are intended to address indirect effects associated with locating development in proximity to the MSHCP Conservation Area. The proposed project is located in a predominantly vacant area of the City of Lake Elsinore, with existing residential uses adjacent to the east and commercial uses adjacent to the southeast. To the south and to the west of the project site, there is vacant land and the I-15 freeway. To north, there is a closed landfill and vacant land. Therefore, there are no conservation areas immediately adjacent to the project site. The nearest potential conservation area within Criteria Cell 4646 is the San Jacinto River located approximately 1,900 feet to the southeast. The nearest already conserved lands are located within Criteria Cell 4549 and is approximately 0.25 miles to the east of the northernmost portion of the project site.*

*The project is not anticipated to have edge effects on MSHCP Conservation Areas, and existing local regulations are in place that address the issues presented in the guidelines. However, the drainages on site connect downstream to conserved lands in the San Jacinto River. Due to the eventual connection to riparian habitat suitable for Covered Species, some measures of the Urban/Wildlands Interface Guidelines are applicable as discussed in Section 6.1.4 of the MSHCP. The guidelines describe management measures to avoid or reduce project effects related to drainage and toxics. The Project is designed as to not release toxins, chemicals, petroleum products, exotic plant materials, or other elements that might degrade or harm biological resources or ecosystem processed within the MSHCP Conservation Area. Storm water runoff, from the Project site would be directed towards existing in street storm water facilities. Thus, the proposed project is consistent with the Guidelines Pertaining to the Urban/Wildland Interface.*

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

*Vegetation mapping was conducted as part of the biological surveys completed on the entire Project Site and demonstrates that the Project is consistent with the MSHCP Section 6.3.1 Vegetation Mapping requirements.*

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

*The MSHCP acknowledges that brush management to reduce fuel loads and protect urban uses and public health/safety shall occur where development is adjacent to conservation areas. The proposed project is located in a predominantly vacant area of the City of Lake Elsinore, with existing residential uses adjacent to the east and commercial uses adjacent to the southeast. To the south and to the west of the project site, there is vacant land and the I-15 freeway. To north, there is a closed landfill and vacant land. Therefore, there are no conservation areas immediately adjacent to the project site. The nearest potential conservation area within Criteria Cell 4646 is the San Jacinto River located approximately 1,900 feet to the southeast. The nearest already conserved lands are located within Criteria*

*Cell 4549 and is approximately 0.25 miles to the east of the northernmost portion of the project site.*

*Therefore, the Project is consistent with the Fuels Management Guidelines as set forth in Section 6.4 of the MSHCP.*

9. The City will pay any appropriate MSHCP Implementation Fee.

*Because the proposed Project is a local capital improvement project, the City may be required to pay local MSHCP implementation fees. The City will pay any appropriate MSHCP fee related to the proposed project.*

10. 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 immediately upon its adoption

**Passed and Adopted** on this 27<sup>th</sup> day of February, 2018.

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Natasha Johnson, Mayor

**Attest:**

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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. 2018- \_\_\_\_\_ was adopted by the City Council of the City of Lake Elsinore, California, at the Regular meeting of February 27, 2018, and that the same was adopted by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Susan M. Domen, MMC  
City Clerk