

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 PLANNING APPLICATION NO. 2017-18 (TTM 31920) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

Whereas, Brian Milich, DMB Pacific Ventures, has filed an application with the City of Lake Elsinore requesting approval of a modification to Tentative Tract Map No. 31920 for a project site located within the East Lake Specific Plan (the "Project"); 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 17.184 (Design Review) the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to the residential design review; and,

Whereas, pursuant to LEMC Chapter 17.172 (Variances) the Commission has been delegated with the responsibility of making recommendations to the Council pertaining to variances; and,

Whereas, the ELSP No. 6 is partially covered by two distinct MSHCP criteria cells: approximately three (3) acres of the ELSP No. 6 are within cell 4846 and approximately three tenths (0.3) of an acre are within cell 4937; and,

Whereas, the Project site is within the boundaries of the ELSP No. 6 that are covered by the aforementioned cell sites; and,

Whereas, on August 15, 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 must be reviewed for MSHCP consistency, which review shall include an analysis of the Project's consistency with other "Plan Wide Requirements." The Project is located within the ELSP area, specifically within the ELSP Amendment No. 6 area. Prior to the City's adoption of the MSHCP, there were a series of meetings between the County of Riverside, U.S. Fish and Wildlife Service, and California Department of Fish and Game to discuss conservation measures within the ELSP and to decide how to ensure development within the ELSP could proceed consistently with the MSHCP and with the U.S. Army Corps of Engineers Section 404 permit. It was determined that a target acreage of 770 acres was warranted for MSHCP conservation in the back basin area of the City.

The Project site is within the ELSP and is covered by that conservation agreement. Part of the conservation agreement also included a requirement that projects in the back basin area be consistent with the other "Plan Wide Requirements" set forth in the following sections of the MSHCP: 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). The Project has been reviewed in light of these sections and is consistent therewith.

2. The Project is subject to the City's LEAP and the County's Joint Project Review processes.

The ELSP MSHCP consistency determination was submitted to the County of Riverside in October 2003, prior to the initiation of the City's LEAP and County's Joint Project Review process. Nevertheless, both the City and Dudek (acting on behalf of the County) agreed that the Project was consistent with the MSHCP due to the extensive acreage set aside for conservation. The Project has not been modified and was part of the overall ELSP which has been determined to be consistent with the MSHCP.

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

The previously approved ELSP No. 6 was determined to be consistent with the Riparian/Riverine and Vernal Pool Guidelines as set forth in Section 6.1.2 of the MSHCP. The scope and nature of the Project have not been modified from that which was previously approved and is therefore consistent with the Riparian/Riverine Areas and Vernal Pools Guidelines.

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

The previously approved ELSP No. 6 was consistent with the Protection of Narrow Endemic Plant Species Guidelines as set forth in Section 6.1.3 of the MSHCP. The Project has not been modified from that which was previously approved under the ELSP Amendment No. 6. Additionally, based upon prior approvals, the entire Project site has been graded and any plant species which may have existed on the site have been removed and replaced with development. It is for these reasons that the Project is consistent with the aforementioned guidelines.

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

The previously approved ELSP No. 6 was consistent with the Additional Survey Needs and Procedures as set forth in Section 6.3.2 of the MSHCP. The Project has not been modified from that which was previously approved under the ELSP Amendment No. 6, and the entire project site has been graded pursuant to previously issued permits. The Project is consistent with the Additional Survey Needs and Procedures of the MSHCP.

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

The previously approved ELSP No. 6 was consistent with the Urban/Wildlands Interface Guidelines as set forth in Section 6.1.4 of the MSHCP. Because the Project has not been modified from that which was previously approved under the ELSP No. 6, no further MSHCP review is necessary and the Project is consistent with the Urban/Wildlands Interface Guidelines.

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

The previously approved ELSP No. 6 was consistent with the Vegetation Mapping requirements as set forth in Section 6.3.1 of the MSHCP. Mapping was conducted as part of the biological surveys for the original project. The Project has not been modified from that which was previously approved and therefore is consistent with the Vegetation Mapping requirements.

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

The previously approved ELSP No. 6 was consistent with the Fuels Management Guidelines as set forth in Section 6.4 of the MSHCP. The Project site is not within or adjacent to conservation areas where the Fuels Management Guidelines would be required. The Project has not been modified from that which was previously approved and therefore is consistent with the Fuel Management Guidelines.

9. The Project overall is consistent with the MSHCP.

As stated in No. 1 above, the Project is within the ELSP area which has previously been determined to be 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 Council find that the Project is consistent with the MSHCP.

Section 4. This Resolution shall take effect immediately upon its adoption.

Passed and Adopted this 15th day of August, 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 15th day of August, 2017 and that the same was adopted by the following vote:

AYES
NOES:
ABSTAIN:
ABSENT:

Justin Kirk,
Principal Planner