

## **RESOLUTION NO. 2018-**

### **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. 2016-113 (CONDITIONAL USE PERMIT NO. 2017-03 AND INDUSTRIAL DESIGN REVIEW NO. 2016-03) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)**

**Whereas**, Chris Mulvania, Tigé Watersports has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2016-113 (Conditional Use Permit No. 2017-03 and Industrial Design Review No. 2016-03) for the development of the Tigé Watersports project (Project) to establish a boat sales, service, and assembly facility that involves the construction of a 25,682 sq. ft. building and a 9,800 sq. ft. storage building with 66 parking spaces, 44,142 sq. ft. paved area, and 18,469 sq. ft. landscaped area on an approximately 2.78-acre lot. The Project site is located on a currently vacant site, on the northwesterly side of Riverside Drive and southwesterly of Collier Avenue. (APN: 378-030-031); and,

**Whereas**, Section 6.0 of the Multiple Species Habitat Conservation Plan (MSHCP) requires that all discretionary projects within a MSHCP Criteria Cell undergo the Lake Elsinore Acquisition Process (LEAP) and the Joint Project Review (JPR) to analyze the scope of the proposed development and establish a building envelope that is consistent with the MSHCP Criteria Cell; 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**, the Project site is within the MSHCP Elsinore Area Plan, Subunit 3 (Elsinore). The proposed project site lies within Criteria Cell #4266; and,

**Whereas**, pursuant to Chapter 17.168 (Conditional Use Permits) and Chapter 17.184 (Design Review) of the Lake Elsinore Municipal Code (LEMC), the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to tentative maps and design reviews; and,

**Whereas**, on March 6, 2018 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.

*The Project is located within an MSHCP Criteria Cell. 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, § 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).*

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

*The Project site (2.78 acres) is located within Criteria Cell #4266. Therefore, a formal and complete LEAP application, LEAP 2017-02 was submitted to the City on August 11, 2017 and the JPR application, JPR 17-10-06-02 was submitted to the County on October 3, 2017. The County's Regional Conservation Authority (RCA) completed the review on November 15, 2017 and found the Project consistent with both the Criteria and Other Plan Requirements.*

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

*The property was assessed for the presence of Riparian/Riverine and Vernal Pool habitats through a review of literature sources and an on-site evaluation. No drainage features were found on the Project site, and hydrological flow occurs only as sheet flow from the northeast toward the southwest corner. It was determined that the project site does not support any areas that would be considered to be jurisdictional waters under the Clean Water Act or State regulation for isolated waters or streambeds. No riparian habitats were observed on the project site nor were any plant species typically associated with riparian areas observed on the project site. The "Western Riverside MSHCP Habitat Assessment Report" dated October 31, 2017 prepared by Blackhawk Environmental, Inc. identified no drainage features, water bodies, vernal pools or seasonally inundated waters within the Project site. There is no suitable habitat for fairy shrimp to occur. The Project is therefore consistent with the Riparian/Riverine Areas and Vernal Pool Guidelines set forth in Section 6.1.2 of the MSHCP. No further action regarding this section of the MSHCP is required.*

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

*The property is located within the Narrow Endemic Plant Species Survey Area (NEPSSA). No suitable habitat was found onsite for narrow endemic sensitive plant species slender-horned spineflower, spreading navarretia, California Orcutt grass, San Miguel savory, Hammitt's clay-cress or Wright's trichocornis. One additional sensitive plant species, Palmer's grapplinghook, was found to have a low potential to occur onsite, but since it is a CRPR 4.3 species, this species does not require a focused plant survey per CEQA standards. No additional non-MSHCP-covered sensitive or narrow endemic plant species with the potential to occur on site were identified during the literature review and site assessment. However, the Project site does support suitable habitat for narrow endemic sensitive plant species Munz's onion, San Diego ambrosia and many-stemmed dudleya.*

*Therefore, for MSHCP consistency, a focused rare plant survey for these species was completed. The focused plant survey found no Narrow Endemic Plant Species on the project site. The proposed project is therefore consistent with the Protection of Narrow Endemic Plant Species Guidelines.*

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

*The MSHCP requires additional surveys for certain species if the project is located in certain locations. Pursuant to MSHCP Figure 6-2 (Criteria Area Species Survey Area), Figure 6-3 (Amphibian Species Survey Areas with Criteria Area), Figure 6-4 (Burrowing Owl Survey Areas with Criteria Area), Figure 6-5 (Mammal Species Survey Areas With Criteria Area), burrowing owl surveys and surveys for Criteria Area species are required for the subject property prior to approval of a development proposal. Therefore, for MSHCP consistency, additional focused rare plant surveys for these species are required.*

*The property is located within a Criteria Area Species Survey Area (CASSA). No suitable habitat was found onsite for criteria area sensitive plant species Davidson's saltscale, Parish's brittlescale, Coulter's goldfields or little mouseltail, nor narrow endemic sensitive plant species slender-horned spineflower, spreading navarretia, California Orcutt grass, San Miguel savory, Hammitt's clay-cress or Wright's trichocornis. One additional sensitive plant species, Palmer's grapplinghook, was found to have a low potential to occur onsite, but since it is a CRPR 4.3 species, this species does not require a focused plant survey per CEQA standards. No additional non-MSHCP-covered sensitive or narrow endemic plant species with the potential to occur on site were identified during the literature review and site assessment. However, the Project site does support suitable habitat for criteria area sensitive plant species thread-leaved brodiaea, smooth tarplant and round-leaved filaree, plus narrow endemic sensitive plant species Munz's onion, San Diego ambrosia and many-stemmed dudleya. Therefore, for MSHCP consistency, a "Focused Rare Plant Survey Report" dated July 12, 2017 was prepared by Blackhawk Environmental, Inc. The focused plant survey found no Criteria Area Species on the project site.*

*The Project is not located within survey areas for amphibian species (MSHCP Figure 6-3) or mammal species (MSHCP Figure 6-5) and surveys for those species are not required.*

*As noted in the "Focused Burrowing Owl Survey Report" dated July 12, 2017 prepared by Blackhawk Environmental, Inc., between April 6, 2007 and June 29, 2017 a focused Burrowing owl (*Athene cunicularia*) survey was conducted. While most of the Project site is composed of open, disturbed vegetation suitable for burrowing owl foraging, nesting opportunities are limited to those areas supporting potential host burrows. Abundance of suitable burrows was generally low, and all soils onsite appeared to have been graded, filled, or otherwise leveled to the present human-altered condition. Developed Areas surrounding the Project were excluded from the surveys due to lack of suitable burrows or burrow surrogates. The surveys resulted in 15 burrows and one burrow surrogate (debris pile) suitable for burrowing owl within the Project and associated 150-meter buffer (Survey Area). No burrowing owls and/or burrowing owl sign was observed during the focused surveys. The Project site appears to undergo periodic maintenance through vegetation management. Burrowing owl-suitable burrows were found in several areas of the Project site and Survey Area. Optimally suitable areas were correlated with high California ground squirrel activity, with the greatest concentration in the eastern end of the Survey Area, outside the Project footprint. Since no burrowing owls were identified during the focused survey efforts, no impacts to burrowing owls are anticipated to occur. Although*

*suitable burrows were present onsite, many appeared currently occupied by California ground squirrels, and no burrowing owls or sign were observed. However, as a standard condition of approval for the development application, the City of Lake Elsinore will require a pre-construction presence/absence survey for burrowing owl to be conducted within 30 days of the commencement of project-related grading or other land disturbance activities to ensure that the species has not moved onto the site since completion of the surveys. Therefore, the subject project is consistent with the Additional Survey Needs and Procedures of the MSHCP.*

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

*Section 6.1.4 of the MSHCP sets forth guidelines that are intended to address indirect effects associated with locating development in proximity to the MSHCP Conservation Area, where applicable. The Project site is not immediately adjacent to a MSHCP Conservancy Area and thus does not pose a risk of causing direct or indirect effects to MSHCP Conservancy Areas. However, there are two parcels removed from the Project site but within Cell 4266 that are set aside as Public Quasi-Public Conserved Lands. Both preserved parcels are owned by the Riverside County Flood Control and occur within and adjacent to the riparian area of Alberhill Creek. One parcel includes 4.72 acres and the other includes 0.86 acres. Both preserved parcels occur toward the western end of the cell, while the Project site is toward the eastern end of the cell, with several parcels separating the Project site from the preserved parcels. As such, the Project will have no direct or indirect effects on the Urban Wildlands Interface. For these reasons, the Urban/Wildlife Interface Guidelines are not applicable.*

*However, further Urban Wildlands Interface analysis is required under section 6.1.4 of the MSHCP for proposed Linkage 2 and the flood control mitigation area immediately west of the Project site. Specifically, edge effects due to construction and long-term operations and maintenance of the proposed Tigé Watersports facility are to be addressed. The Project design includes a number of features to reduce edge effects to less than significant levels. First, the Project site will be graded such that Project site runoff (and any toxins) would be directed toward the north side of the Project site, where a proposed bio-filtration basin planted with native riparian plant species would be placed. The bio-filtration basin would be designed to filter out runoff and toxins from the Project site, before directing any excess runoff to a proposed riprap energy dissipater/secondary filtration zone that ultimately ends at the Project site boundary. The combination of the bio-filtration basin and the energy dissipater, when factoring in the volume of Project site-generated runoff potential, is designed to reduce runoff and toxin thresholds into the adjacent natural lands to less than significant levels. Second, noise-generating activities due to construction of the Project would be kept below 60 dBA in the adjacent natural lands through the implementation of sound walls at the Project boundary; there are no noise impacts associated with the long-term operations and maintenance of the proposed business usage of the Project site. Third, any exterior lighting will be shielded away from the natural lands. Fourth, the proposed usage of the Project site is as a contained hand-built boat construction and sales business, and as such, there are no plans to introduce domestic predators. Fifth, the proposed buildings are situated toward the eastern edge of the parcel, as far as possible from the adjacent natural lands. Sixth, invasive and/or non-native plant species on the California Invasive Plant Council List will not be used to landscape the Project site. All of these design features collectively reduce potential construction-related and long-term operations and maintenance impacts to less than significant levels, through*

*avoidance and/or minimization techniques. For these reasons, the subject Project is consistent with the Urban/Wildlife Interface Guidelines.*

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

*The proposed Project is located within 2.78 acres of entirely disturbed/developed, vacant land 600 feet west of the intersection of Collier Avenue and Riverside Drive, isolated to the north and east from the larger extant habitats of the region; however, expansive, natural riparian willow woodland and mulefat scrub habitat exists to the west and southwest, adjacent the parcel limits. The southwestern boundary of the Project abuts an improved drainage channel and dirt roads. Natural mulefat scrub habitat exists beyond the aforementioned drainage channel and some disturbed-mulefat scrub exists within the drainage itself. The northwest boundary abuts a parking lot and gymnastics facility. The northeast borders an RV facility, storage buildings and a vacant disturbed lot. The southeast perimeter of the project site is bound by Riverside Drive, beyond which exists a vacant disturbed lot. No native vegetation communities exist on the Project site, and the entire Project site appears to have been disturbed through disking and grading. One distinct vegetation community/land use type was observed within the Survey Area. A total of 2.56 acres of Exotic – Disturbed Areas were identified to occur within the Project site. The balance of the site (0.22 acres) is developed.*

*Per the MSHCP, Exotic-Disturbed Areas land uses often include ruderal plant communities. These areas often occur as a result of the edge effects of developed roads and associated urban land uses. Typical species include common knotweed (*Polygonum arenastru*), common sow thistle (*Sonchus oleraceus*), horseweed (*Conyza canadensis*) and goosefoot (*Chenopodium* spp.). Disturbed areas may also include escaped landscaping and ornamentals. Within the Project, these ruderal plant communities are further described as “Disturbed Areas.” Disturbed Areas at the time of the survey included ruderal vegetation with moderate vegetative cover. These areas exhibited non-native, ruderal, vegetative ground cover typical of frequent soil disturbances such as black mustard (*Brassica nigra*), smooth barley (*Hordeum murinum*), bur-clover (*Medicago polymorpha*) red brome (*Bromus madritensis* ssp. *rubens*), red-stem filaree (*Erodium cicutarium*), rat-tail fescue (*Festuca myuros*), Mediterranean schismus (*Schismus barbatus*), Indian sweet clover (*Melilotus indicus*), Russian tumbleweed (*Salsola tragus*), London rocket (*Sisymbrium irio*), cheeseweed (*Malva parviflora*), totalote (*Centaurea melitensis*), prickly lettuce (*Lactuca serriola*), tree tobacco (*Nicotiana glauca*), goosefoot (*Chenopodium* sp.), prickly sow thistle (*Sonchus asper*), common sow thistle and wild oat (*Avena fatua*), with occasional native species such as rancher’s fiddleneck (*Amsinckia menziesii*), checker fiddleneck (*Amsinckia intermedia*), common sunflower (*Helianthus annuus*), jimson weed (*Datura wrightii*), telegraph weed (*Heterotheca grandiflora*) horseweed (*Erigeron canadensis*), pygmy weed (*Crassula connata*), ragweed (*Ambrosia acanthicarpa*), Coulter horseweed (*Laeneccia coulteri*), forget-me-not (*Cryptantha* spp.), comb-bur (*Pectocarya linearis* ssp. *ferocula*) and popcorn flower (*Plagiobothrys* sp.).*

*This mapping is sufficient under the MSHCP and is consistent with the MSHCP vegetation mapping requirements.*

8. The 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. Surrounding land uses include the developed Twist'n U Gymnastics facility and associated parking lots to the northwest; an RV facility, storage buildings and a vacant disturbed lot to the northeast; Riverside Drive and beyond a vacant disturbed lot to the southeast; and an improved drainage channel containing disturbed mulefat scrub, beyond which lies a riparian woodland, to the southwest. The Project site is not immediately adjacent to a MSHCP Conservancy Area and thus does not pose a risk of causing direct or indirect effects to MSHCP Conservancy Areas. Therefore, the Project is consistent with the Fuels Management Guidelines as set forth in Section 6.4 of the MSHCP.*

9. The proposed project will be conditioned to pay the City's MSHCP Local Development Mitigation Fee.

*The project has been conditioned to pay MSHCP Local Development Mitigation fees prior to issuance of a grading permit, in effect at the time of permit issuance.*

10. The proposed Project is consistent with the MSHCP.

*Target conservation in Criteria Cell #4266 will be range from 30% to 40% of the Cell focusing in the western portion of the Cell. There are two parcels removed from the Project site but within Cell 4266 that are set aside as Public Quasi-Public Conserved Lands. Both preserved parcels are owned by the Riverside County Flood Control and occur within and adjacent to the riparian area of Alberhill Creek. One parcel includes 4.72 acres and the other includes 0.86 acres. Both preserved parcels occur toward the western end of the cell, while the Project site is toward the eastern end of the cell, with several parcels separating the Project site from the preserved parcels. Additionally, the project site does not meet the conservation requirements set forth for Subunit 3 of the Elsinore Area Plan. Therefore, conservation of the project site or any portion thereof, is not required. The proposed project is consistent with the MSHCP.*

**Section 3:** Based upon the evidence presented, both written and testimonial, and the above findings, 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** on this 6<sup>th</sup> day of March, 2018, by the following vote:

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John Gray, Chairman

**Attest:**

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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. 2018-\_\_ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held on the 6<sup>th</sup> day of March, 2018 and that the same was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Justin Kirk,  
Principal Planner