

RESOLUTION NO. 2018-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE,
CALIFORNIA, FINDING THAT THE TEMESCAL CANYON ROAD BRIDGE
REPLACEMENT PROJECT IS CONSISTENT WITH THE WESTERN RIVERSIDE
COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN**

Whereas, the City of Lake Elsinore (City), in coordination with the California Department of Transportation (Caltrans), is proposing to construct a new bridge over Temescal Wash in the City of Lake Elsinore, California, which includes the segment of roadway from 200 feet north of the proposed bridge to connect to the existing 2- lane Temescal Canyon Road and the 4-lane, 375 foot long bridge and approximately 200 feet of the roadway, northwest of the bridge and 130 feet southeast of the bridge; 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 July 10, 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 construction of a new bridge over Temescal Wash with related road improvements, 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), Guidelines for the Siting and Design of Planned Roads (MSHCP, Section 7.5.1), Guidelines for Construction of Wildlife Crossings within Criteria Area (MSHCP, Section 7.5.2), Construction Guidelines

(MSHCP, Section 7.5.3) 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 majority of the project site (10.26 acres) is located within Criteria Cell #3750 with a small amount (1.38 acres) located in Criteria Cell #3751. Therefore, the City of Lake Elsinore initiated and processed a Lake Elsinore Acquisition Process (LEAP) review of the proposed project. An application for a JPR was submitted and on February 7, 2018 the Western Riverside County 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.

There are no vernal pools or other areas suitable for fairy shrimp in the project impact area. The project will have 3.06 acres of temporary impacts and 1.64 acres of permanent impacts to riparian/riverine vegetation with the Biological Study Area. Pursuant to the requirements of Section 6.1.2, a Determination of Biologically Equivalent or Superior Protection (DBESP) was prepared. The DBESP concluded that avoidance of the impacted riparian/riverine areas is infeasible and that the project will mitigate for temporary impacts at a 1:1 ratio and at a 3:1 ratio for permanent impacts. Mitigation for temporary and permanent impacts will be provided through a combination of on-site and off-site habitat restoration.

As determined in coordination with the RCA and Wildlife Agencies, the project will restore 6.22 acres on site and the remaining 1.76 acres off site. The project will have 3.06 acres of temporary effects and 1.67 acres of permanent effects for a total of 4.7 acres. The 6.22 acres of onsite restoration is anticipated to be biologically equivalent, if not superior to the existing condition. In addition, the 1.76 acres of off-site mitigation will serve to restore and improve the functions and values of other similar habitats in the region.

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 project site is located within the Survey Area for Narrow Endemic Plant Species Survey (NEPSSA) Area. No narrow endemic plant species were observed during the 2016 focused special status plant survey conducted on April 25 and May 31, 2016, timed to occur during the flowering period of the target species as required per MSHCP Table 6-1. All of these species are considered absent from the study area due to historic disturbance, presence of eucalyptus, and lack of typical conditions associated with these species. Thus, the Project has demonstrated compliance 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 within a Criteria Area Species Survey Area (CASSA). No criteria area plant species were observed during the 2016 focused special status plant surveys conducted on April 25 and May 31, 2016. All of these species are considered absent from the study area due to historic disturbance, presence of eucalyptus, and lack of typical conditions (e.g., alkali soils) associated with these species.

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 project is located near Conservation Areas as described in the MSHCP, which would require the need for implementation of urban/wildland interface guidelines. Indirect impacts to the off-site potential Conservation Area include Drainage, Toxics, Lighting, Noise, Invasive species, Barriers, and Grading/Land Development. As required by the MSHCP, the project plans will incorporate applicable MSHCP Urban/Wildlands Interface Guidelines and standard best management practices. Thus, the proposed project is consistent with the Guidelines Pertaining to the Urban/Wildland Interface.

7. The proposed project is consistent with the Guidelines for the Siting and Design of Planned Roads and the Guidelines for Construction of Wildlife Crossings within Criteria Area.

The City's project consultants coordinated with the RCA and regulatory agencies to review the project's consistency with the MSHCP. As a result of the consultation, the bridge design was lengthened to 375 feet. The 375 feet bridge design was determined to be acceptable to the RCA, United States Fish and Wildlife Service and California Department of Fish and Wildlife and is considered consistent with MSHCP Section 7.5.1. Based on the proposed project's openness ratio, the proposed project will provide for large mammal wildlife movement. In addition, the project will restore vegetation within the Biological Study Area, which will further support regional wildlife movement consistent with MSHCP Section 7.5.2.

Therefore, the Project is consistent with the Guidelines for the Siting and Design of Planned Roads and the Guidelines for Construction of Wildlife Crossings within Criteria Area, as set forth in Sections 7.5.1 and 7.5.2 of the MSHCP.

8. The proposed project is consistent with the MSHCP Construction Guidelines and Best Management Practices.

Implementation of the construction guidelines are required to minimize and avoid impacts to sensitive species and habitats during construction of the bridge and roadway. The City has documented the project's commitment to implementation of the Construction Guidelines and Best Management Practices.

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 10th day of July, 2018.

Natasha Johnson, 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. 2018- _____ was adopted by the City Council of the City of Lake Elsinore,

California, at the Regular meeting of July 10, 2018, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Susan M. Domen, MMC
City Clerk