

RESOLUTION NO. 2018-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPTING FINDINGS THAT THE DOWNTOWN ELSINORE SPECIFIC PLAN (SP 2018-02), GENERAL PLAN AMENDMENT NO. 2018-02 AND ZONE CHANGE NO. 2018-02 ARE CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

Whereas, the City of Lake Elsinore initiated the Downtown Elsinore Specific Plan (SP 2018-02) and related General Plan Amendment No. 2018-02 and Zone Change No. 2018-02 (collectively referred to herein as “Project”); and

Whereas, the 178-acre Downtown Elsinore Specific Plan covers an approximately mile-long area extending from Flint Street along its northern edge, southwesterly to the edge of the Lake and generally bounded by Riley Street and the Lake Elsinore Outlet Channel on the west and Ellis Street and Chestnut Street on the east; 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, pursuant to Lake Elsinore Municipal Code (LEMC) Chapter 17.204 (SPD Specific Plan District), LEMC Chapter 17.188 (Amendments) and Government Code Section 65354 the Planning Commission has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to specific plans, general plan amendments and zone changes; and,

Whereas, on September 4, 2018 at a duly noticed public hearing the Planning Commission considered evidence presented by the Community Development Department and other interested parties with respect to this item, and adopted Planning Commission Resolution No. 2018-68 recommending that the City Council adopt Findings of Consistency with the MSHCP; and

Whereas, on September 25, 2018 at a duly noticed public hearing, the City Council has considered the recommendation of the Planning Commission as well as evidence presented by the Community Development Department and other interested parties with respect to this item.

NOW, THEREFORE, THE CITY COUNCIL 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 includes a specific plan and related general plan amendment and zone change that require a number of discretionary approvals from 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 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 not subject to the City's Lake Elsinore LEAP and the County's JPR processes.*

The project is located within the MSHCP Elsinore Area Plan. The only portion of the project area located within an MSHCP Criteria Cell area is approximately 10.4 acres of the Downtown Recreational land use designation located in the northeast quarter of Criteria Cell 4759. However, the proposed project does not include any discretionary development project and the Downtown Recreational land use designation for the 10.4 acres remains unchanged from the land use designations of the previously adopted 2011 Downtown Master Plan. A formal LEAP submittal for each future implementing development project within Criteria Cell 4759 will be necessary prior to project entitlement. However, the Project is still required to demonstrate compliance with "Other Plan Requirements." The Project is in compliance as described further below.

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

There are some riparian/riverine areas as defined under MSHCP within the Project site. A focused delineation for each future implementing development project within these areas will be necessary prior to project entitlement. In compliance with the MSHCP, a Determination of Biologically Equivalent or Superior Preservation (DBESP) would be prepared to address proper mitigation to ensure the replacement of any lost functions and values for any on-site riparian areas and discovered vernal pools lost due to future implementing development projects. The mitigation may include enhancement of existing riparian areas and/or creation of new riparian areas.

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

Part of the southern portion of the Project site falls within the Narrow Endemic Plant Species Survey Area. As Downtown Elsinore Specific Plan implementing development projects within the NEPS Survey Area move forward, they will be required to survey for NEPS and identify mitigation in the conservation areas or other appropriate open space areas for any species impacted.

5. The 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. Part of the southern portion of the Project site is located within the Criteria Area Species Survey Area and/or within the Burrowing Owl Survey Area. Downtown Elsinore Specific Plan implementing development projects that are located within these survey areas will be required to survey for Criteria Area Species and/or Burrowing Owl and identify mitigation in the conservation areas or other appropriate open space areas for any impacted species.

6. The 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. Indirect impacts to conservation area are related to the following issues: Drainage, Toxics, Lighting, Noise, Invasive species, Barriers, and Grading/Land Development. As required by the MSHCP, Downtown Elsinore Specific Plan implementing development projects that are located within proximity to conservation areas shall be required to comply with the MSHCP urban interface requirements detailed in Section 6.1.4 Guidelines Pertaining to the Urban/Wildlands Interface.

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

A review of County of Riverside and Western Riverside County Regional Conservation Authority vegetation mapping data was conducted for the entire Project Site and which demonstrates that the Project is consistent with the MSHCP Section 6.3.1 Vegetation Mapping requirements.

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

The Fuels Management Guidelines presented in Section 6.4 of the MSHCP are intended to address brush management activities around new development within or adjacent to the MSHCP Conservation Area and shall be implemented as part of any Downtown Elsinore Specific Plan implementing development project that is within or adjacent to a conservation area. As such, the Project is consistent with the Fuels Management Guidelines.

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

As a Condition of Approval, implementing development projects within the Project boundaries will be required to pay the City's MSHCP Local Development Mitigation Fee at the time of issuance of building permits.

10. The Project is consistent with the MSHCP.

The Project is consistent with all applicable provisions of the MSHCP.

Section 3: Based upon all of the evidence presented, the above findings, the City Council finds that the Project is consistent with the MSHCP.

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

Passed and Adopted on this 25th day of September, 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 City Council of the City of Lake Elsinore, California, at the Regular meeting of 25th day of September, 2018, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Susan M. Domen, MMC
City Clerk