

## **RESOLUTION NO. 2019-**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, FINDING THAT PLANNING APPLICATION NO. 2018-96 (RESIDENTIAL DESIGN REVIEW NO. 2018-40) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)**

**Whereas**, K. Hovnanian Homes has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2018-96 (Residential Design Review No. 2018-40) for the design and construction of 101 single-family residential units, preliminary plotting, conceptual wall and fence plan, and related improvements (Project). The Project is located in Tract Map No. 31920-20 (APN: 371-040-014) of the Summerly Development of the East Lake Specific Plan (ELSP); 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; 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 17.184 (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**, on March 5, 2019 at a duly noticed Public Hearing the Planning Commission has considered evidence presented by the Community Development Department and other interested parties with respect to this item; and,

**Whereas**, pursuant to Section 17.184.090 of the LEMC the Council has the responsibility of making decisions to approve, modify, or disapprove recommendations of the Commission for residential design review applications; and,

**Whereas**, on March 26, 2019, at a duly noticed Public Meeting, the Council has considered the recommendation of the 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 OF THE CITY OF LAKE ELSINORE DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1:** The Council has considered the Project and its consistency with the MSHCP prior to adopting Findings of Consistency with the MSHCP.

**Section 2:** That in accordance with the MSHCP, the 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.

*Pursuant to the City's MSHCP Resolution, the Project must be reviewed for MSHCP consistency, which shall include an analysis of the Project's consistency with other "Plan Wide Requirements." The Project is located within the ELSP 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 Project is located within the MSHCP Elsinore Area Plan but is not located within a MSHCP Criteria Cell. Therefore, the project was not required to go through the LEAP or JPR processes.*

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

*The previously approved ELSP and TTM 31920 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 and TTM 31920 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 and TTM 31920. 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 and TTM 31920 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 and TTM 31920,*

*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 and TTM 31920 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 and TTM 31920, 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 and TTM 31920 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 and TTM 31920 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.

**Section 3:** Based upon the evidence presented, both written and testimonial, and the above findings, the Council hereby finds that the Project is consistent with the MSHCP.

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

**Section 5:** The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

**Passed and Adopted** on this 9<sup>th</sup> day of April, 2019.

\_\_\_\_\_  
Steve Manos, Mayor

**Attest:**

\_\_\_\_\_  
Mark Mahan, Deputy City Clerk

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE                    ) ss.  
CITY OF LAKE ELSINORE                )

I, Mark Mahan, Deputy City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2019-\_\_\_\_\_ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of April 9, 2019, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Mark Mahan, Deputy City Clerk