

RESOLUTION NO. 2019-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE,
CALIFORNIA, FINDING THAT VESTING TENTATIVE TRACT MAP NO. 36557,
REVISION NO. 1 IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY
MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)**

Whereas, David Salene, Spectrum Communities, LLC has filed an application with the City of Lake Elsinore (City) requesting approval of Revision No. 1 to Vesting Tentative Tract Map (VTTM) No. 36557 proposing to revise the previously approved tentative map to include a phasing plan and to relocate the public park due to an existing 30-inch water line. The revision relocates the public park within Phase 1 (Village 3), reduces the number of lots by two (2), and allows the tentative map to be developed in seven (7) phases. VTTM 36557, Revision No. 1 will reflect a subdivision of 150.8 acres into 450 single-family residential lots, one 5.1-acre gross (4.3-acre net) park site, seven (7) landscape lots, four (4) open space lots, one (1) sewer lift station, and three (3) water quality and drainage basin lots that will be developed in seven (7) phases (Project). The Project is located southwesterly of Interstate 15 on the northern side of existing Lakeshore Drive between Dryden Street and Terra Cotta Road (APNs: 378-040-004 thru 007, 012, 389-180-001, 002, and 389-190-002); 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 16.24 (Tentative Map) the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to revisions to the tentative map; and,

Whereas, on June 18, 2019 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; and,

Whereas, pursuant to Section 16.24.120 of the LEMC, the Council has the responsibility of making decisions to approve, conditionally approve, or disapprove recommendations of the Commission for revisions to tentative maps; and,

Whereas, on July 23, 2019, at a duly noticed Public Hearing, 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 recommending that the Council adopt 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 is required to be reviewed for MSHCP consistency, including consistency with other "Plan Wide Requirements." The Project site is not located within a MSHCP Criteria Cell. As part of the approval of the original VTTM 36557, the Project has gone through the review process to determine consistency with the MSHCP's requirements, the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool Guidelines (Section 6.1.2 of the MSHCP), and payment of the MSHCP Local Development Mitigation Fee (Section 4 of the MSHCP Ordinance).

2. The Project is subject to the City's LEAP and the Western Riverside County Regional Conservation Authority's (RCA) Joint Project Review (JPR) processes.

The proposed Project is not located within an MSHCP Criteria Cell area, therefore, no formal LEAP submittal was required as part of the approval of the original VTTM 36557. However, the Project is still required to demonstrate compliance with "Other Plan Requirements." The Project is in compliance as described further below.

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

No vernal pools exist on the site and therefore vernal pool species are not expected to occur. Section 6.1.2 of the MSHCP focuses on protection of riparian/riverine areas and vernal pool habitat types based on their value in the conservation of a number of MSHCP-covered species. The project will impact 1.55 acres of MSHCP riparian/riverine, including 1.13 acres of riparian vegetation and 0.42 acre of unvegetated riverine areas. Pursuant to the requirements of Section 6.1.2, a Determination of Biologically Equivalent or Superior Protection (DBESP) was prepared as part of the approval of the original VTTM 36557. The DBESP concluded that avoidance of the impacted riparian/riverine areas is infeasible and that through the acquisition of mitigation credits supporting equal or superior values, the project would replace lost functions and values and would be considered a biologically equivalent or superior project.

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

The proposed project site is located within the Narrow Endemic Plant Species Survey Area (NEPSSA) as shown on Figure 6-1 of the MSHCP. Focused plant surveys were conducted as part of the approval of the original VTTM 36557 for species identified under Section 6.1.3 of the MSHCP in areas of the Project site that contained potentially suitable habitat, and none of the NEPSSA target species were identified onsite. As such, the Project is compliant with MSHCP Section 6.1.3.

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 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 outside of any CASSA for plants and mammals and no CASSA plant species were

observed during the focused surveys conducted for the site as part of the approval of the original VTTM 36557.

The proposed Project is located within the survey area identified for the burrowing owl. Breeding season protocol surveys for the western burrowing owl were conducted as part of the approval of the original VTTM 36557 pursuant to the Burrowing Owl Survey Instructions as set forth by the MSHCP and resulted in negative findings of burrowing owl and sign. As required by the MSHCP, mitigation has been included requiring pre-construction focused species surveys within 30-days prior to any ground-disturbing activities at the project site where suitable habitat is present and requiring appropriate mitigation if active nests are located.

Based upon the above, it can be concluded that the proposed project is consistent with the provisions of the MSHCP.

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 the off-site potential Conservation Area are discussed above under Item 4a, b for the following issues: Drainage, Toxics, Lighting, Noise, Invasive species, Barriers, and Grading/Land Development. As required by the MSHCP, mitigation has been included as part of approval of the original VTTM 36557 that would reduce indirect impacts to a less-than-significant level, and would be consistent with the MSHCP.

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

As part of the approval of the original VTTM 36557, Vegetation mapping was conducted as part of the biological surveys conducted on the entire Project Site and 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 the Project. 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, the Project 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.

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 23rd day of July, 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 July 23, 2019, and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mark Mahan, Deputy City Clerk