

RESOLUTION NO. 2020-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING ADOPTION OF FINDINGS THAT PLANNING APPLICATION NO. 2018-78 (TENTATIVE PARCEL MAP NO. 37550, CONDITIONAL USE PERMIT NO. 2018-22 AND COMMERCIAL DESIGN REVIEW NO. 2018-16) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

Whereas, Roland Clark, Lake Street Properties, LP has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2018-78 (Tentative Parcel Map No. 37550, Conditional Use Permit No. 2018-22, and Commercial Design Review No. 2018-16) to subdivide the 14.44-acre site into four (4) parcels ranging in size from 0.54 acres to 11.65 acres. The Project also proposes to construct a 3,528 square foot (SF) convenience store, one (1) covered fuel canopy with six (6) fuel pumps, which could serve 12 vehicles, and two (2) underground storage tanks on Parcel 1. An 80,000 SF, single-story indoor recreational vehicle (RV) and boat storage facility, with 24,000 SF of mezzanine and 192 surface RV parking spaces partially covered with three (3) canopies with solar panels is proposed on Parcel 2. Parcel 3 will have a 14-stall parking lot with vehicle access. No development is proposed on Parcel 4. Hardscape, landscape, on-site stormwater management improvements, monument sign, a trash enclosure, area lighting, and bicycle parking would be constructed as part of the Proposed Project. The proposed Project is located at the southeasterly corner of Interstate-15 and Lake Street (APN 390-130-018); 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) Section 17.415.070 (Conditional Use Permits), Section 17.415.050 (Major Design Review), and 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 tentative maps, conditional use permits, and design review applications; and,

Whereas, on February 18, 2020, 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 Property 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 Western Riverside County Regional Conservation Authority's (RCA) Joint Project Review processes.

The project site is located in Criteria Cells #3751 and #3752. Therefore, a formal and complete LEAP application, LEAP 2018-02 was submitted to the City on May 30, 2018 and the JPR application, JPR 18-08-29-01 was submitted to the Regional Conservation Authority (RCA). The RCA completed the review on April 8, 2019 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 an on-site evaluation. As a result of former mining and current reclamation activities, the site is extensively graded and supports minimal plant and animal life. No drainages, waterbodies, or other water resources under the regulatory authority of the United States Army Corps of Engineers (USACE), the California Department of Fish and Wildlife (CDFW) or the Regional Water Quality Control Board (RWQCB) were observed in the project area.

*The rock piles along the Project perimeter and interior are potential habitat for Rock Wren (*Salpinctes obsoletus*), which may nest in cavities and crevices in and among the rock piles. Two Rock Wrens were observed on-site during the survey. Other areas with potential for nesting birds falls outside Project boundaries. One such area is the Temescal Wash, which is located along the southern border of the property. The presence of tree snags and various riparian plants offers suitable nesting habitat for riverine species, including House Wrens (*Troglodytes aedon*) and Bewick's Wrens (*Thryomanes bewickii*). Both wren species were detected during the survey. Another potential nesting bird site is within a small grove of Eucalyptus trees near the northwest corner of the property. This dense stand of trees has the potential to conceal the nests of large raptors and small songbirds. The conserved area on the northeast corner of the Project site bears tremendous nesting bird potential, as the vegetation is dense and is likely to provide ample food sources.*

The potential for riverine/riparian species on the Project site does not exist as it is extensively graded. However, Temescal Wash, which runs along the southern border of the property, has the potential to support a multitude of riparian species in addition to nesting birds.

As the Project site itself has been graded and is completely devoid of vegetation, it is not expected that least Bell's vireo (LBV) will use any portion of it for nesting or foraging purposes. Temescal Wash runs along the southern border of the Project site, and contains a mixture of

both unsuitable and potentially suitable habitat for the LBV. Prior surveys near Nichols Road and Interstate 15 documented the presence of LBV within the Temescal Wash two miles upstream from the Project site. Unless protocol level surveys demonstrate no presence of LBV within the Temescal Wash adjacent to the Project site, for the purposes of this analysis, the potential LBV habitat is being considered as occupied by LBV. As the sections of Temescal Wash southwest and southeast of the Project site, and the conserved area east of the Project site, contain potentially suitable LBV habitat, mitigation measures will be implemented to ensure the protection of the species from adverse impacts stemming from Project activities.

Field observations did not show any indication of on-site presence of clay soils, hardpan, or bedrock, which are necessary for vernal pool habitat to be present. The moderately well-drained soils onsite do not possess the water retention characteristics necessary to form vernal pools.

Additionally, during surface mining and reclamation activities, the project site was graded to a relatively flat 5% maximum contour and contains no depressions to allow the formation of vernal or ephemeral pools. The Wildlife Biologist did not observe any depressions, road cuts, or other non-vernal pool features where water could potentially pool during, and after storm events. Additionally, the moderately well-draining soils do not provide sufficient depth and duration for standing water in depressions or ephemeral pools capable of sustaining fairy shrimp.

Similarly, no evidence of seeps, springs, wet soil from underground sources, or standing water (i.e. fine-grained soils, mud cracks, etc.) and no depressions to retain standing water with sufficient depth to sustain branchiopods were observed onsite.

The potential for vernal pools and associated species is minimal to non-existent on the Project site due to the nature of the coarse-grained soil types, and the length of time that the property has been repeatedly disturbed. There is potential for vernal pools to exist immediately outside Project boundaries, however no signs of vernal pools or ephemeral pools were observed.

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 not in a Narrow Endemic Plant Species Survey Area (NEPSSA) for any narrow endemic species, and no NEPSSA surveys are required. Additionally, no Narrow Endemic Plant Species (Munz's onion, San Diego ambrosia, Slender-horned spineflower, Many-stemmed dudleya, Spreading navarretia, California Orcutt grass, San Miguel savory, Hammitt's claycress, Wright's trichocoronis) were detected on, or surrounding the Project site. The on-site habitat does not have the potential to support any of these species, as it has been repeatedly disturbed for over 20 years. 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.

The property is not located within survey areas for amphibian species (MSHCP Figure 6-3), burrowing owls (Figure 6-4) or mammal species (MSHCP Figure 6-5) and surveys for those species are not required.

*The property is located within a Criteria Area Species Survey Area (CASSA). No MSHCP Criteria Area Species (Thread-leaved brodiaea, Davidson's saltscale, Parish's brittlescale, Smooth tarplant, Round-leaved filaree, Coulter's goldfields, Little mousetail) were observed on, or surrounding the Project site. These species occur in playa, vernal pool, alkali flat, or clay soil habitats not present on the property. The habitat immediately surrounding the Project site is foothill grasslands, chaparral, riparian scrub, and ruderal. The dominant vegetation types identified along the perimeter and immediately outside the property boundaries consists of tumbleweed, willow (*Salix* spp.), eucalyptus (*Eucalyptus* spp.), tamarisk (*Tamarix* spp.), sacred datura (*Datura wrightii*), California buckwheat (*Eriogonum fasciculatum*), sunflower (*Helianthus* spp.), filaree (*Erodium* spp.), lettuce (*Lactuca* spp.), black mustard (*Brassica nigra*), and brome grass (*Bromus* spp.).*

However, as a mitigation measure for the proposed Project, 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 addresses potential indirect impacts to the MSHCP Conservation Area via the Urban Wildland Interface Guidelines. As the Project is urban in nature and is located immediately west of Western Riverside County Regional Conservation Authority (RCA) conserved lands, the Project must comply with all MSHCP Urban/Wildland Interface Guidelines (UWIG) as set forth in Section 6.1.4 of the MSHCP.

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

*The Project site is intensely disturbed and predominantly consists of extensively graded alluvium soils. The habitat immediately surrounding the Project site is foothill grasslands, chaparral, riparian scrub, and ruderal ground. The dominant vegetation types identified along the perimeter and immediately outside the property boundaries consists of Tumbleweed, Willow (*Salix* spp.), Eucalyptus (*Eucalyptus* spp.), Tamarisk (*Tamarix* spp.), Sacred Datura (*Datura wrightii*), California buckwheat (*Eriogonum fasciculatum*), Sunflower (*Helianthus* spp.), Filaree (*Erodium* spp.), Lettuce (*Lactuca* spp.), Black Mustard (*Brassica nigra*), and Brome grass (*Bromus* spp.). 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. The property is adjacent to an MSHCP Conservation Area. One of the scenarios in the Fuels Management Guidelines is that any new development planned adjacent to a MSHCP conservation area or other undeveloped area shall incorporate brush management guidelines in the development boundaries and shall not encroach into MSHCP conservation areas.

Development of the subject site will be required to incorporate building setbacks and appropriate fire-resistant materials in the design. Fuel modification impacts will not extend into the Conservation Area and fuel modification zone requirements will be taken into account when the proposed project is designed. Therefore, the Project is consistent with the Fuels Management Guidelines as set forth in Section 6.4 of the MSHCP.

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.

Target conservation in Cell Group J, which includes Criteria Cell #3751 and Criteria Cell #3752, is 75%-85% of the Cell Group focusing in the western and northern portions of the Cell Group. Conservation within this Cell Group will contribute to assembly of Proposed Core 1. Conservation within this Cell Group will focus on coastal sage scrub, chaparral, grassland, riparian scrub, woodland and forest habitat. The project site does not contain coastal sage scrub, chaparral, grassland, riparian scrub, woodland or forest habitat. Additionally, the "MSHCP Conserved Lands" GIS layers show that approximately 1,533.8 acres within Cell Group J have been conserved. This represents 79% of Cell Group J. Therefore, the target conservation level has already been reached. 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 18th day of February, 2020.

Michael Carroll, Chairman

Attest:

Justin Kirk,
Assistant Community Development Director

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Justin Kirk, Assistant Community Development Director of the City of Lake Elsinore, California, hereby certify that Resolution No. 2020-__ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held on the 18th day of February, 2020 and that the same was adopted by the following vote:

AYES
NOES:
ABSTAIN:
ABSENT:

Justin Kirk,
Assistant Community Development Director