

## **RESOLUTION NO. 2024-**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPTING FINDINGS THAT PLANNING APPLICATION NO. 2021-43 (TENTATIVE TRACT MAP NO. 34249, REVISION NO. 1 AND RESIDENTIAL DESIGN REVIEW NO. 2022-06) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)**

**Whereas**, Tri Pointe Homes has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2021-43 (Tentative Tract Map No. 34249, Revision No. 1 and Residential Design Review No. 2022-06) to develop the approximately 81.32-acre northeastern portion of the larger approximately 246.41-acre previously approved subdivision. Revision No. 1 to TTM 34249 proposes to subdivide the 81.32-acre site into 133 single-family lots ranging in size from 3,206 sq. ft. to 15,747 sq. ft., three (3) open space lots, two (2) water quality/detention basins, and one (1) 5.82-acre park. Residential Design Review No. 2022-06 includes the design and construction of 133 single-family residences, preliminary plotting, conceptual wall and fence plan, conceptual landscaping, and related site improvements. The project proposes six (6) floor plans ranging in size from 2,314 sq. ft. to 4,225 sq. ft. and three (3) architectural styles (Santa Barbara, Napa, and California Craftsman). The site is located south of Canyon Hills Road and west of Cottonwood Canyon Road within the Canyon Hills Estates Specific Plan (APNs: 365-230-005, 006, 009, 011, and 012);

**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;

**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;

**Whereas**, pursuant to Chapter 16.24 (Tentative Map) and Section 17.415.050 (Major Design Review) of the Lake Elsinore Municipal Code (LEMC) the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to tentative maps and design review applications;

**Whereas**, on February 20, 2024 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 by a resolution recommended that the Council adopt Findings of Consistency with the MSHCP; and

**Whereas**, on April 9, 2024, at a duly noticed Public Hearing the 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 forgoing recitals are true and correct and are hereby incorporated into these findings by this reference.

**Section 2:** The Council has considered the project and its consistency with the MSHCP and the recommendation of the Commission as well as evidence presented by the Community Development Department prior to adopting Findings of Consistency with the MSHCP.

**Section 3:** 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, consistent with 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 6.3.1) requirements, Fuels Management Guidelines (MSHCP, Section 6.4), and payment of the MSHCP Local Development Mitigation Fee (MSHCP Ordinance, Section 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.

*Section 6.1. 2 of the MSHCP focuses on protection of riparian/riverine areas and vernal pool habitat types based upon their value in the conservation of a number of MSHCP covered species. All potential impacts to riparian /riverine areas will be mitigated as identified in the Determination of Biological Equivalent or Superior Preservation (DBESP). The project Site does not have vernal pools, and no sensitive species listed in Section 6.1. 2 of the MSHCP are expected to occur within the project Site due to the lack of suitable riparian vegetation and habitat, and the negative results of focused surveys. The Project is therefore consistent with Section 6.1. 2 of the MSHCP.*

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

*The project is not located in a Narrow Endemic Plant Species Survey Area as mapped in Section 6.1.3 of the MSHCP. Therefore, the provisions of Section 6.1.3 are not applicable to the project.*

5. The Project is consistent with the Additional Survey Needs and Procedures.

*The project is located within the Burrowing Owl survey area as identified in Section 6.3. 2 (Additional Survey Need and Procedures) of the MSHCP. Five surveys were conducted on the entire site. The results of the surveys indicated that no Burrowing Owls occupied the*

*project site. The Project will be required to conduct a pre-construction survey 30 days prior to the commencement of grading. As such, the project is consistent with Section 6.3.2 of the MSHCP.*

6. The Project is consistent with the Urban/Wildlands Interface Guidelines.

*The project site is not within an MSHCP Criteria Cell. However, Cell 4951 is south of the project site. A number of project design features have been included to address edge effects beyond the limits of grading at the urban /wildlands interface that are consistent with the guidelines of Section 6.1.4 of the MSHCP. In addition, the Project will avoid 126 acres of open space and include an additional 23.9 acres of open space, and a conservation easement or deed restriction will be placed over the Cottonwood Canyon Creek mitigation area in the northeastern corner of the Project Site. Therefore, the Project is consistent with Section 6.1.4 of the MSHCP.*

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

*The project site is not within a MSHCP Criteria Cell. Additionally, the site is not within the Narrow Endemic Plant Species Survey Area; therefore, no Narrow Endemic Plant surveys were required. However, plant communities were mapped and sensitive plant species not adequately conserved or covered by the MSHCP were surveyed. These species include: Parry's spineflower, Plummer's mariposa lily, chaparral sand verbena, and Coulter's matilija poppy. Surveys and mapping were conducted pursuant to MSHCP requirements. Of these species, only the Parry's spineflower was observed within the study area. Of the 18,000 Parry's spineflower plants estimated to occur within the study area, approximately one percent would be impacted by the Project, and impacts to this species are considered less than significant. For the foregoing reasons, the Project is consistent with the MSHCP Vegetation Mapping requirements (Section 6.3.1)*

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. The proposed project complies with the Fuels Management Guidelines and therefore is consistent with the Fuel 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 overall is consistent with the MSHCP.

**Section 4:** Based upon the evidence presented, both written and testimonial, and the above findings, the Council finds that the Project is consistent with the MSHCP.

**Section 5:** This Resolution shall take effect immediately upon its adoption.

**Section 6:** 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, 2024.

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

**Attest:**

\_\_\_\_\_  
Candice Alvarez, MMC,  
City Clerk

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

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, hereby certify that Resolution No. 2024-\_\_ was adopted by the City Council of the City of Lake Elsinore, California, at a regular meeting held on April 9, 2024 and that the same was adopted by the following vote:

AYES  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Candice Alvarez, MMC,  
City Clerk