

RESOLUTION NO. 2024-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPTING FINDINGS THAT PLANNING APPLICATION NO. 2023-24 (TENTATIVE PARCEL MAP NO. 38825) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

Whereas, Patrick Brown, WatersEdge Elsinore, has filed an application with the City of Lake Elsinore (City) requesting approval of Tentative Parcel Map No. 38825 to subdivide an existing 74.72-acre property into three (3) new parcels that are 4.74 acres, 19.99 acres, and 49.99 acres, respectively, for conservation purposes. The project is located on the southern side of Lakeshore Drive, west of Lucerne Street, and southeasterly of the intersection of South Main Street and Lakeshore Drive (APNs: 373-330-001 through 022 and 373-300-038 through 041);

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 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 tentative maps;

Whereas, on July 16, 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 August 27, 2024, 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 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.

The project site is within the MSHCP Elsinore Area Plan – Criteria Cells #4740 and #4742. 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 (JPR) processes.

The entire project site is located within Criteria Cells #4740 and #4742, which are in MSHCP Elsinore Area Plan, Subunit 3 (Elsinore). Therefore, a formal and complete LEAP application, LEAP 2005-14 was submitted to the City in 2005. The JPR (JPR-06-03-08-01) process with RCA was completed on May 14, 2008. On August 3, 2023, the RCA amended JPR-06-03-08-01 to delete three parcels totaling 9.86 acres and reducing the total acreage covered by this JPR to 168.13 acres.

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

In March 2008, Harmsworth Associates conducted field surveys of the site to determine whether the project site includes riparian/riverine area or vernal pools.

The site includes approximately 123 acres of MSHCP riparian/riverine areas: 57.96 acres are associated with the proposed development sites and 65.69 acres with riparian/riverine resources on the Enhancement Site. The project area reportedly does not include vernal pools or fairy shrimp habitat, nor will the project reportedly impact any watershed for nearby vernal pools. Marginal quality foraging habitat exists on the site for Least Bell's vireo and willow flycatcher. However, these species were not found on the site during focused surveys. The project would result in the permanent loss of all 57.96 acres of riparian/riverine areas associated with the development sites and 51.4 acres of temporary impacts to riparian/riverine areas associated with the Enhancement Site. The majority of this riparian/riverine habitat is low quality tamarisk scrub, with 0.18 acre being low quality willow riparian scrub. Under the Functional Assessment prepared by Harmsworth, these 57.96 acres of low-quality riparian habitat are equivalent to 9.1 acres of high-quality riparian habitat. The applicant is proposing to mitigate these impacts using the functional equivalent acres at a ratio of 2:1, thus a minimum of 18.2 acres of mitigation on the Enhancement Site. However, the proposed mitigation site, the Enhancement Site, also currently supports low quality riparian/riverine habitat that would be impacted by the mitigation. Specifically, 51.4 of 65.69 acres of low quality riparian/riverine habitat on the Enhancement Site would be temporarily impacted by the proposed mitigation.

Under the Functional Assessment, every acre to be mitigated for on the Enhancement Site shall be multiplied by 1.27 acres. Therefore, with a 2:1 mitigation ratio, as well as the 1.27 multiplier to account for existing low-quality riparian/riverine habitat at the mitigation site, the

applicant is proposing a minimum of 23.2 acres of high quality riparian habitat as mitigation on the Enhancement Site under the MSHCP. The proposed 23.2 acres would ultimately, with mitigation and monitoring, provide higher functions and values for target MSHCP species than what exists currently.

The applicant is also proposing to enhance 14.5 acres of poor-quality riparian vegetation with tamarisk removal and habitat enhancement as mitigation for temporary impacts to the Enhancement Site. The applicant is planning to remove and control tamarisk scrub on an additional 27.2 acres of the Enhancement Site. The current project applicant would be responsible for implementation of the mitigation plan for the Enhancement Site. The mitigation plan would provide for the establishment of high-quality riparian vegetation communities, such as willow-cottonwood woodland, willow riparian scrub, wetland ponds, and emergent marsh vegetation communities.

Implementation of the mitigation plan would be subject to wetlands regulatory agencies' review and approval. Any revisions or changes to the Functional Assessment and mitigation plan for this project as a result of the wetlands agencies approvals will supersede the wetlands Functional Assessment and mitigation reviewed and documented herein. Therefore, the project with the proposed wetlands mitigation and monitoring would be biologically superior to the no project alternative.

The project is therefore compliant with the Riparian/Riverine Areas and Vernal Pool Guidelines set forth in Section 6.1.2 of the MSHCP.

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

The property is located within Narrow Endemic Plant Species Survey Area 2 (NEPSSA), which includes Munz's onion, San Diego ambrosia, Many-stemmed dudleya, Spreading navarretia, California Orcutt grass, Hammitt's clay-cress, and Wright's trichocoronis. Habitat assessment and focused surveys were conducted on the site for plant species by Harmsworth Associates (March 2008) in spring and summer in 2003-2007. Though the project site includes potential habitat for some of the Narrow Endemic Plant Species in Species Survey Area 2, none of the Narrow Endemic Plant Species for Survey Area 2 were detected on site during the focused survey efforts, the project demonstrates compliance with Section 6.1.3 of the MSHCP.

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), and Figure 6-5 (Mammal Species Survey Areas With Criteria Area), burrowing owl surveys are required for the subject property prior to approval of a development proposal.

The project site is located within the Burrowing Owl Survey Area and within the Criteria Area Species Survey Area 2, which includes San Jacinto Valley Crownscale, Parish's brittlescale, Davidson's saltscale, Thread-leaved brodiaea, Round-leaved filaree, Smooth Tarplant, Coulter's goldfields, and Little Mousetail. Burrowing owl surveys were conducted on the site and revealed no evidence that the owls exist or that any suitable burrows exist on the project site.

Though the project site includes potential habitat for some of the Criteria Area Species Survey Area 2 species (specifically San Jacinto Valley Crownscale, Parish's brittlescale, Davidson's saltscale, Smooth Tarplant, Coulter's goldfields, and Little Mousetail), none of the Criteria Area Plant Species for Survey Area 2 were detected on site during the focused surveys.

The project complies with the Additional Survey Needs and Procedures set forth in Section 6.3.2 of the MSHCP.

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

Section 6.1.4 of the MSHCP sets forth guidelines that are intended to address indirect effects associated with locating development in proximity to the MSHCP Conservation Area, where applicable.

The guidelines in Section 6.1.4 of the MSHCP are intended to address indirect effects associated with development near MSHCP Conserved Areas. Developments in proximity to MSHCP Conserved Areas may result in "edge effects" that might adversely affect biological resources within MSHCP Conserved Areas. The subject project involves the subdivision of the 74.72-acre property into three (3) parcels for conservation purposes. The property will undergo a rehabilitation process to create a restored natural, protected habitat native to the Lake Elsinore area, which will allow for the creation of a mitigation bank. Therefore, the project will not adversely impact on MSHCP conserved areas. The subject project is consistent with the Urban/Wildlife Interface Guidelines.

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

*The entire 74.72-acre project site consists of disturbed, ruderal habitat. This habitat is characterized by brome grass and non-native vegetation that grows in previously disturbed areas, including common barley (*hordeum vulgare*), cheatgrass (*bromus tectorum*), cheeseweed (*malva parviflora*), shortpod mustard (*Hirschfeldia incana*) and tall tumbledustard (*Sisymbrium altissimum*). Other species in this habitat include stinknet (*Oncosiphon piluliferum*), common sunflower (*Helianthus annuus*), and Western ragweed (*Ambrosia psilostachya*).*

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.

Section 6.4 of the MSHCP requires that new developments adjacent to the MSHCP Conservation Area or other undeveloped lands incorporate any fuel/brush management zones and Best Management Practices (BMPs). The Project will incorporate the BMPs outlined in Volume I, Appendix C of the MSHCP pursuant to regulatory and/or County requirements.

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.

The project site is located in Criteria Cells #4740 and #4742, which are in MSHCP Elsinore Area Plan, Subunit 3 (Elsinore). The properties that will be developed by the Proposed Project include that area. Conservation within Cell #4740 will range from 70% to 80% of the Cell focusing on the southeastern portion of the Cell. Conservation within Cell #4742 will range from 30% to 40% of the Cell focusing on the southern portion of the Cell. The conservation requirements set forth for these Criteria Cells have been replaced with the preservation of habitat in the Back Basin of Lake Elsinore through the 770-acre Agreement. Therefore, conservation of the project site, or any portion thereof, is not required. The proposed project is consistent with the MSHCP.

Section 4: 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 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 27th day of August 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 August 27, 2024 and that the same was adopted by the following vote:

AYES
NOES:
ABSTAIN:
ABSENT:

Candice Alvarez, MMC,
City Clerk