

RESOLUTION NO. 2022-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA ADOPTING FINDINGS THAT PLANNING APPLICATION NO. 2021-37 (ZONE CHANGE NO. 2021-03 AND INDUSTRIAL DESIGN REVIEW NO. 2021-06) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

Whereas, Paul Giese, AYLI, LP, has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2021-37 (Zone Change No. 2021-03 and Industrial Design Review No. 2021-06) to change the zoning designation of the subject property from Commercial Manufacturing (C-M) to Limited Manufacturing (M-1) and to construct one two-story, 25,449 sq. ft. industrial building and associated improvements including a 51-space parking area, two loading spaces and 16,803 sq. ft. of landscaping on a 1.56-acre site (Project). The Project site is located on the westerly corner of the intersection of Collier Avenue and Chaney Street (APN: 377-430-016); 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 17.415.040 (Zoning Amendments) and Section 17.415.050 (Major Design Review), the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to zone changes and design review applications; and,

Whereas, on November 15, 2022 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 adopted a resolution recommending that the Council finding the project is consistent with the MSHCP; and

Whereas, on December 13, 2022 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 adopting Findings of Consistency with the MSHCP.

Section 2: That in accordance with the MSHCP, the Council makes the following findings for MSHCP consistency for the Project:

1. The Project is a project under the City's MSHCP Resolution, and thus the City must find that

the Project is consistent with the MSHCP before approval.

The Project is not located within a MSHCP Criteria Cell. However, the Property is within the Elsinore Plan Area and must be reviewed for consistency with the MSHCP "Plan Wide Requirements," including Section 6.1.2 Riparian/Riverine Areas and Vernal Pool Guidelines.

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

As stated above, the Project site is not located within a Criteria Cell and therefore is not subject to LEAP and JPR procedures.

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

According to the Biological Resources Report prepared by RECON dated August 25, 2022, no riparian/riverine areas or vernal pools were identified through the desktop analysis or site verification survey. Therefore, the Project is consistent with the requirements for the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools in Section 6.1.3 of the MSHCP, and no additional surveys or mitigation is required.

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

The Project site is located outside the Narrow Endemic Plant Species Survey Areas as shown on Figure 6-1 of the MSHCP. Therefore, the Project is consistent with the Protection of Narrow Endemic Plant Species Guidelines as set forth in Section 6.1.3 of the MSHCP and no additional surveys or mitigation is required.

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

The Project site is located within the MSHCP survey area for burrowing owl. Burrowing owl habitat assessment and focused field surveys were conducted in accordance with the "Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area (WRCRCA 2003)". According to the Burrowing Owl Survey Results prepared by RECON dated April 8, 2022, no signs of burrowing owl activity or individuals were identified on the Project site and its vicinity. A condition of approval has been added requiring pre-construction surveying and reporting to be conducted prior to issuance of grading permits for the Project to ensure that no owls have colonized the site in the days or weeks preceding the ground-disturbing activities. The Project site is not located in any additional survey areas. Therefore, the Project is consistent with the Additional Survey Needs and Procedures upon implementation of Project conditions of approval.

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

The Project site is not located adjacent to any Criteria Cells or Public/Quasi-Public Lands and implementation of MSHCP Section 6.1.4 Guidelines is not required.

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

There are no resources located on the Project site requiring mapping as set forth in MSHCP Section 6.3.1. Therefore, the Project is consistent with the Vegetation Mapping requirements.

8. The Project is consistent with the Fuels Management Guidelines.

As stated above, the Property is surrounded by existing and planned development. Therefore, the Fuels Management Guidelines as set forth in Section 6.4 of the MSHCP are not applicable to the Project.

9. The Project will be conditioned to pay the City's MSHCP Local Development Mitigation Fee.

A condition of approval has been added requiring payment of the City's MSHCP Local Development Mitigation Fee at the time of building permit issuance for the Project.

10. The Project is consistent with the MSHCP.

The Project site is not within or adjacent to any MSHCP Criteria Cell or conservation areas, and, as described above, the Project complies 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 Planning Application No. 2021-37 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 13th day of December, 2022.

Timothy J. Sheridan, 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, do hereby certify that Resolution No. 2022-____ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of December 13, 2022, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Candice Alvarez, MMC
City Clerk