

RESOLUTION NO. 08-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR IMPLEMENTATION OF THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN

THE CITY COUNCIL OF THE CITY OF MENIFEE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION I. TITLE

This Resolution shall be known as the "Western Riverside County Multiple Species Habitat Conservation Plan Implementation Policy."

SECTION II. FINDINGS AND PURPOSE

- A. The City Council finds that the ecosystems of the City of Menifee ("City") and/or western Riverside County and the vegetation communities and sensitive species they support are fragile, irreplaceable resources that are vital to the general welfare of all residents; these vegetation communities and natural areas contain habitat value which contributes to the region's environmental resources; and special protections for these vegetation communities and natural areas must be established to prevent future endangerment of the plant and animal species that are dependent upon them. This Resolution will protect the City's and the region's biological resources, vegetation communities, and natural areas, and prevent their degradation and loss by guiding development outside of biological resource core areas, and by establishing mitigation standards which will be applied to development projects. Adoption and implementation of this Resolution will enable the City to achieve the conservation goals set forth in the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP"), to implement the associated Implementing Agreement executed by the City Council on January 7, 2009, and to preserve the ability of affected property owners to make reasonable use of their land consistent with the requirements of the National Environmental Policy Act ("NEPA"), the California Environmental Quality Act ("CEQA"), the Federal Endangered Species Act ("FESA"), the California Endangered Species Act ("CESA"), the California Natural Community Conservation Planning Act ("NCCP Act"), and other applicable laws.
- B. The purpose and intent of this Resolution is to maintain and restore biological diversity and the natural ecosystem processes which support this diversity, to protect vegetation communities and natural areas within the City and/or western Riverside County which support species covered under the MSHCP; to maintain a future of economic development within the City by providing a streamlined regulatory process from which development can proceed in an orderly process; and to protect the existing character of the City and the region through the implementation of a system of reserves which will provide for permanent open space, community edges, and habitat conservation for species covered by the MSHCP.

SECTION III. APPLICATION OF REGULATIONS

Except as provided in Section IV, this Resolution shall apply to all land within the City shown on the MSHCP Plan Map, attached as Exhibit "1." Upon application to the City for a development project, an applicant shall be required to comply with the procedures set forth in this Resolution. Upon the City's initiation of a project that is subject to CEQA, the City shall be required to comply with the procedures set forth in this Resolution. No project requiring a discretionary, or certain ministerial permits or approvals that could have adverse impacts to species covered under the MSHCP shall be approved by the City, and no City-

initiated public project shall be undertaken, unless the project is consistent with the MSHCP and this Resolution.

SECTION IV. EXEMPTIONS

This Resolution shall not apply to the following:

- A.** The adoption or amendment of the City's General Plan.
- B.** The adoption or amendment of any land use or zoning ordinance.
- C.** Any project for which and to the extent that a vesting tentative map pursuant to the Subdivision Map Act, or a development agreement pursuant to Government Code sections 65864 et seq., approved or executed prior to adoption of this Resolution, confers vested rights under the City's ordinances or state law to proceed with the project notwithstanding the enactment of this Resolution. Projects subject to this exemption must comply with all provisions of any applicable state and federal law.
- D.** Any project for which the City Council determines that application of this Resolution would result in the property owner being deprived of all reasonable economic use of the property in violation of federal or state constitutional prohibitions against the taking of property without just compensation.

SECTION V. PROCEDURES

- A.** The City shall implement the requirements for private and public project contributions to the MSHCP Conservation Area as set forth in MSHCP, by electing to comply with one of the following:
 - 1.** The City shall implement the Property Owner Initiated Habitat Evaluation and Acquisition Negotiation Process ("HANS"); or
 - 2.** Upon receipt of a completed application for a project that is subject to this Resolution, or prior to the City's initiation of a project, the City shall determine whether all or a portion of the real property for the project is located within the boundaries of the Criteria Area. If the City determines that all or a portion of the real property for the project is located within the Criteria Area, then the City shall perform the following:
 - a.** Determine the design criteria applicable to the project based on the particular USGS section, quadrant, and/or cell grouping in which the project property is located, as set forth in Section 3.2 of the MSHCP; and
 - b.** Impose as a condition to the City's approval of the project such conditions as are necessary to ensure the project complies with and implements the design criteria applicable to the project.