

**NOTICE OF DETERMINATION**

receipt  
# 384980

**TO:** X County Clerk  
County of San Bernardino,  
385 N. Arrowhead, 2nd Floor  
San Bernardino, CA 92415-0130

**FROM:** Town of Apple Valley  
14955 Dale Evans Parkway  
Apple Valley, CA 92307

X Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

**Subject:** Filing of Notice of Determination in Compliance with Section 21152 of the Public Resources Code.

**Project Title:** General Plan Amendment No. 2008-001, Annexation 2008-001 and Annexation 2008-002

**Project Description:** General Plan Amendment No 2008-001 consists of a comprehensive update of the Town of Apple Valley General Plan. The General Plan area encompasses approximately seventy-two (72) square miles. Annexation 2008-001 encompasses 4.3± square miles, most of which is undeveloped. Annexation No. 2008-002 is 1.3± square miles, and includes limited industrial (aggregate quarry) development.

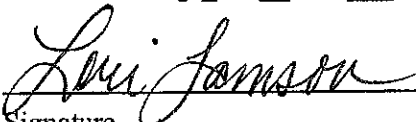
DATE FILED & POSTED

State Clearinghouse Number	Contact Person	Telephone Number
2008091077	Lori Lamson, Assistant Director Community Development	760-240-7000

**Project Location (Include County):** The Town limits can generally be described as follows: bounded on the west by the Mojave River and U.S. Interstate 15, on the north by the northern section lines of Sections 3, 4 and 5, Township 6 North, Range 3 West, San Bernardino Base and Meridian, on the east by Central Avenue and Joshua Road, and on the south by Tussing Ranch Road and Ocotillo Way. Annexation No. 2008-001 is generally bounded on the west by U.S.-Interstate 15, on the north by Morro Road, on the east by Dale Evans Parkway, and on the south by Johnson Road. Annexation No. 2008-002 is generally bounded on the west by Central Road and the eastern boundary of the Town of Apple Valley, on the north by Quarry Road, on the east by the section line of Section 14, Township 6 North, Range 3 West, Section 14, and on the south by the half-section line of Section 23 Township 6 North, Range 3 West, San Bernardino Base and Meridian.

This is to certify that the Town of Apple Valley approved the above described project on August 11, 2009 and made the following determinations:

1. The project xx will     will not have a significant effect on the environment.
2. xx An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of CEQA.  
    A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.  
    A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures xx were     were not made a condition of the approval of the project.
4. A statement of Overriding Considerations xx was     was not adopted for this project.
5. Findings XX were     were not made pursuant to the provisions of CEQA.

	Assistant Director of Community Development	August 11, 2009
Signature	Title	Date

THIS IS TO CERTIFY THAT THE FINAL EIR (WITH COMMENTS AND RESPONSES) OR NEGATIVE DECLARATION AND RECORD OF PROJECT APPROVAL IS AVAILABLE TO THE GENERAL PUBLIC AND MAY BE EXAMINED AT:

Town of Apple Valley Community Development Department  
14955 Dale Evans Parkway  
Apple Valley, CA 92307

CLERK OF THE BOARD

AUG 12 2009  
Date Received for Filing at OPR  
COUNTY OF  
SAN BERNARDINO

**RESOLUTION NO. 2009-30**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, CERTIFYING THAT THE ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE UPDATE OF THE GENERAL PLAN AND ANNEXATIONS 2008-001 AND 2008-002 IS RECOGNIZED AS ADEQUATE AND COMPLETE; RECOGNIZING THE OVERRIDING CONSIDERATIONS TO CERTAIN SIGNIFICANT ENVIRONMENTAL IMPACTS; AND, RECOGNIZING THE SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED, BUT CAN BE REASONABLY AND SUBSTANTIALLY MITIGATED, IF THE PROPOSED PROJECT IS IMPLEMENTED.**

**CASE NO.: GENERAL PLAN AMENDMENT 2008-001, ANNEXATION 2008-001 AND 2008-002**

**APPLICANT: TOWN OF APPLE VALLEY**

**WHEREAS**, the Town initiated a comprehensive General Plan update and Annexation analysis in 2007; and

**WHEREAS**, the Municipal Code allows for General Plan Amendments and Annexations consistent with the goals and policies of the General Plan; and

**WHEREAS**, on February 20, 2009, the Town gave public notice as required under Government Code Section 66451.3 by advertising in the Apple Valley News of the holding of a public hearing by the Planning Commission at which the project would be considered; and

**WHEREAS**, on March 18<sup>th</sup>, April 1<sup>st</sup> and April 15, 2009, the Planning Commission held noticed public hearings at which interested persons had an opportunity to testify in support of, or opposition to, the General Plan Amendment and Annexations, and at which time the Planning Commission considered the General Plan Amendment and Annexations; and

**WHEREAS**, on April 17 and July 24, 2009, the Town gave public notice as required under Government Code Section 66451.3 by advertising in the Apple Valley News of the holding of a public hearing by the Town Council at which the project would be considered; and

**WHEREAS**, on May 12, May 26, June 9, July 14 and August 11, 2009, the Town Council held noticed public hearings at which interested persons had an opportunity to testify in support of, or opposition to, the General Plan Amendment and Annexations, and at which time the Town Council considered the General Plan Amendment and Annexations; and

**WHEREAS**, an Environmental Impact Report (hereinafter "EIR") has been prepared and circulated, pursuant to the requirements of the California Environmental Quality Act of 1970 (hereinafter "CEQA"), as amended; and

**WHEREAS**, it is the policy of the State of California and the Town of Apple Valley, in accordance with the provisions of the CEQA, as amended (Public Resources Code, Section 21000 et. seq.), and the State Guidelines for the implementation of CEQA ("Guidelines"), as amended (14 Cal. Code of Regs. Sections 15000 et. seq.), that the Town shall not approve a project unless there is no feasible way to lessen or avoid significant effects; meaning all impacts have been avoided to the extent feasible or substantially lessened and any remaining unavoidable significant impacts are acceptable based on Guidelines, Section 15093; and

**WHEREAS**, it is the policy of the State of California and the Town of Apple Valley, in accordance with the provisions of the CEQA, as amended (Public Resources Code, Section 21000 et. seq.) and the State Guidelines for implementation of CEQA, as amended (14 Cal. Code of Regs., Sections 15000 et. seq.) that the Town shall balance the benefits of a proposed project against its unavoidable environmental risks prior to project approval; meaning that if the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects are outweighed by the project benefits and may be considered acceptable; and

**WHEREAS**, all of the findings and conclusions made by the Town Council pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

**WHEREAS**, the Town Council of the Town of Apple Valley has read and considered all environmental documentation comprising the EIR, has found that the EIR considers all potentially significant environmental impacts of the proposed project and is complete and adequate, and fully complies with all requirements of CEQA; and

**WHEREAS**, the Town Council has reviewed and adopted certain overriding considerations to adverse environmental impacts, and specified CEQA Findings and Statement of Facts; and

**WHEREAS**, prior to action on the project, the Town Council has considered all significant impacts, mitigation measures, and project alternatives identified in the EIR, and has found that all potentially significant impacts on the project have been lessened or avoided to the extent feasible; and

**WHEREAS**, Guidelines Section 15093(b) requires, where the decision of the Town Council allows the occurrences of significant effects which are identified in the EIR, but are not mitigated, the Town must state in writing the reasons to support its action based on the EIR and/or other information in the record; and

**WHEREAS**, CEQA and the State CEQA Guidelines provide that no public agency shall approve or carry out a project for which an EIR has been completed and which identifies one or more significant effects of the project unless the public agency makes written

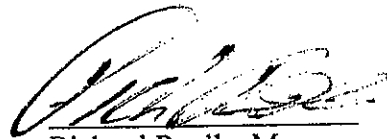
findings for each of the significant effects, accompanied by a statement of facts supporting each finding.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Apple Valley does hereby certify the EIR for the Update of the General Plan and Annexation 2008-001 and 2008-002 as adequate and complete.

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Apple Valley makes the Statement of Overriding Considerations as shown on attached Exhibit "A" entitled "Findings Of Fact Regarding The Final Environmental Impact Report (State Clearinghouse Number 2008091077) for The Town Of Apple Valley Comprehensive General Plan And Annexations No. 2008-001 And No. 2008-002," which is incorporated herein as though set forth at length.


**BE IT FURTHER RESOLVED** that the Town Council of the Town of Apple Valley directs that the documents and materials that constitute the record of proceedings on which these Findings have been based are to be located at the Town of Apple Valley, 14955 Dale Evans Parkway, Apple Valley, CA 92307. The custodian for these records is the Assistant Director of Community Development. This information is provided in compliance with Public Resources Code section 21081.6.

**PASSED, APPROVED and ADOPTED** at a regular meeting of the Apple Valley Town Council, held on this 11<sup>th</sup> day of August, 2009, by the following vote, to wit:



Richard Roelle, Mayor  
Town of Apple Valley

**ATTEST:**



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LaVonda M-Pearson, Town Clerk  
Town of Apple Valley, California  
(Seal)

Town of Apple Valley  
Resolution No. 2009-30

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF APPLE VALLEY

I, LA VONDA M-PEARSON, Town Clerk for the Town of Apple Valley, Apple Valley, California, do hereby certify that Resolution No. 2009-30 duly and regularly adopted by the Town Council at a meeting thereof held on the 11th day of August, 2009 by the following vote:

AYES: Council Members, Allan, Coleman, Sagona, Mayor Pro Tem Nassif and Mayor Roelle

NOES: None

ABSTAIN: None.

ABSENT: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Apple Valley, California, this 12th day of August 2009.

LA VONDA M-PEARSON, CMC  
TOWN CLERK

By: *Patty Hevle*  
Patty Hevle, Deputy

SEAL

## **EHHIBIT "A"**

### **FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NUMBER 2008091077) FOR THE TOWN OF APPLE VALLEY COMPREHENSIVE GENERAL PLAN AND ANNEXATIONS NO. 2008-001 AND NO. 2008-002**

#### **A. INTRODUCTION**

The Town of Apple Valley (the "Town") proposes the adoption of the Apple Valley General Plan and Annexations No. 2008-001 and No. 2008-002, which constitutes a "project" under the California Environmental Quality Act of 1970 (CEQA), as amended, (Public Resources Code Section 21000, et. seq.), and the State Guidelines for the implementation of CEQA, as amended. Therefore, the Town has prepared a Final Environmental Impact Report (EIR), State Clearinghouse Number 2008091077, consisting of a Draft EIR, Responses to Comments on the Draft EIR, the Mitigation Monitoring/Reporting Program, these Findings of Fact, the Staff Report, and any associated documents. The proposed General Plan and Annexations are expected to result in certain significant effects, or may result in impacts that occur on a cumulative basis in conjunction with the project and other past, present, and reasonably foreseeable future projects. These impacts are identified in this Final EIR.

The Town intends that this Final EIR address all impacts, mitigation measures and project alternatives associated with the Town of Apple Valley General Plan EIR. The Town prepared an Initial Study and a Notice of Preparation (NOP) for an EIR; these documents were distributed to local Responsible and Trustee Agencies, the State Clearinghouse and other interested parties on September 17, 2008. Written comments were received from various agencies and individuals within the 30-day public NOP review period, mandated by the State. The Town completed an internal review of administrative draft copies of the Draft EIR during the months of December 2008 and January 2009.

After this review was completed, all Responsible/Trustee Agencies and interested groups and individuals were forwarded copies or notification of availability of the Draft EIR, and as with the Notice of Preparation, the Draft EIR was transmitted to the State Clearinghouse. The Clearinghouse distributed the Draft EIR to various involved State agencies for review. A 45-day public review period, as mandated by the State, began on February 10, 2009 and ended on March 26, 2009.

A number of Town departments and divisions are responsible for review of the EIR, and certain local, state, federal and regional agencies have reviewed and commented on this EIR. These agencies include, but are not limited to, the California Office of Planning and Research, California Department of Fish and Game, U.S. Department of the Interior Bureau of Land Management, Mojave Desert Air Quality Management District (MDAQMD), Mojave Water Agency (MWA), San Bernardino County Local Agency Formation Commission, Apple Valley

Ranchos Water Company (AVRWC), and other water and utility purveyors serving the General Plan area. All written comments received in response to the public review of the Draft EIR were addressed in a Response to Comments.

California Public Resources Code 21082.1 requires the Town of Apple Valley to independently review and analyze the information contained in the Final EIR. Therefore, the independent judgment of the Town of Apple Valley with regard to those issues at the time of publication of the Final EIR is reflected herein.

Public agencies are prohibited from approving or carrying out a project for which an EIR has been prepared where one or more significant effects have been identified, unless the public agencies makes one or more written findings for each of the significant impacts. A Statement of Facts must support each finding, which may include the following:

1. Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The Town finds that the Final EIR for the Apple Valley General Plan and Annexation No. 2008-001 and No. 2008-002 has been completed in compliance with the California Environmental Quality Act (Public Resource Code Section 21000, *et seq.*) ("CEQA"). The Town finds also that it has received, reviewed and considered the information contained in the Final EIR, all hearings, and submissions of testimony from officials, Departments and Divisions of the Town, the public and other municipalities and agencies. The Town therefore approves the proposed project and the Findings of Fact as set forth herein.

## **B. BACKGROUND**

### **Project Location**

The Town of Apple Valley is located in the southwestern portion of the County of San Bernardino. The proposed General Plan study area encompasses approximately 78 square miles. The General Plan study area is comprised of lands within the Town's corporate limits as well as the two (2) annexation areas, herein described as Annexation 2008-001 and Annexation 2008-002, respectively. These areas are further described below.

### Town Limits

The Town limits can generally be described as follows: bounded on the west by the Mojave River and U.S. Interstate 15, on the north by the northern section lines of Sections 3, 4 and 5, Township 6 North, Range 3 West, San Bernardino Base and Meridian, on the east by Central Avenue and Joshua Road, and on the south by Tussing Ranch Road and Ocotillo Way.

### Annexation 2008-001

Annexation 2008-001 is generally bounded on the west by U.S.-Interstate 15, on the north by Morro Road, on the east by Dale Evans Parkway, and on the south by Johnson Road. The area encompasses 4.3± square miles, most of which is undeveloped, with scattered single-family residential occurring throughout the area.

### Annexation 2008-002

Annexation 2008-002 is generally bounded on the west by Central Avenue and the eastern boundary of the Town of Apple Valley, on the north by Quarry Road, on the east by the section line of Section 14, Township 6 North, Range 3 West, and on the south by the half-section line of Section 23, Township 6 North, Range 3 West, San Bernardino Base and Meridian.

Annexation 2008-002 is 1.3± square mile, and includes limited industrial (aggregate quarry) development. It is located east of and contiguous with the North Apple Valley Industrial Specific Plan, and would provide for additional lands for similar uses.

### *Township, Section, Range Data*

The corporate limits of the Town of Apple Valley can be more specifically described as including: all of Sections 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, and 19, and portions of Sections 15 and 18, Township 4 North, Range 3 West of the San Bernardino Base and Meridian; portions of Sections 1 and 12, Township 4 North, Range 4 West of the San Bernardino Base and Meridian; all of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, Township 5 North, Range 3 West of the San Bernardino Base and Meridian; all of sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 23, 24 and 36, Township 5 North, Range 4 West of the San Bernardino Base and Meridian; all of Sections 3, 4, 9, 10, 15, 16, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, and 35, and a portion of Section 5, Township 6 North, Range 3 West of the San Bernardino Base and Meridian; and all of Sections 23, 25, and 36, and portions of Sections 24, 26, 34 and 35, Township 6 North, Range 4 West of the San Bernardino Base and Meridian.

Annexation 2008-001 can be described as including: a portion of Sections 5, 6, 7, and 18, and all of Sections 8 and 17, Township 6 North, Range 3 West; a portion of Section 13, Township 6 North, Range 4 West of the San Bernardino Base and Meridian.

Annexation 2008-002 lands include the following: all of Section 14 and a portion of Section 23, Township 6 North, Range 3 West of the San Bernardino Base and Meridian.

### **Project Description**

The General Plan study area is comprised of 50,528.0± acres. Of these, 46,948.3± acres, or approximately 72± square miles, are within the Town's corporate limits, and 3,579.7± acres

(approximately 6± square miles) are within the Town's Sphere of Influence that are proposed for annexation.

The Town's Sphere of Influence encompasses lands to the east and south of Town boundaries, covering an area of approximately 192 square miles. Most of the Sphere lands were not included in the General Plan, and therefore are not analyzed in the EIR except as they relate to the planning area context. There are two exceptions to the Sphere lands that were incorporated into the General Plan and analyzed as part of the preparation of the EIR. They are Annexation 2008-001, which includes approximately 2,774.6± acres, and Annexation 2008-002, which includes 805.1± acres; the locations of the annexation areas are described under Project Location, above.

As part of the General Plan update process, the Town prepared a Community Issues Report in 2007, which described current conditions in the Town related to a range of environmental and socio-economic issues. To identify key issues in the community, the Town held a series of meetings to elicit input from representatives of local agencies, community groups, and private individuals; the information provided at these meetings was documented in the Community Issues Report. The Town Council also appointed a General Plan Advisory Committee (GPAC), comprised of members from a broad cross section of the community, which held extensive public meetings to review and amend the Land Use Element and Land Use Map of the General Plan. The GPAC discussed wide-ranging and specific goals for the community, as well as policies and programs to be included in the General Plan, and participated in a detailed consideration of current land use designations in the planning area. As a result, a new set of land use designations has been developed, which is set forth in the General Plan update and analyzed in this EIR. This process provided for refinement of the Preferred Land Use Alternative, which was finalized in July 2008.

The Preferred Alternative provides for a total of 35,668.2± acres of residential land uses, of which approximately 34,576.6 acres are within the Town limits, and approximately 1,091.6 acres are in the two annexation areas. Build out of the General Plan area is expected to result in a total of approximately 63,749 dwelling units, including existing and potential units. Commercial land uses would account for approximately 3,806.1 acres in the Town limits, and approximately 678.1 acres in the annexation areas. Approximately 645.3 acres would be designated for Industrial uses in the Town limits, and approximately 1,613.1 acres in the annexation areas. Other uses, including public facilities, open space, mineral resources and street rights-of-way, would account for 7,290.3 acres in the Town limits, and 196.9 acres in the annexation areas.

#### Residential Land Uses

The Preferred Alternative provides for a total of 35,668.2± acres of residential land uses, or a decrease of about 4,213.7 acres, approximately 10.6 percent, fewer than the current General Plan. There are currently approximately 23,882 dwelling units within the General Plan area, and approximately 25,327.5 acres of undeveloped residential lands.<sup>1</sup>

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<sup>1</sup> Apple Valley General Plan Existing General Plan (No Project) Land Use Alternative table, prepared by Aerial Information Systems, September 11, 2008.

To estimate the number of future units at build out of the General Plan, it has been assumed that lands designated for Very Low, Low, Estate Residential and Mobile Home Parks will build out at 100 percent of maximum densities, and that Estate Residential  $\frac{3}{4}$ , Single-Family and Medium Density Residential will build out at seventy-five (75) percent of maximum densities. Residential development is also assumed to occupy approximately thirty (30) percent of future Mixed-Use development. Residential densities proposed under the General Plan range from one unit per five acres to 30 units per acre.

Based on these assumptions, build out of the General Plan area is expected to result in a total of approximately 63,749 dwelling units, including existing and potential units. This compares with approximately 52,519 dwelling units estimated under the current General Plan. Based on these estimates, therefore, the proposed General Plan will generate approximately 11,230 more units, or an increase of approximately 21.4 percent, over that which would be constructed under the current General Plan. This is primarily due to changes in the residential designations on lower intensity lands within the Town, as well as the designation of residential lands in proposed Annexation 2008-001. The latter adds approximately 1,091.6 acres of residential lands to the Town and would result in approximately 4,236 total dwelling units.

The Mixed-Use designation provides for the integration of residential and commercial components within a master-planned project. Mixed-Use lands in the planning area account for approximately 383.2 acres. The Specific Plan designation, which accounts for approximately 7,046.8 acres in the planning area, also provides for a variety of land uses within a master-planned project. The Specific Plan designation is only applied to approved Specific Plans.

In order to avoid double-counting Mixed-Use and Specific Plan lands, the acreage associated with these designations is accounted for in the Residential totals cited herein, and is not included in those for the Commercial and/or Industrial categories.

#### Commercial Land Uses

The proposed General Plan assigns commercial designations and provides for permitted uses that are fundamentally the same as those provided for under the current General Plan; there are two exceptions, further discussed below. The current General Plan designates 2,298.0± acres of lands to commercial uses; under the proposed General Plan, these lands are increased by 95.1 percent, to 4,484.2± acres. The proposed General Plan provides for a range of retail, service and regional commercial uses, as well as office professional. Mixed-Use projects or Specific Plans that propose commercial development may include any or all of these commercial uses. It is assumed that commercial development in the General Plan area will build out at approximately twenty-two (22) percent (building coverage). Based on this assumption, the proposed General Plan would result in 51,860,766± square feet of commercial development at build out, which includes commercial development in the annexation areas.

#### Industrial Land Uses

The current General Plan designates approximately 418.6 acres for industrial uses outside the North Apple Valley Specific Plan (NAVISP), including lands within the proposed annexation areas that are designated in the County of San Bernardino General Plan as Community Industrial and Regional Industrial. The proposed General Plan assigns Industrial land use designations to

2,258.4± acres; this represents a nearly five-fold increase in industrial lands outside the NAVISP, over the current General Plan. These lands occur primarily in Annexation 2008-002. The same assumption of approximately twenty-two (22) percent of building coverage has been used for industrial development, and yields an estimated 58,581,040± square feet of industrial development at build out of the General Plan area, including the annexation areas.

#### Other Land Uses

Other land use designations include Public Facility, Open Space, Mineral Resources and Street Rights-of-Way, each of which is briefly described below.

#### *Public Facility*

Lands allocated for public facilities will increase by approximately 148 acres within the Town limits under the proposed General Plan. This designation includes public and quasi-public lands such as Town Hall, fire stations, and schools. The proposed General Plan allocates additional lands to allow for the expansion of these services on lands owned by the Town.

#### *Street Rights-of-Way*

These lands represent existing streets and rights of way. The amount of lands allocated towards Street Rights-of-Way under the current General Plan (4,138 acres) will not change under the proposed General Plan.

#### *Open Space*

Lands designated as open space are considered an important or valuable natural resource. In Apple Valley, these include natural and active open space areas, including the knolls, mountain lands, the Mojave River, and lands owned by local, state and federal agencies for conservation or recreation. Golf courses, parks and other recreational facilities are also designated Open Space. Under the proposed General Plan, approximately 3,053.9 acres are designated for Open Space, which represents an increase of approximately 1.3 percent over the current General Plan.

#### *Mineral Resources*

Lands in the Town in active mining operations are assigned the Mineral Resources designation. Currently a quarry located east of U.S. I-15 in the northwest portion of Town is the only such operation in the Town. Both the current and proposed General Plan designate 452.5± acres for Mineral Resources.

#### **Proposed Annexations**

The current General Plan identifies approximately 2,774.6 acres of developed and vacant lands in the proposed Annexation 2008-001, and approximately 805 acres in the proposed Annexation 2008-002. Current and proposed designations and densities are discussed by annexation area, below.

#### Annexation 2008-001

The County General Plan allocates approximately 2,573.7 acres towards residential land uses in this annexation area as designated by the County of San Bernardino, which at build out would result in 2,067 dwelling units. The proposed General Plan designates 1,091.6 acres within this annexation area for residential units, and would result in 4,236 dwelling units. This represents a

decrease in acreage of approximately 57.5 percent from the San Bernardino County General Plan, but an increase at build out of approximately 104.9 percent in dwelling units over the County General Plan. This increase is a consequence of changes in assigned land use designations, from lower to higher intensities. These units are included in the Residential development discussed for the General Plan build out, above.

Similarly, the proposed General Plan would result in a substantial increase in commercial development in the annexation area over the County General Plan, providing for 678.1± acres for commercial uses, as compared with 7.9± acres under the County General Plan.

The County General Plan allocates no lands towards industrial development in this annexation area, whereas the proposed General Plan allocates 812.1± acres for these uses.

Finally, 192.9± acres are allocated to street rights-of-way.

#### Annexation 2008-002

Under the County General Plan, 477.3± acres are designated for residential uses at very low densities. At build out, these lands would result in 398 dwelling units. The County General Plan also provides for 323.7± acres of industrial designations.

By comparison, the proposed General Plan allocates all of the developable lands in this annexation area, 801± acres, towards industrial development, which are envisioned to serve as an extension of the industrial uses planned within the NAVISP lands to the west. The remaining 4± acres of this area are allocated towards street rights-of-way.

**C. FINAL EIR CERTIFICATION, FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION**

In September 2008, the Town prepared an Initial Study for the Apple Valley General Plan and Annexation No. 2008-001 and No. 2008-002. The Initial Study identified potential environmental impacts associated with the proposed project, including: land use and planning; population and housing; geology and soils; hydrology and water quality; air quality; noise; biological resources; transportation/traffic; aesthetics; agricultural resources; cultural resources; hazards and hazardous materials; public services; recreation; and utilities and service systems. Based on the Initial Study, the Town determined that the proposed project could have a significant effect on the environment, and that an EIR was required. In compliance with CEQA Guidelines, the EIR also included an analysis of unavoidable adverse impacts, project alternatives, growth inducing impacts, cumulative impacts, and a Mitigation Monitoring/ Reporting Program.

As noted above, the EIR analyzed project and cumulative effects of potential environmental impacts, and developed and identified a variety of mitigation measures to minimize, reduce, avoid or compensate for the potential adverse effects of the proposed project. A range of potential alternatives to the proposed project were analyzed in the EIR. Alternatives included the: 1) No Project Alternative; 2) More Intense Project Alternative; and the 3) Less Intense Project Alternative. Since the Final EIR is meant to serve at a program level, additional environmental documentation may be required for specific plans, subdivisions, land use plans and other development applications that may be processed by the Town in its implementation of the General Plan. Such documentation may include Negative Declarations, Mitigated Negative Declarations, and Environmental Impact Reports, depending on the scope of future projects.

Prior to the certification of the Final EIR, the Town of Apple Valley Planning Commission and Town Council held public hearings regarding the project proposal and its associated environmental impacts. These hearings were held in March, April, May, June, July and August of 2009.

The Final EIR identified unavoidable significant impacts associated with the proposed project. Therefore, these Findings of Fact and Statement of Overriding Considerations have been prepared to demonstrate that the benefits of the proposed project exceed the unavoidable significant environmental impacts that may result from implementation of the proposed General Plan and Annexations.

In adopting a Resolution to certify the Final EIR, the Town Council of the Town of Apple Valley makes the following findings, based on all of the evidence presented, including but not limited to the Final EIR, written and oral testimony given at meetings and hearings, and submission of testimony from the public, organizations and regulatory agencies. The structure of these findings is as follows:

- In Section 1 of these Findings, the potential environmental effects of the proposed project that have been mitigated to a level of insignificance are identified.
- Section 2 of these Findings discusses the potential environmental effects of the proposed project that were determined to be insignificant.
- The Statement of Overriding Considerations is contained in Section 3 of these Findings.
- The significant unavoidable environmental effects of the proposed project that cannot be feasibly mitigated to a level of insignificance are addressed in Section 4 of these Findings.
- Section 5 discusses the cumulative impacts associated with the proposed project.
- Section 6 discusses the growth-inducing impacts of the proposed project.
- Section 7 addresses irreversible and irretrievable commitment of resources.
- Section 8 addresses the alternatives to the proposed project discussed in the Final EIR.
- Section 9 of these Findings addresses the Mitigation Monitoring/Reporting Program for the proposed project.
- Section 10, sets forth the required CEQA Section 15091 and 15092 Findings.

Each section provides substantial evidence for the findings set forth herein, as provided in the administrative record of the proposed project. The Mitigation Monitoring/Reporting Program for the proposed project is included in the Final EIR.

**SECTION 1**  
**POTENTIAL ENVIRONMENTAL IMPACTS WHICH HAVE BEEN MITIGATED TO A LEVEL**  
**OF INSIGNIFICANCE**

The Town Council hereby finds that Mitigation Measures have been identified in the Draft EIR which will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts and the Mitigation Measures which will reduce them to a less than significant level are as follows:

**A. Aesthetics and Visual Resources**

1. Impact: Build out of the General Plan and Annexations could have a significant impact on the existing visual character or quality of the site and its surroundings.

Build out of the General Plan will result in some change to the existing visual character of the undeveloped areas of the planning area. New development will change the open, semi-rural character associated with many parts of the area to that of a developed community, and existing viewsheds may be partially obstructed by buildings and other structures. Other elements of the built environment, including signage, utility infrastructure, and paved surfaces will also impact existing visual resources. With mitigation, including implementation of the Town's General Plan policies and design performance standards, these impacts are expected to be reduced to less than significant levels.

The annexation areas are currently primarily vacant desert lands, and build out is, therefore, expected to impact visual and aesthetic resources. Vacant lands will be converted to industrial, commercial and residential uses, and the existing sense of open space will be diminished. These potential impacts will occur gradually over time as new development takes place. Mitigation measures are expected to reduce these impacts to less than significant levels.

2. Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
3. Mitigation: Mitigation measures for impacts to the visual character in the General Plan area include:
  - a. Signage shall be in compliance with the Town's sign ordinance and shall be limited to the minimum size, scale and number needed to provide functional information, thereby minimizing impacts on traffic safety, streetscape, scenic viewsheds and the aesthetic character of the area.
  - b. All development and redevelopment projects shall comply with the Town's performance and design standards for landscaping, building coverage and setbacks, building design and height, architectural finishes, walls, fences and

utility structures, and lighting to protect scenic viewsheds and enhance community cohesion.

- c. Overhead utility lines shall be undergrounded to the greatest extent possible through the maintenance of an undergrounding program and the Town shall coordinate with utility providers to assure that utility infrastructure are effectively screened to preserve scenic viewsheds and limit visual clutter.
  - d. Planning and design of residential neighborhoods and street corridors shall provide distinctive and characteristic design elements that preserve and enhance viewsheds enjoyed from these areas, and all development proposed within scenic viewsheds shall be regulated to minimize adverse impacts to views and vistas.
4. Supportive Evidence: Implementation of the General Plan and associated Annexations will have generally limited impacts on the visual resources. With the exception of certain specialty structures, development allowed by the General Plan is expected to continue to be limited in terms of coverage, height and density. Some new low-density residential projects will be located within master planned communities and will benefit from consolidated open space, consistent architectural themes and limited building heights. The General Plan addresses potential impacts through a series of policies and programs that are directed at maintaining the Town's character and scenic views and vistas, either by directly regulating development, or by mandating the maintenance of zoning and other regulatory codes that assure detailed assessment of building coverage, setbacks and building heights, as well as other design features. The same policies, programs, and regulatory constraints applicable to all development in Town, however, will be applied to the annexation areas, and will limit building coverage and height to one and two-story structures that will have limited impacts on viewsheds in either annexation area. Proposed land-use plans for the two (2) annexation areas have been designed to integrate them into surrounding uses that occur in the Town's urban environment.

Implementation of the Town's General Plan policies and design performance standards, together with the mitigation measures incorporated into the Preferred Alternative will reduce potentially detrimental impacts to visual resources to less than significant levels.

1. Impact: Build out of the General Plan and Annexations will substantially increase light or glare which would adversely affect day or nighttime views in the General Plan and Annexation areas.

At build out of the General Plan, residential, commercial and industrial activities, as well as the development of previously undeveloped lands, will generate increased light and glare. Increased traffic will result in additional headlights and increased levels of illumination on local roadways.

2. Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

3. Mitigation measures for impacts associated with light and glare include:

All development shall be in compliance with the Town's lighting ordinance, supplementary lighting recommendations as described in the EIR for external lighting, including lighting fixtures in the vicinity of the airport.

a. In addition to being in compliance with the Town's lighting ordinance, supplementary lighting recommendations include:

- i. External lighting shall be limited to the minimum height, fewest number and lowest intensity required to provide effective levels of illumination.
- ii. Every reasonable effort shall be made to reduce spillage, both to protect residential use areas from excessive levels of illumination and to preserve dark skies at nighttime.
- iii. Elevated lighting, including but not limited to parking lot lighting, shall be full-cutoff fixtures.
- iv. Lighting fixtures in the vicinity of the airport shall be compatible with airport operations.

4. Supportive Evidence: All future development proposals will be subject to review by Town staff to determine compliance with General Plan dark sky and lighting policies, as well as Development Code standards and requirements, designed to control light spillage and preserve night skies. The Town has also established development performance standards for exterior lighting in Chapter 9.70.020 of the Town's Municipal Code and these will be enforced to effectively reduce lighting and glare impacts to less than significant levels.

The General Plan addresses potential impacts through a series of policies and programs that are directed at maintaining the Town's night sky and low levels of exterior lighting, either by directly regulating development, or by mandating the maintenance of zoning and other regulatory codes that assure detailed assessment of building coverage, setbacks and building heights, as well as other design features. The same policies, programs, and regulatory constraints applicable to all development in Town, will be applied to the annexation areas, and will limit outdoor lighting that will have limited impacts on light and glare in either annexation area.

## **B. Agricultural Resources**

1. Impact: Implementation of the General Plan has the potential to convert approximately 100 acres of lands designated by the State as Farmland of Statewide Importance to residential development.

2. **Finding:** Changes or alterations have been required in, or incorporated into the Preferred Alternative, which reduce to less than significant levels the potentially significant environmental effects to agricultural resources as identified in the Final EIR.
3. **Mitigation:** Mitigation for impacts associated with the conversion of Farmland of Statewide Importance includes the following:
  - a. The Town's Development Code shall include buffers between Very Low Density, Low Density and Estate Residential land use designations and more intense lands, in order to provide for the preservation or creation of ranching or animal raising activities in the Deep Creek area.
  - b. The Town shall coordinate with the Department of Conservation, Farmland Mapping and Monitoring Program, to accurately reflect farmed and farmable lands within the Town limits.
4. **Supportive Evidence:** The existing General Plan has approved development proposals on all but approximately 15 acres of lands designated as Farmland of Statewide Importance in the Town. In general lands in the Town that are so designated are not favorable for long-term agricultural use, given that most parcels are 40 acres or less in size. The General Plan provides for ranching and agricultural activities on lands designated for residential uses with densities ranging from one (1) dwelling unit per five (5) or more gross acres up to one (1) dwelling unit per 0.75 to 1.0 net acre. Approximately 30 acres of land south of Bear Valley Road have potential to be developed for ranching or agricultural uses. Lands in the Deep Creek area are designated Low Density Residential and Estate Residential to preserve the rural and agricultural/ranching activities that have occurred there in the past. Although these lands are not designated by the State as Farmland of Statewide Importance, they are likely to develop to include equestrian, ranching or hobby farm facilities. This area of Apple Valley has been identified in the General Plan for long-term preservation in a semi-agrarian character, including policies and programs that protect this character.

Implementation of General Plan policies and programs, and mitigation measures as set forth in the EIR will reduce potentially significant impacts to agricultural resources to less than significant levels.

### C. Biological Resources

1. **Impact:** Implementation of the General Plan and Annexations will have a substantial impact, directly and indirectly, on candidate, sensitive or special status species.

Implementation of the General Plan will result in impacts to common and sensitive plant communities that occur or are thought to occur in the planning area, and may also impact common and sensitive wildlife species and their habitat. Disturbances from grading and development of lands within the General Plan area have the potential to result in direct adverse impacts to the soil column, which can eliminate soil nutrients and restrict plant growth. Introduction of non-native plant species associated with landscaping could result in native plant species competing for water, nutrients and space. Habitat fragmentation from roads and fences can reduce the extent to which seeds disperse, thereby isolating plant communities. Development in the planning area will result in habitat degradation, which will impact wildlife species through the direct loss of foraging and nesting sites. Indirect impacts to special status bird species include increased exposure to and hunting by domestic pets, decreased availability of nesting sites, ingestion of pesticides, and the introduction of parasites.

2. **Finding:** Changes or alterations have been required in, or incorporated into the Preferred Alternative, or are otherwise required for subsequent environmental review, which reduce significant environmental effects to biological resources as identified in the Final EIR to less than significant levels.
3. **Mitigation:** The following mitigation measures shall be implemented to reduce impacts to biological resources to less than significant levels:

- a. The Town shall aid the County of San Bernardino and other participating federal, state, and local agencies in the preparation of a private lands counterpart to the West Mojave Habitat Conservation Plan.

The Town shall participate in the provision of biological resources data and/or surveys relevant to open space areas within its jurisdiction and sphere of influence that may have biological resources value, and shall participate in the preparation of a MSHCP that addresses the needs of the Town with regard to regional biological resources.

If a MSHCP is formulated by the participating federal, state, and local agencies that allows for the conservation of biological resources, the Town shall implement it.

- b. The Town shall complete the preparation of the Apple Valley MSHCP, in conjunction with the CDFG and the USFWS. Upon the completion of the MSHCP to the satisfaction of all three parties, the Town shall proceed to implement it according to its terms and the authorization for take of special status species granted by CDFG and USFWS.

- c. The Town shall require that biological resources evaluations be performed prior to development actions, including site-specific surveys utilizing specified survey parameters as required for all special status species in identified habitat areas, and especially within or adjacent to linkage corridors or special survey areas and potential jurisdictional areas.

As required by CEQA, if biological resources are present that would be significantly impacted by a project, mitigation shall be imposed on the project to reduce the impact to a level of less than significant, to the extent feasible.

At the General Plan-level, it is not practical to formulate or list the entire range of specific mitigation measures that can be required for individual projects. Therefore, this identification can only be done at the project-level, based on the Town's judgment of the individual circumstances of the project before it as a lead agency under CEQA. However, it can be generally stated that the Town shall require mitigation pursuant to species- or resource-specific protocols established by CDFG, USFWS, and/or the U.S. Army Corps of Engineers. The Town can also require, as appropriate, translocation or seed collection programs, trapping and removal of wildlife, preservation of offsite habitat, recreation of habitat, or participation in a mitigation bank.

- d. The Town shall ensure that land actions require site-specific nest surveys for the presence of migratory birds in accordance with established protocols and requirements of the Migratory Bird Treaty Act, prior to site disturbance. If protected migratory birds and/or raptors are found to be nesting onsite, construction activities will not be allowed within a radius of the nest determined by a qualified biologist, until the young have fledged and left the nest.
- e. Biological surveys for Burrowing Owls and Prairie Falcons shall be performed for any site proposed for development wherever sufficient open space and suitable habitat is present. Coordination with California Department of Fish and Game is required when survey results are positive.
- f. Biological surveys for bats shall be performed prior to disturbance on projects involving reconstruction of bridges, demolition of abandoned buildings, and/or have the potential to contain old mines, in order to determine if significant roosts are present. If roosts are present, projects shall comply with applicable protocols of the Department of Fish and Game or US Wildlife Service, and the recommendations of qualified biologists.
- g. The Town shall utilize land use designations that provide for Open Space in order to protect viable habitat within the Town. On lands not already designated as Open Space where viable habitat occurs, such lands shall be considered for an open space land use designation as appropriate. Open Space lands shall be managed as warranted for the preservation and protection of their biological and natural resources.

- h. The Town shall retain the Open Space designation along the Mojave River to ensure that important riparian habitat and linkages are conserved.
  - i. To conserve the natural state of existing hillsides and slopes, land greater than fifteen (15) percent slope shall not be built upon and shall be used as open space.
  - j. Open space land shall be protected in perpetuity.
  - k. Development proposals adjacent to open space lands shall provide buffers and linkages to maintain natural resource values.
  - l. Groundwater shall be conserved to reduce overdraft and retain or increase the depth of the water table along the Mojave River, which will help to preserve and restore plant communities within and adjacent to the waterway.
  - m. Development projects proposing to alter or impact major drainages (blue-line streams) including ephemeral streams, shall consult with the appropriate state and/or federal regulatory agency. Such alteration may require permits from the U.S. Army Corps of Engineers, Lahontan Regional Water Quality Control Board, and/or the California Department of Fish and Game. Compliance with such permits will ensure that impacts to riparian habitat are mitigated by either restoration or replacement, and that impacts to water quality are avoided by compliance with Section 401 of the Clean Water Act requirements.
  - n. The Town shall promote the use of native vegetation for landscaping to enhance and create viable habitat for local species. The Town shall periodically update a comprehensive list of plant materials that are complementary with the local environment. This list shall include native and non-native, drought tolerant trees, shrubs and groundcover. The Town shall also maintain a list of prohibited plant materials. Both lists shall be made available to developers and residents. The use of native vegetation in project submissions shall be given preference over water-intensive landscaping during project design review.
  - o. The Town shall require developers to recover, preserve, or utilize native vegetation within their project or shall require that viable vegetation is transplanted to other appropriate sites in conformance with its Native Plant Ordinance. The Town shall make information on salvaging and transplanting native species available to developers.
  - p. The Town shall continue to promote biodiversity by protecting natural communities with high habitat value, protecting habitat linkages to prevent further fragmentation, and encouraging an appreciation for the natural environment and bio resources.
4. Supportive Evidence: The General Plan includes policies and programs aimed at protecting and preserving sensitive natural resources. Land uses in the General Plan area range from urbanized areas where habitat values have been degraded, to vacant lands

providing valuable habitat for a variety of common and special-status plant and animal species. The General Plan will facilitate development that is expected to result in direct and indirect impacts to biological resources that may be significant if not adequately mitigated.

Mitigation measures shown above include but are not limited to requirements for site-specific surveys and species-specific survey protocols for future development proposals. Future development in the planning area will be required to specifically address special status bird species by conducting presence/absence surveys prior to development. A number of plans have been or are being developed to address issues associated with development as it impacts special status species and areas of valuable habitat on public and private lands, including the West Mojave Habitat Conservation Plan (Bureau of Land Management) and the Apple Valley MSHCP. These plans establish requirements for the preservation and maintenance of wildlife movement corridors within the Town and vicinity and thereby provide important guidelines and criteria for these habitats. Until the MSHCP is adopted, projects on private lands with potential to impact a listed species are required to obtain state and/or federal permits in compliance with the state and federal Endangered Species Acts. The Town has adopted a Native Plant Ordinance to protect Joshua Trees and other native species.

Application of General Plan policies, compliance with federal and local habitat conservation plans, and implementation of mitigation measures as set forth in the Final EIR will reduce potential impacts to less than significant levels.

1. Impact: Implementation of the General Plan and Annexations will have a substantial impact on wetlands, riparian habitat or other sensitive natural community.

The Mojave River includes riparian plant species, including Booth's Suncup and Southern Skullcap. Preservation of the habitat along the Mojave River will protect those special status and listed species that rely on riparian habitat such as the Southwestern Willow and Vermillion Flycatchers, Western Yellow-billed Cuckoo, Swainson's Hawk, Long-eared Owl, and Least Bell's Vireo, as well as others. Joshua trees are protected by local ordinance, and provide habitat for local species.

2. Finding: Changes or alterations have been required in, or incorporated into the Preferred Alternative, or are otherwise required for subsequent environmental review, which reduce significant environmental effects to biological resources as identified in the Final EIR to less than significant levels.
3. Mitigation: The following mitigation measures shall be implemented to reduce impacts to riparian habitat and sensitive natural communities to less than significant levels:
  - a. The Town shall aid the County of San Bernardino and other participating federal, state, and local agencies in the preparation of a private lands counterpart to the West Mojave Habitat Conservation Plan.

The Town shall participate in the provision of biological resources data and/or surveys relevant to open space areas within its jurisdiction and sphere of influence that may have biological resources value, and shall participate in the preparation of a Habitat Conservation Plan that addresses the needs of the Town with regard to regional biological resources.

If a Habitat Conservation Plan is formulated by the participating federal, state, and local agencies that allows for the conservation of biological resources, the Town shall implement it.

- b. The Town shall complete the preparation of the Apple Valley MSHCP, in conjunction with the CDFG and the USFWS. Upon the completion of the MSHCP to the satisfaction of all three parties, the Town shall proceed to implement it according to its terms and the authorization for take of special status species granted by CDFG and USFWS.
- c. The Town shall require that biological resources evaluations be performed prior to development actions, including site-specific surveys utilizing specified survey parameters as required for all special status species in identified habitat areas, and especially within or adjacent to linkage corridors or special survey areas and potential jurisdictional areas.

As required by CEQA, if biological resources are present that would be significantly impacted by a project, mitigation shall be imposed on the project to reduce the impact to a level of less than significant, to the extent feasible.

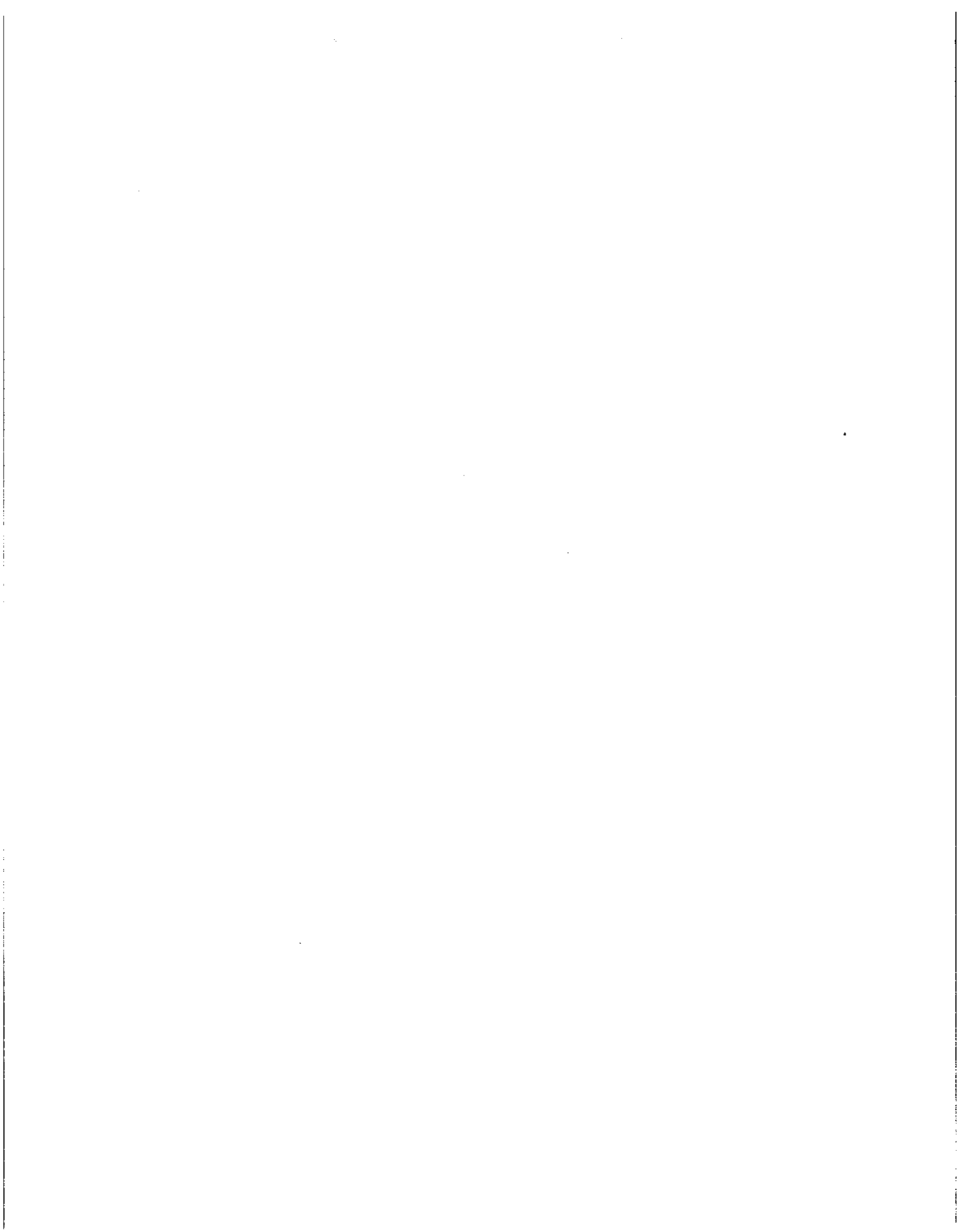
At the General Plan-level, it is not practical to formulate or list the entire range of specific mitigation measures that can be required for individual projects. Therefore, this identification can only be done at the project-level, based on the Town's judgment of the individual circumstances of the project before it as a lead agency under CEQA. However, it can be generally stated that the Town shall require mitigation pursuant to species- or resource-specific protocols established by CDFG, USFWS, and/or the U.S. Army Corps of Engineers. The Town can also require, as appropriate, transplanted or seed collection programs, trapping and removal of wildlife, preservation of offsite habitat, recreation of habitat, or participation in a mitigation bank.

- d. The Town shall utilize land use designations that provide for Open Space in order to protect viable habitat within the Town. On lands not already designated as Open Space where viable habitat occurs, such lands shall be considered for an open space land use designation as appropriate. Open Space lands shall be managed as warranted for the preservation and protection of their biological and natural resources.
- e. The Town shall retain the Open Space designation along the Mojave River to ensure that important riparian habitat and linkages are conserved.

- f. To conserve the natural state of existing hillsides and slopes, land greater than fifteen (15) percent slope shall not be built upon and shall be used as open space.
  - g. Groundwater shall be conserved to reduce overdraft and retain or increase the depth of the water table along the Mojave River, which will help to preserve and restore plant communities within and adjacent to the waterway.
  - h. Development projects proposing to alter or impact major drainages (blue-line streams) including ephemeral streams, shall consult with the appropriate state and/or federal regulatory agency. Such alteration may require permits from the U.S. Army Corps of Engineers, Lahontan Regional Water Quality Control Board, and/or the California Department of Fish and Game. Compliance with such permits will ensure that impacts to riparian habitat are mitigated by either restoration or replacement, and that impacts to water quality are avoided by compliance with Section 401 of the Clean Water Act requirements.
  - i. The Town shall continue to promote biodiversity by protecting natural communities with high habitat value, protecting habitat linkages to prevent further fragmentation, and encouraging an appreciation for the natural environment and bio resources.
4. Supportive Evidence: The General Plan includes policies and programs aimed at protecting and preserving sensitive habitats. Land uses in the General Plan area range from urbanized areas where habitat values have been degraded, to vacant lands providing valuable habitat for a variety of common and special-status plant and animal species. Riparian habitats occur in and surrounding the Mojave River, and have been designated as Open Space in the General Plan, to avoid any impacts to this habitat.

Mitigation measures shown above include but are not limited to requirements for site-specific surveys and species-specific survey protocols for future development proposals. A number of plans have been or are being developed to address issues associated with development as it impacts sensitive habitat on public and private lands, including the West Mojave Habitat Conservation Plan (Bureau of Land Management) and the Apple Valley MSHCP. These plans establish requirements for the preservation and maintenance of wildlife movement corridors within the Town and vicinity and thereby provide important guidelines and criteria for these habitats. The Town has adopted a Native Plant Ordinance to protect Joshua Trees and other native species.

Application of General Plan policies, compliance with federal and local habitat conservation plans, and implementation of mitigation measures as set forth in the Final EIR will reduce potential impacts to less than significant levels.



1. **Impact:** Implementation of the General Plan and Annexations will interfere substantially with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors.

Important linkage areas in the planning area and vicinity include the Mojave River corridor, which links a number of natural communities within the planning area, and other washes, which provide for movement between surrounding mountain ranges to the north/northeast and south/southeast. Fragmentation can contribute to instability of ecosystems and other adverse changes, such as an increase in predators, competitors and parasites. To minimize biodiversity losses associated with fragmentation, it is crucial that land use planning include provisions for an interconnected network with established wildlife corridors and linkages.

2. **Finding:** Changes or alterations have been required in, or incorporated into the Preferred Alternative, or are otherwise required for subsequent environmental review, which reduce significant environmental effects to biological resources as identified in the Final EIR to less than significant levels.
3. **Mitigation:** The following mitigation measures shall be implemented to reduce impacts to the movement of species to less than significant levels:

- a. The Town shall aid the County of San Bernardino and other participating federal, state, and local agencies in the preparation of a private lands counterpart to the West Mojave Habitat Conservation Plan.

The Town shall participate in the provision of biological resources data and/or surveys relevant to open space areas within its jurisdiction and sphere of influence that may have biological resources value, and shall participate in the preparation of a Habitat Conservation Plan that addresses the needs of the Town with regard to regional biological resources.

If a Habitat Conservation Plan is formulated by the participating federal, state, and local agencies that allows for the conservation of biological resources, the Town shall implement it.

- b. The Town shall complete the preparation of the Apple Valley MSHCP, in conjunction with the CDFG and the USFWS. Upon the completion of the MSHCP to the satisfaction of all three parties, the Town shall proceed to implement it according to its terms and the authorization for take of special status species granted by CDFG and USFWS.
- c. The Town shall require that biological resources evaluations be performed prior to development actions, including site-specific surveys utilizing specified survey parameters as required for all special status species in identified habitat areas, and

especially within or adjacent to linkage corridors or special survey areas and potential jurisdictional areas.

As required by CEQA, if biological resources are present that would be significantly impacted by a project, mitigation shall be imposed on the project to reduce the impact to a level of less than significant, to the extent feasible.

At the General Plan-level, it is not practical to formulate or list the entire range of specific mitigation measures that can be required for individual projects. Therefore, this identification can only be done at the project-level, based on the Town's judgment of the individual circumstances of the project before it as a lead agency under CEQA. However, it can be generally stated that the Town shall require mitigation pursuant to species- or resource-specific protocols established by CDFG, USFWS, and/or the U.S. Army Corps of Engineers. The Town can also require, as appropriate, transplantation or seed collection programs, trapping and removal of wildlife, preservation of offsite habitat, recreation of habitat, or participation in a mitigation bank.

- d. The Town shall utilize land use designations that provide for Open Space in order to protect viable habitat within the Town. On lands not already designated as Open Space where viable habitat occurs, such lands shall be considered for an open space land use designation as appropriate. Open Space lands shall be managed as warranted for the preservation and protection of their biological and natural resources.
- e. The Town shall retain the Open Space designation along the Mojave River to ensure that important riparian habitat and linkages are conserved.
- f. Development proposals adjacent to open space lands shall provide buffers and linkages to maintain natural resource values.
- g. Development projects proposing to alter or impact major drainages (blueline streams) including ephemeral streams, shall consult with the appropriate state and/or federal regulatory agency. Such alteration may require permits from the U.S. Army Corps of Engineers, Lahonton Regional Water Quality Control Board, and/or the California Department of Fish and Game. Compliance with such permits will ensure that impacts to riparian habitat are mitigated by either restoration or replacement, and that impacts to water quality are avoided by compliance with Section 401 of the Clean Water Act requirements.
- h. The Town shall promote the use of native vegetation for landscaping to enhance and create viable habitat for local species. The Town shall periodically update a comprehensive list of plant materials that are complementary with the local environment. This list shall include native and non-native, drought tolerant trees, shrubs and groundcover. The Town shall also maintain a list of prohibited plant materials. Both lists shall be made available to developers and residents. The use of

native vegetation in project submissions shall be given preference over water-intensive landscaping during project design review.

- i. The Town shall require developers to recover, preserve, or utilize native vegetation within their project or shall require that viable vegetation is transplanted to other appropriate sites in conformance with its Native Plant Ordinance. The Town shall make information on salvaging and transplanting native species available to developers.
  - j. The Town shall continue to promote biodiversity by protecting natural communities with high habitat value, protecting habitat linkages to prevent further fragmentation, and encouraging an appreciation for the natural environment and bio resources.
4. Supportive Evidence: The General Plan includes policies and programs intended to ensure that habitat connectivity is preserved in the planning area. A number of plans have been or are being developed to address issues associated with impacts to these areas from development, including the West Mojave Habitat Conservation Plan (Bureau of Land Management) and the Apple Valley MSHCP currently under development. These plans provide important guidelines and criteria for these habitats by establishing requirements for the preservation and maintenance of wildlife movement corridors within the Town and vicinity.

Application of General Plan policies, compliance with federal and local habitat conservation plans, and implementation of mitigation measures as set forth in the Final EIR will reduce potential impacts to less than significant levels.

#### **D. Cultural Resources**

1. Impact: Build out of the General Plan and Annexation areas has the potential to result in a substantial adverse change in the significance of a historical resource as defined in 15064.5

Portions of the planning area appear to be highly sensitive for historic-period resources. There are sensitive historic period sites in the southern portion of the planning area, and within a corridor along Highway 18. Activities associated with future development of the General Plan area where there is historic sensitivity may result in the discovery of additional sites and structures, and could therefore result in direct and/or indirect disturbance or destruction of sensitive historic resources.

2. Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the potentially significant environmental effects to historic resources as identified in the Final EIR.
3. Mitigation: The following mitigation measures shall be implemented to reduce impacts to historic resources to less than significant levels:

- a. Cultural resource and paleontological resource studies shall be required prior to development for all lands identified as having high potential for historic or archaeological resources or paleontological resources, as identified in the EIR. The studies shall be reviewed and approved by the Town Planning Division prior to the issuance of any ground-disturbing permit. The recommendations of the studies shall be made conditions of approval of the ground disturbing permits.
  - b. The Town shall establish and maintain a confidential inventory of archaeological and historical resources within the Planning area, including those identified in focused cultural resources studies. The Town shall protect sensitive archaeological and historic resources from vandalism and illegal collection, to the greatest extent possible.
4. Supportive Evidence: A cultural resources study was conducted over the planning area to determine areas of high sensitivity for historic era cultural resources. Approximately one-third of the planning area has been previously systemically surveyed for the presence of cultural resources, and identified sites have been documented. To ensure that impacts to previously undiscovered resources are reduced to less than significant levels, mitigation measures are set forth in the EIR and discussed above. These measures include requirements that surveys be conducted in identified sensitive areas prior to the issuance of grading permits.

Implementation of General Plan policies and programs and mitigation measures set forth in the EIR will reduce impacts to historic resources to less than significant levels.

1. Impact: Build out of the General Plan and Annexation areas has the potential to result in a substantial adverse change in the significance of an archaeological resource as defined in 15064.5.

Portions of the planning area appear to be highly sensitive for pre-historic resources. These include the area within one mile of the Mojave River and portions of the northernmost part of Town and adjacent Sphere of Influence. Activities associated with future development of the General Plan area where there is cultural resource sensitivity may result in the discovery of additional sites and structures, and could therefore result in direct and/or indirect disturbance or destruction of sensitive archaeological resources.

Much or all of the two annexation areas are within portions of the planning area that have been previously identified as highly sensitive for archaeological resources. Therefore, development activities, including grading, excavation, paving and building construction, as well as increased foot and vehicular traffic could damage or destroy sensitive resources.

2. Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the potentially significant environmental effects to archaeological resources as identified in the Final EIR.

3. **Mitigation:** The following mitigation measures shall be implemented to reduce impacts to archaeological resources to less than significant levels:

a. Cultural resource and paleontological resource studies shall be required prior to development for all lands identified as having high potential for historic or archaeological resources or paleontological resources, as identified in the EIR. The studies shall be reviewed and approved by the Town Planning Division prior to the issuance of any ground-disturbing permit. The recommendations of the studies shall be made conditions of approval of the ground disturbing permits.

b. The Town shall establish and maintain a confidential inventory of archaeological and historical resources within the Planning area, including those identified in focused cultural resources studies. The Town shall protect sensitive archaeological and historic resources from vandalism and illegal collection, to the greatest extent possible.

4. **Supportive Evidence:** A cultural resources study was conducted over the planning area to determine areas of high sensitivity for pre-historic resources. Approximately one-third of the planning area has been previously systemically surveyed for the presence of cultural resources, and identified sites have been documented. To ensure that impacts to previously undiscovered cultural resources are reduced to less than significant levels, mitigation measures are set forth in the EIR and discussed above. These measures include requirements that archaeological surveys be conducted in identified sensitive areas prior to the issuance of grading permits. During a Native American consultation conducted as part of the cultural resources study, the Native American Heritage Commission was requested to conduct a search of the Sacred Lands File; the search indicated that no sites are recorded within the Planning Area. A Native American consultation associated with the cultural resources study resulted in a response from one Native American group, and the recommendations of that group have been incorporated into mitigation measures in the EIR. A Native American consultation was also conducted by the Town in compliance with SB18, and no responses were received.

Implementation of General Plan policies and programs and mitigation measures set forth in the EIR will reduce impacts to archaeological resources to less than significant levels.

1. **Impact:** Build out of the General Plan and Annexation areas has the potential to directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.

Future development in the Planning area could also impact paleontological resources, should Pleistocene-age soils be disturbed by grading or excavation activities resulting from build out of the General Plan. Since the depth of Holocene-age soils in the planning area is not known, Pleistocene-age soils may be sufficiently close to the surface to be disturbed by grading activities.

2. **Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the potentially significant environmental effects to paleontological resources as identified in the Final EIR.
3. **Mitigation:** The following mitigation measures shall be implemented to reduce impacts to paleontological resources to less than significant levels:
  - a. Cultural resource and paleontological resource studies shall be required prior to development for all lands identified as having high potential for historic or archaeological resources or paleontological resources, as identified in the EIR. The studies shall be reviewed and approved by the Town Planning Division prior to the issuance of any ground-disturbing permit. The recommendations of the studies shall be made conditions of approval of the ground disturbing permits.
4. **Supportive Evidence:** A paleontological resources study was conducted to identify areas expected to be highly sensitive for paleontological resources. To ensure that impacts to previously undiscovered paleontological resources are reduced to less than significant levels, mitigation measures are set forth in the EIR and discussed above. These measures include requirements that paleontological surveys be conducted in identified sensitive areas prior to the issuance of grading permits.

Implementation of General Plan policies and programs and mitigation measures set forth in the EIR will reduce impacts paleontological resources to less than significant levels.

#### **E. Geology and Soils**

1. **Impact:** Build out of the General Plan and Annexation areas could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

Build out of the proposed General Plan and annexations will result in new development that could expose persons, structures, property and infrastructure to geological hazards in the event of a seismic event, including moderate to extreme ground shaking and significant ground acceleration associated with seismic activity along the San Andreas Fault Zone and associated faults in proximity to the Town and annexation areas.

Damage to infrastructure and utility systems from earthquake-related hazards could result in failure of roadways within the Town and surrounding area, as well as disruption to utilities such as telephone, gas, energy, and water. These impacts could affect the area's access to emergency and other essential services.

Both of the annexation areas are, like the rest of Apple Valley, situated in proximity to several faults that have the potential to cause strong to severe ground shaking, which could result in damage to structures, infrastructure, and persons, or generate seismically induced hazards.

2. **Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects associated with strong seismic ground shaking as identified in the Final EIR.
3. **Mitigation:** Mitigation measures include the following, which will help ensure the proper management of hazards associated with ground shaking, so as to reduce them to less than significant levels:
  - a. The Town shall establish and maintain an information database containing maps and other information that describes seismic and other geotechnical hazards occurring within the General Plan Area, and shall consult and coordinate with appropriate local, regional, state and federal agencies, and professional engineering geologists to establish, improve, and routinely update the database.
  - b. Future development proposals shall require the preparation of a site-specific soils and/or geotechnical analysis that includes an evaluation of seismic and soil conditions and provide recommendations that mitigate soils and geotechnical hazards or constraints. Proper structural engineering, which takes into account the forces that will be applied to structures by anticipated ground motions, shall provide mitigation for ground shaking hazards. Seismic design shall be in accordance with the most recently adopted editions of the Uniform Building Code and the seismic design parameters of the Structural Engineers' Association of California.
  - c. Establish a cooperative agreement with the County Geologist, State Geologist, contract state-certified geologist, or contract geological engineer, to review and determine the adequacy of geotechnical and fault hazard studies prepared within the Town.
  - d. Retaining walls shall be constructed to adopted building code standards and shall be evaluated by the Building Inspector.
  - e. Maintain working relationships and strategies between the Public Works Division, Apple Valley Fire Protection District, and other appropriate agencies to strengthen or relocate utility or service facilities and take other appropriate measures to safeguard major utility distribution systems in preparation of a seismic event.
  - f. Proposed development within a designated Alquist-Priolo Earthquake Fault Zone shall require site-specific geotechnical investigation including fault trenching and other Alquist-Priolo Fault Zoning Act guidelines.
4. **Supportive Evidence:** A technical background report was prepared for the General Plan. It analyzed geological hazards in the planning area, which have been addressed in the EIR. The General Plan land use plan has been developed to reduce the exposure of people and property to potential damage from seismic events to the greatest extent feasible.

The General Plan proposes policies and programs that, along with mitigation measures set forth in the EIR and in conjunction with application of standards set forth in the most recent version of the Uniform Building Code, will reduce impacts associated with geological hazards to less than significant levels.

1. Impact: Build out of the General Plan and Annexation areas could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic related ground failure, including landslides.

Build out of the proposed General Plan and annexations will result in new development that could expose persons, structures, property and infrastructure to seismic ground failure associated with seismic activity along the San Andreas Fault Zone and associated faults in proximity to the Town and annexation areas.

Damage could result from ground subsidence associated with unconsolidated soils, rock fall adjacent to slopes, and similar seismic related ground failure. Damage to infrastructure and utility systems from seismic hazards could result in failure of roadways within the Town and surrounding area, as well as disruption to utilities such as telephone, gas, energy, and water. These impacts could affect the area's access to emergency and other essential services.

Although the Town is predominantly situated on broad alluvial plains, scattered slopes, hillsides, and mountains surround the planning area and present potential geological hazards in the Town and region. Development at the base of slopes, hillsides, and mountains is susceptible to hazards associated with slope instability such as rock falls and landslides.

Soil parameters dictate the potential for soil collapse, compression, and expansion. The Town is primarily underlain by young alluvium, composed of unconsolidated to moderately consolidated silt and sand, which makes this soil type (Qyf) potentially susceptible to collapse and compression. This potential is exacerbated when additional weight loads and/or pressure is applied.

2. Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects associated with ground failure as identified in the Final EIR.
3. Mitigation: Mitigation measures include the following, which will help ensure the proper management of seismic ground failure, so as to reduce them to less than significant levels:
  - a. Future development proposals shall require the preparation of a site-specific soils and/or geotechnical analysis that include an evaluation of seismic and soil conditions and provide recommendations that mitigate soils and geotechnical hazards or constraints.

- b. Proper structural engineering, which takes into account the forces that will be applied to structures by anticipated ground motions, shall provide mitigation for ground shaking hazards. Seismic design shall be in accordance with the most recently adopted editions of the Uniform Building Code and the seismic design parameters of the Structural Engineers' Association of California.
- c. Design elements, such as baffles, shall be required to reduce the potential for seiches in tanks, open reservoirs, and ponds where overflow or structural failure may cause damage to nearby properties. Criteria for seismic design of water tanks shall be in accordance with the American Water Works Association Standards for Design of Steel Water Tanks.
- d. Site-specific geotechnical analyses shall be conducted where new development is proposed adjacent to or in close proximity to steep slopes. Analyses shall evaluate the potential for landslides, rock falls, and/or slope failure, and set forth mitigation measures to minimize these hazards such as the use of set backs, retaining walls, and vegetation buffers.
- e. All existing vegetation and debris shall be removed from areas that are to receive compacted fill. Removal of trees shall include a minimum of ninety-five (95) percent of the root systems. Excavation to depths ranging from two (2) to four (4) feet or more below the existing site grade may be required.
- f. Maintain working relationships and strategies between the Public Works Division, Apple Valley Fire Protection District, and other appropriate agencies to strengthen or relocate utility or service facilities including the expedient retrofitting of weak or damaged service structures, enforce fire and building codes, and take other appropriate measures to safeguard major utility distribution systems in preparation of a seismic event.
- g. Fill materials shall be uniformly compacted to no less than ninety (90) percent of the laboratory maximum density, by either over-filling and cutting back to expose a compacted core or by approved mechanical methods, as determined by the ASTM test method D-1557-78. The project soils engineer shall observe the placement of fill and take sufficient tests to verify the moisture content, uniformity, and degree of compaction obtained. In-place soil density measurements should be determined by the sand-cone method, in accordance with ASTM Test Method D-1556-64 (74), or equivalent test method acceptable to the Town's Building and Safety Department.
- h. In general, finish cut slopes shall not be inclined steeper than 2:1 (horizontal to vertical). Attempts to excavate near-vertical temporary cuts for retaining walls or utility installations in excess of 5 feet may result in failure of the slope, which has the potential to damage equipment and injure workers. All cut slopes must be inspected by the project engineer during grading to provide additional recommendations for safe construction.

- i. Foundation systems that utilize continuous and spread footings are recommended for the support of one and two-story structures. Foundations for higher structures must be evaluated based on structure design and on-site soil conditions.
4. **Supportive Evidence:** A technical background report was prepared for the General Plan. It analyzed geological hazards in the planning area, which have been addressed in the EIR. The General Plan land use plan has been developed to reduce the exposure of people and property to potential damage from seismic events to the greatest extent feasible.

The General Plan proposes policies and programs that, along with mitigation measures set forth in the EIR and in conjunction with application of standards set forth in the most recent version of the Uniform Building Code, will reduce impacts associated with seismic related ground failure to less than significant levels.

1. **Impact:** Build out of the General Plan and Annexation areas could result in substantial soil erosion or the loss of topsoil.

In some areas of the Town and the Sphere of Influence, especially where dry and granular sediment are present, aeolian and fluvial erosion present potential hazards. Grading, site development, or other surface disturbances can result in loose sediment that can easily be picked up by wind or water. Strong winds can cause deposits to become airborne, which can result in adverse health conditions, degraded air quality, and can erode structures. Project-specific erosion control measures shall continue to be required and implemented to protect soils within the Town and Sphere.

2. **Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects associated with soil erosion as identified in the Final EIR.
3. **Mitigation:** Mitigation measures include the following, which will help ensure the proper management of soil erosion, so as to reduce them to less than significant levels:
  - a. Future development proposals shall require the preparation of a site-specific soils and/or geotechnical analysis that include an evaluation of seismic and soil conditions and provide recommendations that mitigate soils and geotechnical hazards or constraints.
  - b. New development shall not be placed within natural flow paths or result in substantial changes to drainage patterns offsite.
  - c. Development on wind or stream-deposited sediment or young alluvium on the valley floor should include site-specific subsurface geotechnical investigations that address the potential for seismic settlement, collapsible and expansive soils, and liquefaction. These hazards can be mitigated by proper excavation, compaction, backfilling, and foundation design.

- d. Retaining walls shall be constructed to adopted building code standards, include an adequate sub-drain system at the base to prevent excessive hydrostatic pressure, and be evaluated by the Building Inspector.
- e. Encourage consultation and coordination between the Town of Apple Valley Public Works Division, AVRWC, MWA, U.S. Geological Survey, and other appropriate agencies in order to routinely monitor groundwater levels and surface elevations in the Town.
- f. The Town shall actively support and participate in local and regional efforts to conserve water in an effort to mitigate potential ground subsidence resulting from over extraction of groundwater. Preventive measures include the use of water efficient appliances and faucets indoors, desert tolerant landscaping, and increased use of reclaimed water, storm water, or imported water.
- g. All grading permit requests shall include a soil erosion prevention plan. Blowing dust and sand during grading operation shall be mitigated by maintaining moist surface soils, limiting the area of dry exposed soils, planting stabilizing vegetation, establishing windbreaks with non-invasive vegetation or perimeter block walls, applying chemical soil stabilizers, and adequately watering construction sites prior to and during grading and site disturbance. (Also see Air Quality in Section III-C)
- h. Imported and onsite fill soils for future development shall be approved by the project's soils engineer. Prior to placement as compaction fill the soils engineer shall assure that all fill materials are free of vegetation, organic material, cobbles and boulders greater than six (6) inches in diameter, and other debris. Approved soil shall be placed in horizontal lifts or appropriate thickness as prescribed by the soils engineer and watered or aerated as necessary to obtain near-optimum moisture-content.
- i. Fill materials shall be uniformly compacted to no less than ninety (90) percent of the laboratory maximum density, by either over-filling and cutting back to expose a compacted core or by approved mechanical methods, as determined by the ASTM test method D-1557-78. The project soils engineer shall observe the placement of fill and take sufficient tests to verify the moisture content, uniformity, and degree of compaction obtained. In-place soil density measurements should be determined by the sand-cone method, in accordance with ASTM Test Method D-1556-64 (74), or equivalent test method acceptable to the Town's Building and Safety Department.
- j. Foundation systems that utilize continuous and spread footings are recommended for the support of one and two-story structures. Foundations for higher structures must be evaluated based on structure design and on-site soil conditions.
- k. Positive site drainage shall be established during finish grading. Finish lot grading shall include a minimum positive gradient of two (2) percent away from structures for

a minimum distance of three (3) feet and a minimum gradient of one (1) percent to the street or other approved drainage course.

- I. Utility trench excavations in slope areas or within the zone of influence of structures should be properly backfilled in accordance with the following recommendations:

- (a) Pipes shall be bedded with a minimum of six (6) inches of pea gravel or approved granular soil. Similar material shall be used to provide a cover of at least one (1) foot over the pipe. This backfill shall then be uniformly compacted by mechanical means or jetted to a firm and unyielding condition.

- (b). Remaining backfill may be fine-grained soils. It shall be placed in lifts not exceeding six (6) inches in thickness or as determined appropriate, watered or aerated to near optimum moisture content, and mechanically compacted to a minimum of ninety (90) percent of the laboratory maximum density.

- (c) Pipes in trenches within five (5) feet of the top of slopes or on the face of slopes shall be bedded and backfilled with pea gravel or approved granular soils as described above. The remainder of the trench backfill shall comprise typical on-site fill soil mechanically compacted as described in the previous paragraph.

4. Supportive Evidence: A technical background report was prepared for the General Plan. It analyzed soil conditions in the planning area, which have been addressed in the EIR. The General Plan land use plan has been developed to reduce wind and water soil erosion to the greatest extent feasible.

The General Plan proposes policies and programs that, along with mitigation measures set forth in the EIR and in conjunction with application of standards set forth in the most recent version of the Uniform Building Code, will reduce impacts associated with soil erosion to less than significant levels.

1. Impact: Build out of the General Plan and Annexation areas could result in projects being located on a geologic unit or soil that is unstable, or that would become unstable as a result of the build out of the General Plan, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse.

Although the Town is predominantly situated on broad alluvial plains, scattered slopes, hillsides, and mountains surround the planning area and present potential geological hazards in the Town and region. Development at the base of slopes, hillsides, and mountains is susceptible to hazards associated with slope instability such as rock falls and landslides. As build out of the General Plan continues, development should be minimized or avoided in areas that have greater than fifteen (15) percent slopes to limit potential impacts associated with slope instability and failure. The Development Code includes specific requirements and prohibitions for the construction of structures on slopes. These areas can be maintained as open space for recreation or health and safety. Where development is proposed adjacent to slopes, hillsides, and mountains, site specific

analyses that address the potential impacts of rock falls, landslides, and slope stability must be conducted to assess site specific impacts and provide appropriate mitigation measures.

2. **Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects associated with unstable soils as identified in the Final EIR.
3. **Mitigation:** Mitigation measures include the following, which will help ensure the proper management of expansive soils, so as to reduce them to less than significant levels:
  - a. Future development proposals shall require the preparation of a site-specific soils and/or geotechnical analysis that include an evaluation of seismic and soil conditions and provide recommendations that mitigate soils and geotechnical hazards or constraints.
  - b. New development shall not be placed within natural flow paths or result in substantial changes to drainage patterns offsite.
  - c. Development on wind or stream-deposited sediment or young alluvium on the valley floor should include site-specific subsurface geotechnical investigations that address the potential for seismic settlement, collapsible and expansive soils, and liquefaction. These hazards can be mitigated by proper excavation, compaction, backfilling, and foundation design.
  - d. Retaining walls shall be constructed to adopted building code standards, include an adequate sub-drain system at the base to prevent excessive hydrostatic pressure, and be evaluated by the Building Inspector.
  - e. Encourage consultation and coordination between the Town of Apple Valley Public Works Division, AVRWC, MWA, U.S. Geological Survey, and other appropriate agencies in order to routinely monitor groundwater levels and surface elevations in the Town.
  - f. The Town shall actively support and participate in local and regional efforts to conserve water in an effort to mitigate potential ground subsidence resulting from over extraction of groundwater. Preventive measures include the use of water efficient appliances and faucets indoors, desert tolerant landscaping, and increased use of reclaimed water, storm water, or imported water.
  - g. All grading permit requests shall include a soil erosion prevention plan. Blowing dust and sand during grading operation shall be mitigated by maintaining moist surface soils, limiting the area of dry exposed soils, planting stabilizing vegetation, establishing windbreaks with non-invasive vegetation or perimeter block walls, applying chemical soil stabilizers, and adequately watering construction sites prior to and during grading and site disturbance. (Also see Air Quality in Section III-C)

- h. Imported and onsite fill soils for future development shall be approved by the project's soils engineer. Prior to placement as compaction fill the soils engineer shall assure that all fill materials are free of vegetation, organic material, cobbles and boulders greater than six (6) inches in diameter, and other debris. Approved soil shall be placed in horizontal lifts or appropriate thickness as prescribed by the soils engineer and watered or aerated as necessary to obtain near-optimum moisture-content.
- i. Fill materials shall be uniformly compacted to no less than ninety (90) percent of the laboratory maximum density, by either over-filling and cutting back to expose a compacted core or by approved mechanical methods, as determined by ASTM test method D-1557-78. The project soils engineer shall observe the placement of fill and take sufficient tests to verify the moisture content, uniformity, and degree of compaction obtained. In-place soil density measurements should be determined by the sand-cone method, in accordance with ASTM Test Method D-1556-64 (74), or equivalent test method acceptable to the Town's Building and Safety Department.
- j. Foundation systems that utilize continuous and spread footings are recommended for the support of one and two-story structures. Foundations for higher structures must be evaluated based on structure design and on-site soil conditions.
- k. Positive site drainage shall be established during finish grading. Finish lot grading shall include a minimum positive gradient of two (2) percent away from structures for a minimum distance of three (3) feet and a minimum gradient of one (1) percent to the street or other approved drainage course.
- l. Utility trench excavations in slope areas or within the zone of influence of structures should be properly backfilled in accordance with the following recommendations:
  - (a) Pipes shall be bedded with a minimum of six (6) inches of pea gravel or approved granular soil. Similar material shall be used to provide a cover of at least one (1) foot over the pipe. This backfill shall then be uniformly compacted by mechanical means or jetted to a firm and unyielding condition.
  - (b). Remaining backfill may be fine-grained soils. It shall be placed in lifts not exceeding six (6) inches in thickness or as determined appropriate, watered or aerated to near optimum moisture content, and mechanically compacted to a minimum of ninety (90) percent of the laboratory maximum density.
  - (c) Pipes in trenches within five (5) feet of the top of slopes or on the face of slopes shall be bedded and backfilled with pea gravel or approved granular soils as described above. The remainder of the trench backfill shall comprise typical on-site fill soil mechanically compacted as described in the previous paragraph.

4. **Supportive Evidence:** A technical background report was prepared for the General Plan. It analyzed soil conditions in the planning area, which have been addressed in the EIR. The General Plan land use plan has been developed to reduce impacts associated with unstable soils to the greatest extent feasible.

The General Plan proposes policies and programs that, along with mitigation measures set forth in the EIR and in conjunction with application of standards set forth in the most recent version of the Uniform Building Code, will reduce impacts associated with unstable soils to less than significant levels.

1. **Impact:** Build out of the General Plan and Annexation areas could result in projects being located on expansive soil.

Expansive soils also present hazards within the planning area, but are limited to finer-grained sediments that have a clay component. Collapsible, compressible, and expansive soils can have adverse impacts to structures and infrastructure if not properly managed. Site-specific studies must be conducted to evaluate soil parameters and determine the potential for soil collapse, compression, and expansion.

2. **Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects associated with expansive soil as identified in the Final EIR.
3. **Mitigation:** Mitigation measures include the following, which will help ensure the proper management of expansive soils, so as to reduce them to less than significant levels:
  - a. Future development proposals shall require the preparation of a site-specific soils and/or geotechnical analysis that include an evaluation of seismic and soil conditions and provide recommendations that mitigate soils and geotechnical hazards or constraints.
  - b. New development shall not be placed within natural flow paths or result in substantial changes to drainage patterns offsite.
  - c. Development on wind or stream-deposited sediment or young alluvium on the valley floor should include site-specific subsurface geotechnical investigations that address the potential for seismic settlement, collapsible and expansive soils, and liquefaction. These hazards can be mitigated by proper excavation, compaction, backfilling, and foundation design.
  - d. Retaining walls shall be constructed to adopted building code standards, include an adequate sub-drain system at the base to prevent excessive hydrostatic pressure, and be evaluated by the Building Inspector.
  - e. Encourage consultation and coordination between the Town of Apple Valley Public Works Division, AVRWC, MWA, U.S. Geological Survey, and other appropriate

agencies in order to routinely monitor groundwater levels and surface elevations in the Town.

- f. The Town shall actively support and participate in local and regional efforts to conserve water in an effort to mitigate potential ground subsidence resulting from over extraction of groundwater. Preventive measures include the use of water efficient appliances and faucets indoors, desert tolerant landscaping, and increased use of reclaimed water, storm water, or imported water.
- g. All grading permit requests shall include a soil erosion prevention plan. Blowing dust and sand during grading operation shall be mitigated by maintaining moist surface soils, limiting the area of dry exposed soils, planting stabilizing vegetation, establishing windbreaks with non-invasive vegetation or perimeter block walls, applying chemical soil stabilizers, and adequately watering construction sites prior to and during grading and site disturbance. (Also see Air Quality in Section III-C)
- h. Imported and onsite fill soils for future development shall be approved by the project's soils engineer. Prior to placement as compaction fill the soils engineer shall assure that all fill materials are free of vegetation, organic material, cobbles and boulders greater than 6 inches in diameter, and other debris. Approved soil shall be placed in horizontal lifts or appropriate thickness as prescribed by the soils engineer and watered or aerated as necessary to obtain near-optimum moisture-content.
- i. Fill materials shall be uniformly compacted to no less than ninety (90) percent of the laboratory maximum density, by either over-filling and cutting back to expose a compacted core or by approved mechanical methods, as determined by the ASTM test method D-1557-78. The project soils engineer shall observe the placement of fill and take sufficient tests to verify the moisture content, uniformity, and degree of compaction obtained. In-place soil density measurements should be determined by the sand-cone method, in accordance with ASTM Test Method D-1556-64 (74), or equivalent test method acceptable to the Town's Building and Safety Department.
- j. Foundation systems that utilize continuous and spread footings are recommended for the support of one and two-story structures. Foundations for higher structures must be evaluated based on structure design and on-site soil conditions.
- k. Positive site drainage shall be established during finish grading. Finish lot grading shall include a minimum positive gradient of two (2) percent away from structures for a minimum distance of three (3) feet and a minimum gradient of one (1) percent to the street or other approved drainage course.
- l. Utility trench excavations in slope areas or within the zone of influence of structures should be properly backfilled in accordance with the following recommendations:
  - (a) Pipes shall be bedded with a minimum of 6 inches of pea gravel or approved granular soil. Similar material shall be used to provide a cover of at least 1 foot

over the pipe. This backfill shall then be uniformly compacted by mechanical means or jetted to a firm and unyielding condition.

(b). Remaining backfill may be fine-grained soils. It shall be placed in lifts not exceeding 6 inches in thickness or as determined appropriate, watered or aerated to near optimum moisture content, and mechanically compacted to a minimum of ninety (90) percent of the laboratory maximum density.

(c) Pipes in trenches within 5 feet of the top of slopes or on the face of slopes shall be bedded and backfilled with pea gravel or approved granular soils as described above. The remainder of the trench backfill shall comprise typical on-site fill soil mechanically compacted as described in the previous paragraph.

4. Supportive Evidence: A technical background report was prepared for the General Plan. It analyzed soil conditions in the planning area, which have been addressed in the EIR. The General Plan land use plan has been developed to reduce impacts associated with expansive soil to the greatest extent feasible.

The General Plan proposes policies and programs that, along with mitigation measures set forth in the EIR and in conjunction with application of standards set forth in the most recent version of the Uniform Building Code, will reduce impacts associated with expansive soil to less than significant levels.

#### **F. Hazardous and Toxic Materials**

1. Impact: At build out of the General Plan, there is a potential that there will be significant hazards to the public or the environment through the routine transport, use or disposal of hazardous materials.

As a result of policies of the General Plan update, uses and activities may be proposed or undertaken within the Town of Apple Valley that could result in the use of hazardous materials or create a hazardous condition within the Town or annexation areas. Hazardous materials transport, storage and handling, as described above, are highly regulated at the federal, state, regional and local level. The long-term build out of the General Plan and annexation areas is expected to continue to be regulated by multiple agencies.

Demolition of older buildings for redevelopment can expose people and the environment to hazardous materials such as asbestos and lead-based paint. During demolition and construction operations, hazardous materials associated with the on-site uses could also be present. The General Plan includes policies and programs to assure that activities which require the handling of hazardous building materials are properly undertaken, with the appropriate agencies' oversight.

The BNSF Railroad, Interstate 15, and Highway 18 may be used in the transport of hazardous wastes and materials within the Apple Valley planning area. Therefore,

potential exists for spills and leaks from moving sources along these corridors, including within the Town and Annexation areas.

No "large scale" hazardous waste producing industries are planned for the planning area. However, a number of businesses have the potential to use hazardous materials and produce hazardous wastes, including commercial and industrial service providers such as dry cleaners, film processors, mechanics, and others. Further, an increase in the residential population will lead to an associated increase in the use of common household hazardous materials that could harm people or the environment if they are not disposed of properly.

Approximately 560 acres in the west-central portion of the study area was used during World War II as a practice bombing range by the U.S. Army Air Force and is considered to contain a high risk due to unexploded ordnance.

Growth and development in the annexation areas will result in an increase in the frequency of transport, use, and disposal of hazardous materials associated with residential, commercial, and industrial growth.

2. Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen potentially significant environmental effects associated with the routine transport, use or disposal of hazardous materials as identified in the Final EIR.
3. Mitigation: Mitigation measures include the following, which will help ensure the proper management of hazardous materials, so as to reduce them to less than significant levels:
  - a. The Town will cooperate with regulators and encourage the enforcement of laws that require all users, producers, and transporters of hazardous materials and wastes to clearly identify such materials, and notify the appropriate county, state and/or federal agencies as required by law.
  - b. The Town shall maintain appropriately managed access routes to facilitate the transport of hazardous and toxic materials.
  - c. The Town will work with the County Sheriff's Department, Caltrans, and CHP, to regulate the transport of hazardous materials along local roadways, state highways and routes, and interstates in the Town or the vicinity.
  - d. The Town will coordinate with the Apple Valley Fire Protection District and the San Bernardino County Environmental Health Department to assure improved response to, and capability for, handling hazardous materials incidents.

- e. Future development within the General Plan area shall be required to comply with all applicable federal, state, and regional permitting requirements for hazardous and toxic materials generation and handling, including but not limited to the following:
    1. If it is determined that hazardous wastes are, or will be, generated by any proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If so, the proposed facility shall obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942.
    2. If hazardous wastes are (a) stored in tanks or containers for more than ninety (90) days, (b) treated onsite, or (c) disposed of onsite, then a permit from the DTSC may be required. If so, the proposed facility shall contact DTSC at (818) 551-2171 to initiate pre-application discussions and determine the permitting process applicable to the facility.
  - f. Developers shall submit for approval a detailed description of any hazardous materials use, as well as detailed plans for location of any hazardous materials storage and management facilities to the Apple Valley Fire Protection District.
  - g. During project construction and implementation, the handling, storage, transport, and disposal of all chemicals, including herbicides and pesticides, runoff, hazardous materials and waste used on, or at, the project site, shall be in accordance with a project's BMPs/Integrated Pest Management Plan, other relevant regulatory plans, and applicable County, state, and federal regulations.
  - h. The Town shall require all business that use, store, or produce hazardous material to comply with the County's Business Plan in addition to all Town regulations.
  - i. The Town shall maintain documentation of known hazards to public health and safety and shall make this information available to government officials and organizations, emergency response personnel, and the general public.
4. Supportive Evidence: The use, storage and disposal of hazardous materials in Apple Valley are regulated by a variety of federal, state, regional and local agencies. Among these are the County of San Bernardino Business Emergency/Contingency Plan (Business Plan), which requires new and existing businesses that generate or use hazardous materials to obtain approval from the County or Town prior to onsite use of such materials. The Town of Apple Valley Multi-hazard Functional Plan coordinates emergency response functions in the Town and with other agencies in the event of a hazardous materials spill or other disaster. The Town of Apple Valley is a member of the Southern California Hazardous Waste Management Authority. The Town's Development Code establishes standards that are intended to ensure that the use, handling, storage, and transportation of hazardous materials comply with all applicable requirements of

applicable portions of State Government Code. Compliance with these regulations is intended to reduce potential hazards to the greatest extent feasible.

Implementation of applicable General Plan policies and programs as well as mitigation measures set forth in the Final EIR, which require compliance with applicable federal, state, regional and local regulations, will reduce impacts from the transport, use or disposal of hazardous and toxic materials to less than significant levels.

1. **Impact:** Build out of the General Plan and Annexation areas could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

As a result of policies of the General Plan update, uses and activities may be proposed or undertaken within the Town of Apple Valley that could result in a hazardous condition within the Town or annexation areas. The long-term build out of the General Plan and annexation areas is expected to continue to be regulated by multiple agencies.

Demolition of older buildings for redevelopment can expose people and the environment to hazardous materials such as asbestos and lead-based paint. The General Plan includes policies and programs to assure that activities which require the handling of hazardous building materials are properly undertaken, with the appropriate agencies' oversight.

The BNSF Railroad, Interstate 15, and Highway 18 may be used in the transport of hazardous wastes and materials within the Apple Valley planning area. Therefore, potential exists for spills and leaks from moving sources along these corridors, including within the Town and Annexation areas.

Approximately 560 acres in the west-central portion of the study area was used during World War II as a practice bombing range by the U.S. Army Air Force and is considered to contain a high risk due to unexploded ordnance.

2. **Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen potentially significant environmental effects associated with the release of hazardous materials into the environment, as identified in the Final EIR.
3. **Mitigation:** Mitigation measures include the following, which will help ensure the proper handling of hazardous material releases or spills, so as to reduce them to less than significant levels:
  - a. The Town shall maintain appropriately managed access routes to facilitate the transport of hazardous and toxic materials.
  - b. The Town will work with the County Sheriff's Department, Caltrans, and CHP, to regulate the transport of hazardous materials along local roadways, state highways and routes, and interstates in the Town or the vicinity.

- c. The Town will coordinate with the Apple Valley Fire Protection District and the San Bernardino County Environmental Health Department to assure improved response to, and capability for, handling hazardous materials incidents.
  - d. Future development within the General Plan area shall be required to comply with all applicable federal, state, and regional permitting requirements for hazardous and toxic materials generation and handling, including but not limited to the following:
    1. If it is determined that hazardous wastes are, or will be, generated by any proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If so, the proposed facility shall obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942.
    2. If hazardous wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from the DTSC may be required. If so, the proposed facility shall contact DTSC at (818) 551-2171 to initiate pre-application discussions and determine the permitting process applicable to the facility.
  - e. During project construction and implementation, the handling, storage, transport, and disposal of all chemicals, including herbicides and pesticides, runoff, hazardous materials and waste used on, or at, the project site, shall be in accordance with a project's BMP/Integrated Pest Management Plan, other relevant regulatory plans, and applicable County, state, and federal regulations.
  - f. The Town shall require all business that use, store, or produce hazardous material to comply with the County's Business Plan in addition to all Town regulations.
  - g. The Town shall annually update the SEMS Multihazard Functional Plan to ensure that emergency shelters and emergency evacuation routes are responsive to changing community needs.
  - h. The Town shall maintain documentation of known hazards to public health and safety and shall make this information available to government officials and organizations, emergency response personnel, and the general public.
4. Supportive Evidence: The Town of Apple Valley Multi-hazard Functional Plan coordinates emergency response functions in the Town and with other agencies in the event of a hazardous materials spill or other disaster. The Town of Apple Valley is a member of the Southern California Hazardous Waste Management Authority. Compliance with these regulations is intended to reduce potential hazards to the greatest extent feasible.

Implementation of applicable General Plan policies and programs as well as mitigation measures set forth in the Final EIR, which require compliance with applicable federal, state, regional and local regulations, will reduce impacts from the release of hazardous and toxic materials to less than significant levels.

1. **Impact:** Build out of the General Plan and Annexation areas could result in hazardous emissions or the handling of hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.

The land use plan of the General Plan does not result in the location of industrial land uses adjacent to existing schools. However, future schools could be proposed adjacent to commercial or industrial lands, and result in proximity of such schools to hazardous materials.

2. **Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen potentially significant environmental effects associated with the location of schools within one quarter mile of hazardous materials, as identified in the Final EIR.
3. **Mitigation:** Mitigation measures include the following, which will help ensure that schools are not within one quarter mile of hazardous materials sites, so as to reduce them to less than significant levels:
  - a. Future development within the General Plan area shall be required to comply with all applicable federal, state, and regional permitting requirements for hazardous and toxic materials generation and handling, including but not limited to the following:
    1. If it is determined that hazardous wastes are, or will be, generated by any proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If so, the proposed facility shall obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942.
    2. If hazardous wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from the DTSC may be required. If so, the proposed facility shall contact DTSC at (818) 551-2171 to initiate pre-application discussions and determine the permitting process applicable to the facility.
  - b. The Town shall thoroughly evaluate development proposals for lands directly adjacent to sites known to be contaminated with hazardous or toxic materials or sites that use or contain potentially hazardous or toxic materials.

- c. The Town shall require all business that use, store, or produce hazardous material to comply with the County's Business Plan in addition to all Town regulations.
  - d. The Town shall maintain documentation of known hazards to public health and safety and shall make this information available to government officials and organizations, emergency response personnel, and the general public.
4. Supportive Evidence: The Town's Development Code establishes standards that are intended to ensure that the location of facilities which use or store hazardous materials comply with all applicable requirements of applicable portions of State Government Code. Compliance with these regulations is intended to reduce potential hazards to the greatest extent feasible.

Implementation of applicable General Plan policies and programs as well as mitigation measures set forth in the Final EIR, which require compliance with applicable federal, state, regional and local regulations, will reduce impacts associated with the location of schools near hazardous and toxic materials to less than significant levels.

1. Impact: Build out of the General Plan and Annexation areas could result in projects located on sites which are included on a list of hazardous materials sites, and as a result would create a significant hazard to the public or the environment.

According to the environmental records review prepared for the Town of Apple Valley, there are fifteen (15) properties within the planning area that are currently listed in environmental databases. Of those fifteen (15) properties, eleven (11) are listed as a result of generating, using, and/or disposing relatively small quantities of potentially hazardous materials from their business location, with no material releases having been reported on these properties. Due to these findings, significant hazardous material releases into the underlying soil and groundwater are not suspected at these locations.

Currently, there are no large quantity generators of hazardous waste in the Town of Apple Valley. All businesses that use, generate, transport, or store hazardous waste are required to submit a hazardous waste management business plan to the County of San Bernardino. According to the search of available environmental records for the study area conducted by Environmental Data Resources, Inc., there is one transporter of hazardous waste listed by the EPA in the Town and its Sphere of Influence.

2. Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen potentially significant environmental effects associated with sites contaminated by hazardous materials, as identified in the Final EIR.
3. Mitigation: Mitigation measures include the following, which will help ensure that contaminated sites are not a hazard, so as to reduce them to less than significant levels:
  - a. The Town will cooperate with regulators and encourage the enforcement of laws that require all users, producers, and transporters of hazardous materials and wastes to

clearly identify such materials, and notify the appropriate county, state and/or federal agencies as required by law.

- b. The Town shall thoroughly evaluate development proposals for lands directly adjacent to sites known to be contaminated with hazardous or toxic materials or sites that use or contain potentially hazardous or toxic materials.
  - c. The Town shall maintain documentation of known hazards to public health and safety and shall make this information available to government officials and organizations, emergency response personnel, and the general public.
4. Supportive Evidence: The use, storage and disposal of hazardous materials in Apple Valley are regulated by a variety of federal, state, regional and local agencies. Among these are the County of San Bernardino Business Emergency/Contingency Plan (Business Plan), which requires new and existing businesses that generate or use hazardous materials to obtain approval from the County or Town prior to onsite use of such materials. The Town of Apple Valley is a member of the Southern California Hazardous Waste Management Authority. The Town's Development Code establishes standards that are intended to ensure that the use, handling, storage, and transportation of hazardous materials comply with all applicable requirements of applicable portions of State Government Code. Compliance with these regulations is intended to reduce potential hazards to the greatest extent feasible.

Implementation of applicable General Plan policies and programs as well as mitigation measures set forth in the Final EIR, which require compliance with applicable federal, state, regional and local regulations, will reduce impacts from the location of contaminated sites to less than significant levels.

1. Impact: Build out of the General Plan and Annexation areas could impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

California has developed an emergency response plan to coordinate emergency services provided by federal, state, and local governments and private agencies. Responding to hazardous materials incidents is one part of this plan. The plan is administered by the State Office of Emergency Services, which coordinates the responses of other agencies, including Cal EPA, CHP, Department of Fish and Game, Los Angeles RWQCB, Apple Valley Fire Protection District and San Bernardino County Environmental Health Services.

The California Emergencies Services Act requires each city to prepare and maintain an Emergency Plan for natural, manmade, or war-caused emergencies that result in conditions of disaster or in extreme peril to life. The County is currently developing mass evacuation plans within each region. The high desert region plan has not yet been completed. The Town shall continue to coordinate with Caltrans, the Federal Highway Administration, adjoining cities and communities and San Bernardino County to provide

the highest functional reliability of major roadways and the public transportation system serving the Town and the region.

2. **Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen potentially significant environmental effects associated with impacts to emergency response plans, as identified in the Final EIR.
3. **Mitigation:** Mitigation measures include the following, which will help ensure that emergency response plans are not significantly affected, so as to reduce impacts to less than significant levels:
  - a. The Town shall maintain appropriately managed access routes to facilitate the transport of hazardous and toxic materials.
  - b. The Town will work with the County Sheriff's Department, Caltrans, and CHP, to regulate the transport of hazardous materials along local roadways, state highways and routes, and interstates in the Town or the vicinity.
  - c. The Town will coordinate with the Apple Valley Fire Protection District and the San Bernardino County Environmental Health Department to assure improved response to, and capability for, handling hazardous materials incidents.
  - d. The Town shall annually update the SEMS Multihazard Functional Plan to ensure that emergency shelters and emergency evacuation routes are responsive to changing community needs.
  - e. The Town shall maintain documentation of known hazards to public health and safety and shall make this information available to government officials and organizations, emergency response personnel, and the general public.
4. **Supportive Evidence:** The Town of Apple Valley Multi-hazard Functional Plan coordinates emergency response functions in the Town and with other agencies in the event of a hazardous materials spill or other disaster. The Town of Apple Valley is a member of the Southern California Hazardous Waste Management Authority.

Implementation of applicable General Plan policies and programs as well as mitigation measures set forth in the Final EIR, which require compliance with applicable federal, state, regional and local regulations, will reduce impacts associated with emergency plans and evacuation to less than significant levels.

## **G. Hydrology**

1. **Impact:** Build out of the General Plan and Annexations has the potential to violate water quality standards.

Future urbanization in the planning area, including the annexation areas, will result in an increase in impervious surfaces and associated runoff to downstream areas. The potential pollution of this runoff could violate NPDES standards.

In addition to addressing issues regarding septic and sewer systems, the CRWQCB oversees concerns about the Mojave River and other sources of surface water. CRWQCB monitors illegal discharges of human or animal waste, leaking fuel storage tanks, and unauthorized hazardous and toxic materials dumping sites.

2. Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant impacts associated with water quality impacts as identified in the Final EIR.
3. Mitigation: Mitigation measures include the following, which will help ensure that surface water does not violate water quality standards:
  - a. Future development proposals shall be required to submit a hydrology study and mitigation plan which conforms to the Apple Valley Master Plan of Drainage or the Apple Valley West/Desert Knolls Master Plan of Drainage and other regional and local requirements, policies, and programs.
  - b. All new development shall be required to incorporate, at the developer's expense, adequate flood control mitigation, such as grading that prevents adverse drainage impacts to adjacent properties, on-site retention of runoff, and the adequate siting of structures located within flood plains and to, as part of project development.
  - c. Future flood control plans required of developers shall include specific recommendations and/or designs regarding pollution control techniques to be applied to keep pollutants, including herbicides, pesticides, and other hydrocarbons out of surface and groundwaters. Mitigation measures may include specifically designed open space areas such as artificial wetlands where nuisance and otherwise contaminated on-site runoff shall be retained separate from channels conveying off-site flows.
  - d. Stormwater retention shall be enforced through the development review process and routine site inspection.
4. Supportive Evidence: Stormwater runoff from the built environment, such as rooftops, streets, parking lots, fertilized recreational facilities such as golf course, and other landscaped and hardscaped surfaces, could potentially contaminate or pollute surface and ground waters. The Town participates in the NPDES, which implements the Federal Clean Water Act of 1990. NPDES regulates polluted runoff by requiring the implementation of stormwater management plans and programs that reduce the discharge of pollutants from stormwater systems into waters of the United States. Any development generating discharges that flow directly to surface water must obtain the NPDES permit.

With the implementation of General Plan policies and programs, as well as mitigation measures set forth in the Final EIR, impacts associated with hydrology are reduced to less than significant levels.

1. Impact: Build out of the General Plan and Annexations will substantially alter the existing drainage pattern of the area, in a manner which would result in flooding.

Future development also has the potential to alter existing drainage patterns and, in some areas, to result in the accumulation of a significant amount of debris during large storms.

Portions of Apple Valley are still vulnerable to inundation during the 100-year flood. Although the Mojave Riverbed is dry most of the year, areas along the Mojave River have been identified by FEMA as subject to inundation by the 100-year flood. While in some areas along the River development is located primarily atop bluffs, these natural barriers do not exist along the central and southern areas of the River, which are still subject to flood hazards. Low-lying areas near the River are especially at risk during periods of intense precipitation in the San Bernardino Mountains, which receive substantially more precipitation than the adjacent desert.

Other flood-prone areas include Desert Knolls Wash and lands within the Apple Valley Dry Lake. Most of the areas identified by FEMA as subject to flooding are relatively undeveloped, or minimally developed, as in Apple Valley Dry Lake. The Desert Knolls Wash area, however, is generally developed. Roadways potentially susceptible to flooding include Rock Springs Road, a major roadway that would be flooded and impassable in the event of a 100-year storm, and many secondary roads in the planning area, primarily in the vicinity of Apple Valley Dry Lake.

2. Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant impacts associated with the alteration of existing drainage patterns as identified in the Final EIR.
3. Mitigation: Mitigation measures include the following, which will help ensure that impacts associated with alteration of drainage patterns are reduced to less than significant levels:
  - a. The Town shall monitor its Master Plans of Drainage every five (5) years to ensure that it reflects changes to local and regional drainage and flood conditions.
  - b. The Town shall upgrade its local and regional drainage system through proactive planning and coordination with other responsible agencies to ensure the provision of a comprehensive system of flood control facilities throughout the Town.
  - c. The Town shall assure that adequate, safe all-weather crossings over drainage facilities and flood control channels are provided where necessary, and are maintained for passage during major storm events.

- d. The Town shall continue to restrict development in those areas that are FEMA-mapped as being subject to flooding, and shall require site-specific hydrologic studies for future development to determine flooding potential for other areas.
  - e. Future development proposals shall be required to submit a hydrology study and mitigation plan which conforms to the Apple Valley Master Plan of Drainage or the Apple Valley West/Desert Knolls Master Plan of Drainage and other regional and local requirements, policies, and programs.
  - f. All new development shall be required to incorporate, at the developer's expense, adequate flood control mitigation, such as grading that prevents adverse drainage impacts to adjacent properties, on-site retention of runoff, and the adequate siting of structures located within flood plains and to, as part of project development.
  - g. Bridging of General Plan roadways within new development projects shall be the responsibility of the developer on whose project the bridge occurs, and shall be included as a condition of approval.
  - h. Stormwater retention shall be enforced through the development review process and routine site inspection.
  - i. The Town shall pursue all credible sources of funding and continue to explore County funding, Cobey-Alquist Flood Plain Management Act, other State programs, and Federal funding options for local and regional drainage improvements needed for adequate flood control protection.
  - j. Capital Improvement Plans for drainage management and control shall be developed, updated and maintained and shall be based upon the Apple Valley Master Plan of Drainage and the Apple Valley West/Desert Knolls Master Plan of Drainage.
  - k. The Town shall consider the establishment of Fair Share Cost Allocations or Assessment Districts for purposes of funding necessary drainage improvements in particular geographic areas throughout Apple Valley.
  - l. In conjunction with SBFCD the Town shall coordinate and cooperate in the filing of appropriate FEMA application materials to incrementally secure amendments to the Flood Insurance Rate Maps of the Town, consistent with existing and proposed improvements.
4. Supportive Evidence: Future development has the potential to alter existing drainage patterns and, in some areas, to result in the accumulation of a significant amount of debris during large storms.

Flood hazard areas in the planning area are at risk of periodic inundation, which poses health and safety hazards and can result in the loss of life and property as well as the disruption of commerce and governmental services. Portions of the planning area are at

risk of flash flooding given the presence of alluvial fans, which may be subject to unpredictable flooding. Much of the planning area has not yet been studied by FEMA, and may be subject to localized flooding.

The proposed General Plan includes goals, policies and programs designed to limit flood hazards and protect natural watersheds as well as lives and properties in areas subject to flooding. In addition to land use strategies set forth in the General Plan Land Use Element, the Flooding and Hydrology Element establishes policies and programs intended to address potential flooding hazards and hydrology issues in the planning area as a whole, and establishes measures directed at minimizing the impacts of increased development of stormwater control facilities. Primarily, the Flooding and Hydrology Element will be implemented by the Apple Valley Master Plan of Drainage and the Apple Valley West/Desert Knolls Master Plan of Drainage. Both Master Plans of Drainage are currently being updated in consultation with the County of San Bernardino Flood Control District.

General provisions for flood hazard reduction are also provided in the Apple Valley Development Code, Grading Ordinance, and Subdivision Ordinance and apply to all lands in Areas of Special Flood Hazard. While the Town's Flood Hazard Overlay District and Flood Hazard Lake Overlay District are based on the FEMA maps, which show minimal at-risk areas, it should be noted that these provisions may also be applied to other portions of the planning area.

With the implementation of General Plan policies and programs, as well as mitigation measures set forth in the Final EIR, impacts associated with alterations to the existing drainage patterns are reduced to less than significant levels.

1. Impact: Build out of the General Plan and Annexations will contribute runoff water which could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

The Apple Valley Master Plan of Drainage divides the Town of Apple into subareas based on localized hydrologic features, including topography, soils, and drainage facilities. These subareas include the North Community, the South Community, and the East Community. The Apple Valley West/Desert Knolls watershed is generally defined by Catholic Hill and Piercy Quarry to the north, the base of the Ord Mountains to the south, Kiowa Road to the east, and the Mojave River to the west. A long and narrow watershed, the northern portion is moderately sloping to the southwest. The southern portion gently slopes down to the northwest to the Mojave River.

Flood hazard areas in the planning area are at risk of periodic inundation, which poses health and safety hazards and can result in the loss of life and property as well as the disruption of commerce and governmental services. Portions of the planning area are at risk of flash flooding given the presence of alluvial fans, which may be subject to unpredictable flooding. Much of the planning area has not yet been studied by FEMA, and may be subject to localized flooding.

2. **Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant impacts associated with the capacity of existing or planned stormwater drainage systems, as identified in the Final EIR.
3. **Mitigation:** Mitigation measures include the following, which will help ensure that impacts associated with the capacity of existing or planned stormwater drainage systems are reduced to less than significant levels:
  - a. The Town shall monitor its Master Plans of Drainage every five (5) years to ensure that it reflects changes to local and regional drainage and flood conditions.
  - b. The Town shall upgrade its local and regional drainage system through proactive planning and coordination with other responsible agencies to ensure the provision of a comprehensive system of flood control facilities throughout the Town.
  - c. The Town shall continue to implement flood-warning systems, and shall maintain its public outreach and information programs to educate and inform the public of potential flood hazards and provide potential solutions made available to them.
  - d. The Town shall develop evacuation plans in the 100-year and 500-year flood zones where critical facilities, including but not limited to schools, hospitals and nursing homes are located.
  - e. The Town shall assure that adequate, safe all-weather crossings over drainage facilities and flood control channels are provided where necessary, and are maintained for passage during major storm events.
  - f. The Town shall continue to restrict development in those areas that are FEMA-mapped as being subject to flooding, and shall require site-specific hydrologic studies for future development to determine flooding potential for other areas.
  - g. Future development proposals shall be required to submit a hydrology study and mitigation plan which conforms to the Apple Valley Master Plan of Drainage or the Apple Valley West/Desert Knolls Master Plan of Drainage and other regional and local requirements, policies, and programs.
  - h. All new development shall be required to incorporate, at the developer's expense, adequate flood control mitigation, such as grading that prevents adverse drainage impacts to adjacent properties, on-site retention of runoff, and the adequate siting of structures located within flood plains and to, as part of project development.
  - i. Future flood control plans required of developers shall include specific recommendations and/or designs regarding pollution control techniques to be applied to keep pollutants, including herbicides, pesticides, and other hydrocarbons out of surface and groundwaters. Mitigation measures may include specifically designed

open space areas such as artificial wetlands where nuisance and otherwise contaminated on-site runoff shall be retained separate from channels conveying off-site flows.

- j. Bridging of General Plan roadways within new development projects shall be the responsibility of the developer on whose project the bridge occurs, and shall be included as a condition of approval.
  - k. Stormwater retention shall be enforced through the development review process and routine site inspection.
  - l. The Town shall pursue all credible sources of funding and continue to explore County funding, Cobey-Alquist Flood Plain Management Act, other State programs, and Federal funding options for local and regional drainage improvements needed for adequate flood control protection.
  - m. Capital Improvement Plans for drainage management and control shall be developed, updated and maintained and shall be based upon the Apple Valley Master Plan of Drainage and the Apple Valley West/Desert Knolls Master Plan of Drainage.
  - n. The Town shall consider the establishment of Fair Share Cost Allocations or Assessment Districts for purposes of funding necessary drainage improvements in particular geographic areas throughout Apple Valley.
  - o. In conjunction with SBFCDD the Town shall coordinate and cooperate in the filing of appropriate FEMA application materials to incrementally secure amendments to the Flood Insurance Rate Maps of the Town, consistent with existing and proposed improvements.
4. Supportive Evidence: Flood hazard areas in the planning area are at risk of periodic inundation, which poses health and safety hazards and can result in the loss of life and property as well as the disruption of commerce and governmental services. Portions of the planning area are at risk of flash flooding given the presence of alluvial fans, which may be subject to unpredictable flooding. Much of the planning area has not yet been studied by FEMA, and may be subject to localized flooding.

The proposed General Plan includes goals, policies and programs designed to limit flood hazards and protect natural watersheds as well as lives and properties in areas subject to flooding. The Flooding and Hydrology Element will be implemented by the Apple Valley Master Plan of Drainage and the Apple Valley West/Desert Knolls Master Plan of Drainage. Both Master Plans of Drainage are currently being updated in consultation with the County of San Bernardino Flood Control District.

General provisions for flood hazard reduction are also provided in the Apple Valley Development Code, Grading Ordinance, and Subdivision Ordinance and apply to all lands in Areas of Special Flood Hazard. While the Town's Flood Hazard Overlay District

and Flood Hazard Lake Overlay District are based on the FEMA maps, which show minimal at-risk areas, it should be noted that these provisions may also be applied to other portions of the planning area.

With the implementation of General Plan policies and programs, as well as mitigation measures set forth in the Final EIR, impacts associated with the capacity of existing or planned flood control facilities are reduced to less than significant levels.

1. **Impact:** Build out of the General Plan and Annexations could place housing or structures in a 100 year flood hazard area.

Portions of Apple Valley are still vulnerable to inundation during the 100-year flood. Although the Mojave Riverbed is dry most of the year, areas along the Mojave River have been identified by FEMA as subject to inundation by the 100-year flood. While in some areas along the River development is located primarily atop bluffs, these natural barriers do not exist along the central and southern areas of the River, which are still subject to flood hazards. Low-lying areas near the River are especially at risk during periods of intense precipitation in the San Bernardino Mountains, which receive substantially more precipitation than the adjacent desert.

Other flood-prone areas include Desert Knolls Wash and lands within the Apple Valley Dry Lake. Most of the areas identified by FEMA as subject to flooding are relatively undeveloped, or minimally developed, as in Apple Valley Dry Lake. The Desert Knolls Wash area, however, is generally developed. Roadways potentially susceptible to flooding include Rock Springs Road, a major roadway that would be flooded and impassable in the event of a 100-year storm, and many secondary roads in the planning area, primarily in the vicinity of Apple Valley Dry Lake.

2. **Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant impacts associated with housing or structures being located in a 100 year flood plain, as identified in the Final EIR.
3. **Mitigation:** Mitigation measures include the following, which will help ensure that impacts associated with placing housing or structures within a 100 year flood plain are reduced to less than significant levels:
  - a. The Town shall monitor its Master Plans of Drainage every five (5) years to ensure that it reflects changes to local and regional drainage and flood conditions.
  - b. The Town shall upgrade its local and regional drainage system through proactive planning and coordination with other responsible agencies to ensure the provision of a comprehensive system of flood control facilities throughout the Town.
  - c. The Town shall develop evacuation plans in the 100-year and 500-year flood zones where critical facilities, including but not limited to schools, hospitals and nursing homes are located.

- d. The Town shall continue to restrict development in those areas that are FEMA-mapped as being subject to flooding, and shall require site-specific hydrologic studies for future development to determine flooding potential for other areas.
  - e. Future development proposals shall be required to submit a hydrology study and mitigation plan which conforms to the Apple Valley Master Plan of Drainage or the Apple Valley West/Desert Knolls Master Plan of Drainage and other regional and local requirements, policies, and programs.
  - f. All new development shall be required to incorporate, at the developer's expense, adequate flood control mitigation, such as grading that prevents adverse drainage impacts to adjacent properties, on-site retention of runoff, and the adequate siting of structures located within flood plains and to, as part of project development.
  - g. Bridging of General Plan roadways within new development projects shall be the responsibility of the developer on whose project the bridge occurs, and shall be included as a condition of approval.
  - h. Stormwater retention shall be enforced through the development review process and routine site inspection.
  - i. The Town shall pursue all credible sources of funding and continue to explore County funding, Cobey-Alquist Flood Plain Management Act, other State programs, and Federal funding options for local and regional drainage improvements needed for adequate flood control protection.
  - j. Capital Improvement Plans for drainage management and control shall be developed, updated and maintained and shall be based upon the Apple Valley Master Plan of Drainage and the Apple Valley West/Desert Knolls Master Plan of Drainage.
  - k. The Town shall consider the establishment of Fair Share Cost Allocations or Assessment Districts for purposes of funding necessary drainage improvements in particular geographic areas throughout Apple Valley.
  - l. In conjunction with SBFCO the Town shall coordinate and cooperate in the filing of appropriate FEMA application materials to incrementally secure amendments to the Flood Insurance Rate Maps of the Town, consistent with existing and proposed improvements.
4. Supportive Evidence: Portions of the planning area are at risk of flash flooding given the presence of alluvial fans, which may be subject to unpredictable flooding. Much of the planning area has not yet been studied by FEMA, and may be subject to localized flooding.

The proposed General Plan includes goals, policies and programs designed to limit flood

hazards and protect natural watersheds as well as lives and properties in areas subject to flooding. The Flooding and Hydrology Element will be implemented by the Apple Valley Master Plan of Drainage and the Apple Valley West/Desert Knolls Master Plan of Drainage. Both Master Plans of Drainage are currently being updated in consultation with the County of San Bernardino Flood Control District.

General provisions for flood hazard reduction are also provided in the Apple Valley Development Code, Grading Ordinance, and Subdivision Ordinance and apply to all lands in Areas of Special Flood Hazard. While the Town's Flood Hazard Overlay District and Flood Hazard Lake Overlay District are based on the FEMA maps, which show minimal at-risk areas, it should be noted that these provisions may also be applied to other portions of the planning area.

With the implementation of General Plan policies and programs, as well as mitigation measures set forth in the Final EIR, impacts associated with housing or structures being located in the 100 year flood plain are reduced to less than significant levels.

1. Impact: Build out of the General Plan and Annexations could expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a levee or dam.

The Mojave River is a federally regulated waterway that flows along and generally defines much of the western boundary of Apple Valley. There are two (2) flood control structures along the west fork of the River; these are the Cedar Springs Dam, and the Mojave Forks Dam, a major flood control structure. While most of the River's flow is underground, surface water may occur along the entire length of the river during large storms. It has been one of the most significant sources of destructive flooding in the high desert region.

In the event that the Mojave Forks Dam were to fail at near-capacity conditions, the path of the water's inundation is projected to remain within the existing Mojave River bed and the mouth of several small tributary channels. Should Lake Arrowhead Dam fail, water flowing down the Deep Creek drainage would eventually reach the Mojave Forks Dam. Floodwaters from Silverwood Lake or Lake Arrowhead would remain within the Mojave Forks Reservoir area, assuming that facility was not at or near capacity. If it were, flood flows would spill over into the River<sup>2</sup>. As these scenarios indicate, therefore, the probability of extreme flood hazard from dam inundation is unlikely. This is due to the distance from the planning area, as well as precautions built into the holding basins below Lake Silverwood and in the Deep Creek area just ahead of where water enters into the Mojave River.

The Town has historically been subject to flooding and associated hazards, such as mudflows, during severe summer storm events.

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<sup>2</sup> "Technical Background Report to the Safety Element, Flooding Hazards, Town of Apple Valley", prepared by Earth Consultants International, October 2007.

Aboveground water tanks may be damaged by strong ground shaking and rupture. Seismically induced inundation can occur if a tank is not adequately braced and baffled, which allows water to slosh within the tank, potentially lifting it off of its foundation and splitting the shell. Pipes leading to and from the tank may also be severed or damaged, thereby releasing water. Although the Town of Apple Valley does not store or distribute water or own water storage tanks, there are several water purveyors serving Town, each of which maintains aboveground water storage reservoirs located throughout the planning area. Water tanks constructed in recent years are expected to meet current earthquake design standards; however, this is not necessarily true of older tanks, which may lack seismic upgrades, such as flexible joints, that are designed to limit potential for tank failure and resulting flooding and damage to downstream areas.

2. Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant impacts associated with loss, injuries or death from flooding, as identified in the Final EIR.
3. Mitigation: Mitigation measures include the following, which will help ensure that impacts associated with placing housing or structures within a 100 year flood plain are reduced to less than significant levels:
  - a. The Town shall continue to implement flood-warning systems, and shall maintain its public outreach and information programs to educate and inform the public of potential flood hazards and provide potential solutions made available to them.
  - b. The Town shall develop evacuation plans in the 100-year and 500-year flood zones where critical facilities, including but not limited to schools, hospitals and nursing homes are located.
  - c. To ensure that water storage tanks retain their structural integrity during an earthquake, and so that water demands after the earthquake can be met, the Town shall coordinate with all water purveyors in the planning area to evaluate and retrofit all above-ground water tanks in the Town as necessary, based on their vulnerability to seismic hazards, to ensure compliance with the most current water tank design criteria.
  - d. The Town shall assure that adequate, safe all-weather crossings over drainage facilities and flood control channels are provided where necessary, and are maintained for passage during major storm events.
  - e. The Town shall continue to restrict development in those areas that are FEMA-mapped as being subject to flooding, and shall require site-specific hydrologic studies for future development to determine flooding potential for other areas.
  - f. Future development proposals shall be required to submit a hydrology study and mitigation plan which conforms to the Apple Valley Master Plan of Drainage or the

Apple Valley West/Desert Knolls Master Plan of Drainage and other regional and local requirements, policies, and programs.

- g. All new development shall be required to incorporate, at the developer's expense, adequate flood control mitigation, such as grading that prevents adverse drainage impacts to adjacent properties, on-site retention of runoff, and the adequate siting of structures located within flood plains and to, as part of project development.
  - h. Bridging of General Plan roadways within new development projects shall be the responsibility of the developer on whose project the bridge occurs, and shall be included as a condition of approval.
  - i. Stormwater retention shall be enforced through the development review process and routine site inspection.
  - j. The Town shall pursue all credible sources of funding and continue to explore County funding, Cobey-Alquist Flood Plain Management Act, other State programs, and Federal funding options for local and regional drainage improvements needed for adequate flood control protection.
  - k. Capital Improvement Plans for drainage management and control shall be developed, updated and maintained and shall be based upon the Apple Valley Master Plan of Drainage and the Apple Valley West/Desert Knolls Master Plan of Drainage.
4. Supportive Evidence: The proposed General Plan includes goals, policies and programs designed to limit flood hazards and protect natural watersheds as well as lives and properties in areas subject to flooding. In addition to land use strategies set forth in the General Plan Land Use Element, the Flooding and Hydrology Element establishes policies and programs intended to address potential flooding hazards in the planning area as a whole, and establishes measures directed at minimizing the impacts of increased development on stormwater control facilities.

General provisions for flood hazard reduction are also provided in the Apple Valley Development Code, Grading Ordinance, and Subdivision Ordinance and apply to all lands in Areas of Special Flood Hazard. While the Town's Flood Hazard Overlay District and Flood Hazard Lake Overlay District are based on the FEMA maps, which show minimal at-risk areas, it should be noted that these provisions may also be applied to other portions of the planning area.

Inundation associated with water tank failure as a result of seismic activity poses a hazard in the planning area, as many aboveground storage tanks were constructed prior to current design criteria. As discussed under Mitigation Measures, below, all existing water tanks in the planning area should be evaluated and retrofitted as necessary to ensure compliance with the most current water tank design criteria and containment of potential floodwaters within a reservoir site.

With the implementation of General Plan policies and programs, as well as mitigation measures set forth in the Final EIR, impacts associated with housing or structures being located in the 100 year flood plain are reduced to less than significant levels.

## **H. Water Quality and Resources**

1. **Impact:** Build out of the General Plan and Annexations has the potential to substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

Future development of the General Plan area, including the annexation areas, is expected to result in impacts to water resources that are about 17.5 percent more than those associated with the existing General Plan. Implementation of the proposed General Plan will facilitate urban development that will contribute to cumulative impacts on groundwater resources in the region; these impacts will include a reduction in the amount of potable groundwater in storage. The increased water consumption associated with General Plan build out will occur over time, at a gradual rate as development occurs.

Development facilitated by adoption and implementation of the General Plan will require the expansion of existing or construction of new domestic water facilities to ensure adequate fire flows and provision of domestic water.

2. **Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to groundwater supplies or groundwater recharge, as identified in the Final EIR.
3. **Mitigation:** The EIR includes a variety of mitigation measures to reduce water resources/quality impacts to less than significant levels. In addition to general mitigation measures, listed below, the Town's Water Conservation Plan ordinance includes water regulations that prohibit wasteful water practices and establishes penalties for violation of these regulations.
  - a. The Town shall coordinate and cooperate with the Mojave Water District, the AVRWC, Golden State Water Company and other water purveyors within the Town to strengthen and expand educational and public relations programs that convey the importance of water conservation and water-efficient landscaping.
  - b. The Town shall promote, encourage and participate in the development of water management and conservation strategies through the Alliance for Water Awareness and Conservation, the San Bernardino Association of Governments (SANBAG) and its member jurisdictions, as well as the MWA, AVRWC, Golden State Water Company, and other water purveyors in the Town, on water supply and conservation programs.
  - c. The Town shall continue to implement its Water Conservation Plan ordinance and comply with State Assembly Bill 325 (AB 325) by limiting turfed areas in new

projects, and requiring the use of native and other drought-tolerant planting materials, installing efficient irrigation systems and monitoring existing systems to ensure maximum efficiency and conservation.

- d. The Town shall require that all new developments use water conserving appliances and fixtures, including low-flush toilets and low-flow showerheads and faucets. The Town shall require the application of water-conserving technologies in conformance with Section 17921.3 of the Health and Safety Code, Title 20, California Administrative Code Section 1601(b), and applicable sections of Title 24 of the State Code.
- e. The Town shall encourage the use of faucets, showerheads and appliances in new development that exceed Title 20 and Title 24 water efficiency requirements.
- f. The Town shall require that future development in the General Plan area has an adopted Water Supply Assessment in compliance with AB 610 and 221 prior to approval of development plans.
- g. The Town shall actively support and encourage the continuation and expansion of groundwater recharge efforts, and shall confer and coordinate with MWA and AVRWC regarding the possible future use of tertiary treated wastewater as a means of reducing demand for groundwater resources. To the greatest extent practicable, the Town shall direct new development to provide irrigation systems that are able to utilize reclaimed water, when available, for use in common area and streetscape landscaping.
- h. The Town shall consider approaches and mechanisms that facilitate financing and construction of expanded wastewater collection facilities.
- i. To the greatest extent practicable, the Town shall continue to require new development to connect to the community sewer system. Where sewer service is not available and lots are created of less than one (1) acre in size, the Town shall require the installation of "dry sewers" and the payment of connection fees for future sewer main extensions.
- j. Consistent with community design standards and local and regional drainage plans, the Town shall provide development standards and guidelines for the construction of on-site storm water retention facilities.
- k. The Town shall require that the development and maintenance of project-specific on-site stormwater retention/detention basins that implement the NPDES program, enhance groundwater recharge, complement regional flood control facilities, and address applicable community design policies subject to all applicable regulations, standards and guidelines.



water system and reduce general consumption. The Town shall require that prior to approval of qualifying future development in the planning area has an adopted Water Supply Assessment in compliance with SB 610 and 221.

Future development plans will be subject to review by the Town, AVFPD and the applicable water provider to consider fire flow requirements, and to determine the appropriate funding mechanisms for construction of these improvements.

General Plan policies and programs and mitigation measures set forth herein include compliance with measures set forth in the AVRWC and MWA Urban Water Management Plans, as well as with applicable state legislation intended to ensure the adequate provision of domestic water to future development. With the implementation of these policies, programs and measures, impacts to groundwater supplies and recharge in the General Plan area will be reduced to less than significant levels.

1. Impact: Build out of the General Plan and Annexations has the potential to substantially alter the existing drainage pattern in a manner that would result in substantial erosion or siltation.

The NPDES, adopted in 1990, implements the Federal Clean Water Act. Under NPDES, municipalities are required to develop, adopt and implement storm water management plans and programs. The NPDES is intended to ensure that local jurisdictions "effectively prohibit non-storm water discharge into the storm drain and require controls to reduce the discharge of pollutants from storm water systems to waters of the United States to the maximum extent possible." No CEQA analysis is required for pollutant control measures. The NPDES program for the Town of Apple Valley is managed by the Town Engineering Division.

2. Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of erosion or siltation, as identified in the Final EIR.
3. Mitigation: The EIR includes a variety of mitigation measures to reduce impacts to less than significant levels.
  - a. Future development proposals shall be required to submit a hydrology study and mitigation plan which conforms to the Apple Valley Master Plan of Drainage or the Apple Valley West/Desert Knolls Master Plan of Drainage and other regional and local requirements, policies, and programs.
  - b. All new development shall be required to incorporate, at the developer's expense, adequate flood control mitigation, such as grading that prevents adverse drainage impacts to adjacent properties, on-site retention of runoff, and the adequate siting of structures located within flood plains and to, as part of project development.

- c. Future flood control plans required of developers shall include specific recommendations and/or designs regarding pollution control techniques to be applied to keep pollutants, including herbicides, pesticides, and other hydrocarbons out of surface and groundwaters. Mitigation measures may include specifically designed open space areas such as artificial wetlands where nuisance and otherwise contaminated on-site runoff shall be retained separate from channels conveying off-site flows.
  - d. Stormwater retention shall be enforced through the development review process and routine site inspection.
4. Supportive Evidence: Stormwater runoff from the built environment, such as rooftops, streets, parking lots, fertilized recreational facilities such as golf course, and other landscaped and hardscaped surfaces, could potentially contaminate or pollute surface and ground waters. The Town participates in the NPDES, which implements the Federal Clean Water Act of 1990. NPDES regulates polluted runoff by requiring the implementation of stormwater management plans and programs that reduce the discharge of pollutants from stormwater systems into waters of the United States. Any development generating discharges that flow directly to surface water must obtain the NPDES permit.

With the implementation of General Plan policies and programs, as well as mitigation measures set forth in the Final EIR, impacts associated with hydrology are reduced to less than significant levels.

## **I. Mineral Resources**

1. Impacts: Mining activities which generate dust, noise, and heavy truck traffic may create and therefore may be incompatible with surrounding land uses such as residential and commercial uses. The designation of mineral resources land use may impact the potential uses of adjacent lands and development proposals. In addition to generating noise and light impacts, mineral resource operations in or near the planning area may impact the air quality of the Town and the two (2) annexation areas. Impacts from mineral resource operations will impact the two (2) annexation areas to the same extent as they impact other northern parts of the planning area.
2. Findings: Changes, alterations, and other measures have been incorporated into the project, or are otherwise being implemented, which will mitigate these impacts to a level of insignificance
3. Mitigation: Mitigation measures include the following:
  - a. The Town will allow aggregate, limestone and other mineral resource extractions only in cases where all residual hazards to public health and safety are effectively mitigated.

- b. Development proposals adjacent to lands designated for Mineral Resources shall be reviewed to assure the inclusion of adequate buffering.
  - c. The Town shall cooperate with the Mojave Desert Air Quality Management District to ensure mineral extraction operations' compliance with air quality standards.
  - d. The Town shall coordinate closely with San Bernardino County and the State Department of Mines and Geology to assure that reclamation plans are current and adequately implemented at existing mining operations.
4. Supportive Evidence: The Town of Apple Valley has designated 452.5 acres as mineral resources land use. Of this, approximately 111.56 acres are developed for mining and processing of aggregate materials, and an additional 340.95 acres are designated for the use and production of mineral resources. In the overall, lands designated for mineral resource uses represents less than one (1) percent of all lands in the General Plan area. Land use designations within the annexation areas have been determined as compatible with mineral resource operations and implementation of the Town's policies and standards concerning effective buffering, maintenance of air quality, and control of noise and light emissions will reduce potential impacts in these areas to less than significant levels. The application of the Town's land use policies, development standards for lighting and noise, and mitigation measures described above, will reduce potential impacts from adjacent conflicting land uses to less than significant levels.

#### **J. Noise**

1. Impact: Build out of the General Plan and Annexations will expose persons to noise levels in excess of standards in excess of those established in the General Plan.

Increased urbanization and associated activities related to build out of the proposed General Plan and Annexations will result in overall increases to community noise levels that may be significant if not mitigated. Noise impacts will be generated by short-term construction noise as well as increases in motor vehicle traffic and other modes of transportation, such as rail and air. Motor vehicle traffic-related noise impacts modeled in the EIR indicate that at build out of the General Plan, approximately twenty-seven (27) of the General Planned roadway segments in the planning area will generate noise levels between 65 and 70 dBA CNEL at 100 feet from the centerline. This compares to thirteen (13) roadway segments under existing conditions. Approximately fifty-nine (59) roadway segments in the General Plan area will generate noise levels between 70 and 75 dBA CNEL at 100 feet, which is an increase from eleven (11) roadway segments under existing conditions. At build out of the proposed General Plan and annexations, there will be nine (9) roadways that generate greater than 75 dBA CNEL at 100 feet from the centerline, while currently there are no master planned roadways that generate greater than 75 dBA CNEL at 100 feet. Increases in noise levels are expected to be perceptible to land uses adjacent to forty-four (44) roadway segments in the planning area.

2. **Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to exposure of people to significant noise levels as identified in the Final EIR.
3. **Mitigation:** Mitigation measures to be implemented within the General Plan area to ensure the reduction of potential noise impacts to less than significant levels include the following. Additional site-specific noise mitigation measures may also be required as appropriate for future development.
  - a. The Town shall continue to maintain and enforce its noise ordinance to ensure that noise impacts throughout the General Plan area are maintained at acceptable levels.
  - b. The Town shall continue to require that all project designs comply with Title 25 (California Noise Insulation Standards) by ensuring that interior noise levels for residential development do not exceed 45 dBA.
  - c. Final site plans for all proposed development projects in the General Plan area shall consider potential noise impacts, including residential site-orientation to shield outdoor living areas, incorporating additional setbacks from roadways, and constructing additional noise barriers where necessary.
  - d. All development shall be designed to include and comply with requirements of State Code for lateral and vertical unit-to-unit airborne sound isolation. For multi-family residential and hotel development, design shall include vertical impact sound isolation.
  - e. Project-specific development shall prepare construction drawings to determine exact specifications for window glass in buildings with unshielded first and second story windows.
  - f. The Town shall require an acoustical analysis for all commercial and industrial projects that are proposed adjacent to residential land uses or land use designations. The acoustical analysis shall evaluate potential noise impacts of the project and provide mitigation measures that are adequate to meet Town noise standards for residential land uses.
  - g. Sensitive receptors, which include schools, libraries and hospitals, shall, to the greatest extent feasible, be located always from major noise generators.
  - h. The Town shall encourage a planning area-wide circulation pattern that loads primary traffic onto major arterials in order to limit local roadway traffic to the greatest extent feasible and thereby preserve local neighborhood noise environments.
  - i. The Town shall evaluate and monitor noise impacts associated with the addition of bus routes and bus stops near noise sensitive uses, in particular stops to be located along collector and local roads.

4. **Supportive Evidence:** The General Plan and mitigation measures described above utilize a variety of design features to reduce noise impacts. Motor vehicle noise is addressed through a variety of means, including enforcing truck route use, reducing vehicle speeds, regulating traffic flow using synchronized intersection signals, modifying parkway widths, using roadside acoustical barriers, and constructing roadways below the level of adjacent terrain. Railroad noise is mitigated through local land use controls and enforcement of building construction/insulation codes. The Town will require that future commercial and industrial development employ strategic site layout that includes careful design of traffic access points, parking lots and loading areas, and solid waste collection areas.

The Town has adopted exterior noise standards in Section 9.73.050 of its Development Code (Noise Ordinance) and has therein also provided regulations for noise measurement/monitoring, as well as establishing penalties for violation of the Noise Ordinance. The Town's exterior noise standards for various land uses are consistent with those set forth by the State of California in its "Land Use Compatibility for Community Environments" matrix.

With the application of General Plan policies and programs, as well as mitigation measures discussed above, potential noise impacts associated with build out of the General Plan will be reduced to less than significant levels.

1. **Impact:** Build out of the General Plan and Annexations will result in a permanent increase in ambient noise levels.

Motor vehicle traffic-related noise impacts modeled in the EIR indicate that at build out of the General Plan, approximately twenty-seven (27) of the General Planned roadway segments in the planning area will generate noise levels between 65 and 70 dBA CNEL at 100 feet from the centerline. This compares to thirteen (13) roadway segments under existing conditions. Approximately fifty-nine (59) roadway segments in the General Plan area will generate noise levels between 70 and 75 dBA CNEL at 100 feet, which is an increase from eleven (11) roadway segments under existing conditions. At build out of the proposed General Plan and annexations, there will be nine (9) roadways that generate greater than 75 dBA CNEL at 100 feet from the centerline, while currently there are no master planned roadways that generate greater than 75 dBA CNEL at 100 feet. Increases in noise levels are expected to be perceptible to land uses adjacent to 44 roadway segments in the planning area.

2. **Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of ambient noise levels as identified in the Final EIR.
3. **Mitigation:** Mitigation measures to be implemented within the General Plan area to ensure the reduction of potential noise impacts to less than significant levels include the following.

- a. The Town shall continue to maintain and enforce its noise ordinance to ensure that noise impacts throughout the General Plan area are maintained at acceptable levels.
- b. The Town shall continue to require that all project designs comply with Title 25 (California Noise Insulation Standards) by ensuring that interior noise levels for residential development do not exceed 45 dBA.
- c. Final site plans for all proposed development projects in the General Plan area shall consider potential noise impacts, including residential site-orientation to shield outdoor living areas, incorporating additional setbacks from roadways, and constructing additional noise barriers where necessary.
- d. All development shall be designed to include and comply with requirements of State Code for lateral and vertical unit-to-unit airborne sound isolation. For multi-family residential and hotel development, design shall include vertical impact sound isolation.
- e. Project-specific development shall prepare construction drawings to determine exact specifications for window glass in buildings with unshielded first and second story windows.
- f. The Town shall require an acoustical analysis for all commercial and industrial projects that are proposed adjacent to residential land uses or land use designations. The acoustical analysis shall evaluate potential noise impacts of the project and provide mitigation measures that are adequate to meet Town noise standards for residential land uses.
- g. Sensitive receptors, which include schools, libraries and hospitals, shall, to the greatest extent feasible, be located always from major noise generators.
- h. The Town shall encourage a planning area-wide circulation pattern that loads primary traffic onto major arterials in order to limit local roadway traffic to the greatest extent feasible and thereby preserve local neighborhood noise environments.
- i. The Town shall evaluate and monitor noise impacts associated with the addition of bus routes and bus stops near noise sensitive uses, in particular stops to be located along collector and local roads.
- j. Mechanical equipment for various buildings within the General Plan area shall be designed, selected and placed in consideration of the potential noise impacts on nearby residences within any development and in the surrounding community.
- k. Appropriate sound barriers shall surround all public facilities generating disturbing levels of noise, such as water pumping stations.

1. Outdoor equipment such as cooling towers, air cooled condensers and refrigeration compressors and/or condenser units, as well as at air intake and discharge openings for building ventilation systems, shall be provided with silencers and/or barriers at or surrounding them, where necessary.
  
4. Supportive Evidence: The General Plan and mitigation measures described above utilize a variety of design features to reduce ambient noise. Motor vehicle noise is addressed through a variety of means, including enforcing truck route use, reducing vehicle speeds, regulating traffic flow using synchronized intersection signals, modifying parkway widths, using roadside acoustical barriers, and constructing roadways below the level of adjacent terrain. Railroad noise is mitigated through local land use controls and enforcement of building construction/insulation codes. The Town will require that future commercial and industrial development employ strategic site layout that includes careful design of traffic access points, parking lots and loading areas, and solid waste collection areas.

The Town has adopted exterior noise standards in Section 9.73.050 of its Development Code (Noise Ordinance) and has therein also provided regulations for noise measurement/monitoring, as well as establishing penalties for violation of the Noise Ordinance. The Town's exterior noise standards for various land uses are consistent with those set forth by the State of California in its "Land Use Compatibility for Community Environments" matrix.

With the application of General Plan policies and programs, as well as mitigation measures discussed above, potential noise impacts associated with build out of the General Plan will be reduced to less than significant levels.

1. Impact: Build out of the General Plan and Annexations will result in substantial temporary or periodic increases in ambient noise levels.

Construction noise is generated by construction equipment (including trucks, graders, bulldozers, concrete mixers and portable generators). Increases to the ambient noise environment from construction activities are short-term but can reach high levels, especially from grading activities. Noise levels from heavy equipment can range between approximately 68 dBA to 100 dBA at a distance of fifty (50) feet; these noise levels diminish rapidly with a doubling of distance from the noise source.

Construction noise can be most effectively controlled through compliance with locally established construction hours. The Town of Apple Valley has established day and time restrictions on construction noise levels; these are set forth in the Town Development Code.

2. Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of construction noise levels as identified in the Final EIR.

3. **Mitigation:** Mitigation measures to be implemented within the General Plan area to ensure the reduction of potential construction noise impacts to less than significant levels include the following.
  - a. All construction equipment operating in the General Plan area shall be equipped with properly operating and well-maintained mufflers to limit noise emissions.
  - b. To the greatest extent feasible, earth moving and hauling routes, and stockpiling and vehicle staging areas shall be situated away from existing residences.
  - c. Construction activities shall be conducted in compliance with the Town's Noise Ordinance to ensure that acceptable noise levels are achieved during sensitive time periods.
4. **Supportive Evidence:** Heavy construction equipment can generate noise levels that are beyond the level of comfort of the human ear. Certain equipment can result in noise levels of up to 100 dBA at a distance of fifty (50) feet. It should be noted, however, that these noise levels diminish at a rate of approximately 6 dBA as distance from the noise source is doubled. Construction noise is generally short term and may be mitigated to acceptable levels by a variety of measures, including equipping construction equipment with mufflers, locating stationary equipment away from noise sensitive receptors and placing equipment staging areas as far from sensitive receptors, such as residential development, as is practicable.

With the application of General Plan policies and programs, as well as mitigation measures discussed above, potential noise impacts associated with build out of the General Plan will be reduced to less than significant levels.

#### **K. Public Services and Facilities**

1. **Impact:** The General Plan and Annexations will result in adverse impacts associated with the provision of new fire protection facilities.

To maintain target ratios for provision of fire protection services, approximately 130 full-time fire personnel will be required to serve the build out population. A portion of the increased demand for services and facilities in the planning area will come from future development in the annexation areas. Approximately nine (9) full-time fire personnel would be required.

2. **Findings:** Changes or alterations have been required in, or measures incorporated into the project, which reduce significant environmental effects associated with fire protection services as identified in the Final EIR to less than significant levels.

3. Mitigation: Mitigation measures include the following:
- a. The Town shall continue to coordinate closely with the Apple Valley Fire Protection District to assure the timely expansion of facilities and services.
  - b. The Town and Apple Valley Fire Protection District shall continue to enforce fire codes and other applicable standards and regulations as part of building plan review and conducting building inspections.
  - c. Industrial facilities that involve the storage of hazardous, flammable or explosive materials shall be sited so as to ensure the highest level of safety in strict conformance with Uniform Fire Code and other applicable codes and regulations.
  - d. The Apple Valley Fire Protection District shall continue to review new development proposals and evaluate project plans to assure that it can provide adequate fire protection.
  - e. The Town and Apple Valley Fire Protection District shall coordinate with the AVRWC, Golden States Water Company, and all other water purveyors serving the General Plan and annexation areas, to ensure adequate water supplies and pressure for existing and proposed development.
4. Supportive Evidence: The General Plan will result in development that will generate increased demand for fire protection services and will require the expansion of infrastructure, which may be potentially significant.

Build out of the proposed General Plan and annexation areas is estimated to result in a population of approximately 194,931 residents. This increased population would increase demand for fire protection services including personnel, equipment, and facilities. In outlying or previously undeveloped areas, new fire hydrants and the extension of water mains may also be required. Costs associated with the provision of new fire facilities and equipment, as well as the infrastructure to deliver adequate fire flows, can be significant and the need for these facilities should be thoroughly assessed as build out occurs.

Based on the AVFPD desired ratio of one (1) full-time personnel per 1,500 population, at buildout of the General Plan there would be 130 full-time fire personnel on staff. This represents an increase over current staffing that is commensurate with projected population growth in the planning area. At build out the two annexation areas will be developed with additional residential, commercial and industrial uses that will result in increased demand for fire protection services. Based on the desired ratio cited above, at build out these areas will require nine (9) full-time fire personnel.

Implementation of mitigation measures set forth herein will reduce potential impacts to fire protection associated with build out of the General Plan to less than significant levels.

1. **Impact:** The General Plan and Annexations will result in adverse impacts associated with the provision of new police protection services.

Staffing at the Apple Valley Police Department currently consists of forty-nine (49) sworn personnel and fourteen (14) civilian/general employees, six of whom are qualified to perform non-suspect-involved crimes or calls for service. The Department has set a target ratio of one (1) deputy per 1,500 residents. To maintain target ratios for provision of police protection services, approximately 130 full-time personnel will be required to serve the build out population. A portion of the increased demand for services and facilities in the planning area will come from future development in the annexation areas. Approximately nine (9) full-time personnel would be required.

2. **Findings:** Changes or alterations have been required in, or measures incorporated into the project, which reduce significant environmental effects associated with police protection services as identified in the Final EIR to less than significant levels.
3. **Mitigation:** Mitigation measures include the following:
  - a. New development projects shall be reviewed by the Sheriff's Department to ensure the Department's ability to provide adequate police protection. New developments shall comply with established Sheriff's Department standards.
  - b. The Town shall continue to monitor Town population and Sheriff's Department staffing levels to insure that sufficient levels of police protection are afforded.
4. **Supportive Evidence:** The General Plan will result in development that will generate increased demand for police protection services and will require the expansion of infrastructure, which may be potentially significant.

Build out of the proposed General Plan and annexation areas is estimated to result in a population of approximately 194,931 residents. This increased population would increase demand for fire protection services including personnel, equipment, and facilities. In outlying or previously undeveloped areas, new fire hydrants and the extension of water mains may also be required. Costs associated with the provision of new fire facilities and equipment, as well as the infrastructure to deliver adequate fire flows, can be significant and the need for these facilities should be thoroughly assessed as build out occurs.

Implementation of the proposed General Plan and annexations are expected to result in a total build out population of approximately 194,931 residents. To maintain the target ratio of one (1) deputy per 1,500 residents at General Plan build out will require a total of 130 deputies, which is an increase of eight-one (81) deputies as compared with current staffing levels. This will require a significant increase in the number of deputies and level of police protection afforded to the residents of the Town. An increase in the number of deputies, associated staff, equipment, and patrol vehicles could result in substantial costs to the Town. However, the demand for additional police protection services will increase gradually, and an increase in Town revenue is also expected with General Plan build out.

Actual demand for police protection will be dependent upon future levels of development.

Implementation of mitigation measures set forth herein will reduce potential impacts to police protection associated with build out of the General Plan to less than significant levels.

1. Impact: The build out of the General Plan and Annexations will result in adverse impacts associated with school facilities.

The Apple Valley Unified School District (AVUSD) is the public school District in the Town of Apple Valley and portions of its Sphere of Influence, including the proposed annexation areas. AVUSD currently operates eighteen (18) schools within its District, including nine (9) elementary, three (3) middle and two (2) high schools, as well as one (1) continuation school. In addition, AVUSD operates an alternative education center offering adult education, a magnet school and a charter school.

At build out, the proposed General Plan and annexation areas is expected to result in the construction of approximately 63,749 dwelling units of which it is assumed that 36,619 will be single-family units and 27,130 will be multi-family units. These units have the potential to generate 29,899 students at grade levels K through 12, 1,598 of which will be generated in the annexation areas.

2. Findings: Changes or alterations have been required in, or measures incorporated into the project, which reduce significant environmental effects associated with the demand for schools, as identified in the Final EIR to less than significant levels.
3. Mitigation: Mitigation measures include the following:
  - a. Statutory school mitigation fees for residential and commercial development shall continue to be assessed to developers.
  - b. Should developers in the General Plan study area use Mello-Roos or other types of public facilities financing districts, AVUSD shall be included in discussions to determine how the developer may cooperate with the District in its funding mechanism. The following alternatives are available to AVUSD to mitigate significant impacts to District schools:

Leroy F. Green State School Building Lease-Purchase Law: Under an agreement between the school district and the State of California, this Act provides for construction, reconstruction or replacement of school facilities by the State Allocation Board. Districts with 1) substantial enrollment in year-round schools, 2) the ability to raise a percentage of project costs, and 3) opening a new facility as a year-round school receive first priority for future State funding.

Lease-Purchase Arrangements: Lease-purchase agreements may be made between school districts and private builders of portable classrooms, as authorized under Sections 39240 and 39290 of the State Education Code. Under this method, school districts can also finance capital outlay. Lease-purchase agreements also provide the benefit of offering long-term financing without the need for voter approval of special taxes or benefit assessments.

Developer Fees: Assembly Bill 2926 (Chapter 887) was approved by the State Legislature in 1986, authorizing school districts to assess development fees to fund school construction or reconstruction. Currently these fees are \$3.72 per square foot of residential construction and \$0.47 per square foot of commercial construction. Under Government Code Section 53080, proof of compliance with the school district's resolution may be required prior to issuance of building permits.

Mello-Roos Community Facilities Act: Government Code Section 55311, et. seq., establishes provisions for this funding option. In order to benefit from this Act, a school district is responsible to initiate proceedings to declare itself a "Community Facilities District" (CFD), which is defined as a government entity created to perform specific activities within set boundaries. It provides for the CFD to purchase, construct or rehabilitate real or tangible property with an estimated useful life of five years or longer.

4. Supportive Evidence: The General Plan will result in development that will generate increased demand for schools, which may be potentially significant.

Since new development will occur over time, student populations are also expected to increase gradually, and are therefore not expected to significantly impact AVUSD schools. AVUSD facilities planning provides for new school sites as population within the District increases. Further, AVUSD will continue to receive developer's impacts fees for residential, commercial and industrial development.

Implementation of mitigation measures set forth herein will reduce potential impacts to schools associated with build out of the General Plan to less than significant levels.

The demand for local and regional medical services and facilities will also increase as population in the General Plan area reaches build out levels.

1. Impact: The build out of the General Plan and Annexations will result in adverse impacts associated with libraries.

The Newton T. Bass Apple Valley Library, part of the San Bernardino County Library System, is a 19,142 square foot facility located adjacent to Town Hall off of Dale Evans Parkway. The library provides Apple Valley residents access to over 20,000 hardcopy books as well as to an online database containing electronic periodicals, magazines and encyclopedias. Approximately 87,719 square feet of library facilities will be needed to serve the projected build out population in the General Plan area.

2. Findings: Changes or alterations have been required in, or measures incorporated into the project, which reduce significant environmental effects associated with the demand for libraries, as identified in the Final EIR to less than significant levels.
3. Mitigation: Mitigation measures include the following:
  - a. The Town and the County of San Bernardino shall, by continuing to monitor and evaluate library usage rates and the level of service provided at County libraries in the General Plan area, determine the need for additional services and facilities.
  - b. In order to determine appropriate mitigation fees necessary to provide adequate library services, the Town shall continue to consult and coordinate with San Bernardino County, and consider the addition of library facilities to Developer Impact Fees in the future.
4. Supportive Evidence: The General Plan will result in development that will generate increased demand for libraries, which may be potentially significant.

The County Master Library Facility Plan indicates that the desirable size of a public library in the County system within communities with populations of between 35,000 and 100,000 persons is 0.5 to 0.6 square feet per capita. Based on the Town's current estimated population of 70,092, the public library in Apple Valley provides approximately 0.27 square feet of library space per capita. The County Plan further indicates that additional library funding would be needed to meet a standard of 0.5 to 0.6 square feet per capita, and addresses expansion of the library in Apple Valley to provide facilities consistent with the national average, approximately 0.45 square feet per capita.

Implementation of mitigation measures set forth herein will reduce potential impacts to libraries associated with build out of the General Plan to less than significant levels.

1. Impact: The General Plan will result in construction of new water or wastewater treatment facilities or expansion of existing facilities, which could be significant.

Build out of the proposed General Plan and annexations will result in water demand associated with increased residential, commercial, industrial and other types of development, such as open space amenities, street rights-of-way, etc. This increased demand has been estimated based on water consumption factors from a variety of sources. These include, but are not limited to, historical water use for residential development in AVWRC's service area. Based on these factors, General Plan build out is estimated to generate water demand of 95,999 acre-feet per year for all types of development.

Development facilitated by build out of the General Plan and annexation areas will increase demand on existing wastewater collection and treatment facilities. It is estimated that domestic wastewater flows average approximately 100 gallons per capita

per day. Applying this factor to the estimated build out population of 194,931, wastewater generation in the General Plan and annexation areas would be approximately 19,493,069 gallons per day.

This increase in wastewater generation and demand for collection and treatment facilities is significant when compared with the current level of service, in that it will exceed current treatment capacity at the Victor Valley Wastewater Regional Authority (VWVRA) treatment plant in Victorville. This estimate assumes that all new residential construction in the Town will be connected to sewer facilities.

2. **Findings:** Changes or alterations have been required in, or measures incorporated into the project, which reduce significant environmental effects associated with the demand for water and wastewater facilities, as identified in the Final EIR to less than significant levels.
3. **Mitigation:** Mitigation measures include the following:
  - a. All future development projects shall be subject to review by the Town and the applicable water purveyor to assess their potential impact on local groundwater supplies.
  - b. The Town and applicable water purveyor shall coordinate for the extension of infrastructure to serve future development in Annexations 2008-001 and 2008-002.
  - c. The use of drought tolerant landscaping shall be encouraged in public and private development.
  - d. Future development shall be required to conform to standards set forth in Section 17921.3 of the Health and Safety Code, Title 20, California Administrative Code Section 1601(b), and applicable sections of Title 24 of the State Code. These measures include the installation of low-flush toilets, low-flow showerheads and faucets in all new construction.
  - e. To the greatest extent feasible, all new development shall connect to the existing wastewater treatment collection system, or otherwise comply with the Town's Sewer Connection Policy.
  - f. The Town shall cooperate and coordinate with VWVRA to ensure that there are adequate wastewater collection and treatment facilities to serve development in the General Plan study area.
  - g. The Town shall continue to confer and coordinate with VWVRA to secure funding for sub-regional wastewater treatment facilities to serve development in the Town.
  - h. The Town shall continue to confer and coordinate with VWVRA to secure funding for tertiary treated water facilities to serve development in the Town.

4. Supportive Evidence: Build out of the General Plan area, including Annexation No. 2008-001 and 2008-02, will occur gradually and therefore increases in demand will be incremental, allowing service providers time to plan for expanded services and facilities. The Town and the service providers must monitor growth and demand trends to ensure the adequate provision of services and facilities, utilizing local management programs where appropriate to reduce demand. The Town will also continue to collect property and sales tax and development fees to provide funding for the expansion of public services and facilities.

Implementation of mitigation measures set forth herein will reduce potential impacts to water and wastewater facilities associated with build out of the General Plan to less than significant levels.

1. Impact: Build out of the General Plan could impact water supplies available to serve the Town and Annexations, and require new or expanded entitlements.

Build out of the proposed General Plan will result in an additional 64,749 dwelling units. This represents an increase of approximately 13,696 units, or 27.4 percent over the previous General Plan, which planned for 50,053 units. Residential development in the General Plan area is expected to generate a population of approximately 194,931. The proposed Plan will also result in a proportional increase in commercial, industrial, public and other types of development. Therefore, implementation of the proposed General Plan update is expected to result in an increase in water consumption. Based on current water consumption factors used by the AVRWC, build out of the General Plan and Annexations would result in demand of 95,999.9-acre feet per year.

2. Findings: Changes or alterations have been required in, or measures incorporated into the project, which reduce significant environmental effects associated with the water demand, as identified in the Final EIR to less than significant levels.

The EIR includes a variety of mitigation measures to reduce water resources/quality impacts to less than significant levels. In addition to general mitigation measures, listed below, the Town's Water Conservation Plan ordinance includes water regulations that prohibit wasteful water practices and establishes penalties for violation of these regulations.

- a. The Town shall coordinate and cooperate with the Mojave Water District, the AVRWC, Golden State Water Company and other water purveyors within the Town to strengthen and expand educational and public relations programs that convey the importance of water conservation and water-efficient landscaping.
- b. The Town shall promote, encourage and participate in the development of water management and conservation strategies through the Alliance for Water Awareness and Conservation, the San Bernardino Association of Governments (SANBAG) and its member jurisdictions, as well as the MWA, AVRWC, Golden State Water

Company, and other water purveyors in the Town, on water supply and conservation programs.

- c. The Town shall continue to implement its Water Conservation Plan ordinance and comply with State Assembly Bill 325 (AB 325) by limiting turfing areas in new projects, and requiring the use of native and other drought-tolerant planting materials, installing efficient irrigation systems and monitoring existing systems to ensure maximum efficiency and conservation.
- d. The Town shall require that all new developments use water conserving appliances and fixtures, including low-flush toilets and low-flow showerheads and faucets. The Town shall require the application of water-conserving technologies in conformance with Section 17921.3 of the Health and Safety Code, Title 20, California Administrative Code Section 1601(b), and applicable sections of Title 24 of the State Code.
- e. The Town shall encourage the use of faucets, showerheads and appliances in new development that exceed Title 20 and Title 24 water efficiency requirements.
- f. The Town shall require that future development in the General Plan area has an adopted Water Supply Assessment in compliance with AB 610 and 221 prior to approval of development plans.
- g. The Town shall actively support and encourage the continuation and expansion of groundwater recharge efforts, and shall confer and coordinate with MWA and AVRWC regarding the possible future use of tertiary treated wastewater as a means of reducing demand for groundwater resources. To the greatest extent practicable, the Town shall direct new development to provide irrigation systems that are able to utilize reclaimed water, when available, for use in common area and streetscape landscaping.
- h. The Town shall consider approaches and mechanisms that facilitate financing and construction of expanded wastewater collection facilities.
- i. To the greatest extent practicable, the Town shall continue to require new development to connect to the community sewer system. Where sewer service is not available and lots are created of less than one (1) acre in size, the Town shall require the installation of "dry sewers" and the payment of connection fees for future sewer main extensions.
- j. Consistent with community design standards and local and regional drainage plans, the Town shall provide development standards and guidelines for the construction of on-site storm water retention facilities.
- k. The Town shall require that the development and maintenance of project-specific on-site stormwater retention/detention basins that implement the NPDES program,

enhance groundwater recharge, complement regional flood control facilities, and address applicable community design policies subject to all applicable regulations, standards and guidelines.

- l. The Town shall evaluate the potential of all proposed land use and development plans to create groundwater contamination hazards from point and non-point sources. The Town shall confer and coordinate as necessary with appropriate water agencies and water purveyors to ensure adequate review.
  - m. The Town shall coordinate with AVRWC, Golden State Water Company, and other water purveyors that serve the Town and its Sphere of Influence to establish/continue incentive programs to encourage that existing development be retrofitted to utilize water conserving fixtures, and landscaping and irrigation materials and controllers.
  - n. The Town shall restrict the amount of turf planted on all new commercial, industrial, public facilities, multi-family and front yards of single-family residential projects to reduce the amount of water used for irrigation.
  - o. Irrigation design that reduces overspray and uses conservation techniques shall be required for all new commercial, industrial, public facilities and multi-family projects which will reduce the amount of water used and wasted on irrigation.
  - p. The Town shall confer and coordinate with the Victor Valley Wastewater Reclamation Authority to explore the possible future provision of recycled/reclaimed wastewater that can serve new and existing development.
  - q. The Town shall consider incentive programs for the removal of existing turf and replacing the turf with drought tolerant desert landscaping that requires less water.
  - r. The Town shall proceed with the agreement entered into with the City of Hesperia to design two (2) wastewater reclamation plants that will enable reclaimed water to be used to irrigate Town parks and the Apple Valley Country Club Golf Course.
4. Supportive Evidence: AVRWC is the primary domestic water provider in Apple Valley. The 2005 AVRWC UWMP demonstrates that AVRWC has sufficient water supplies for its service area through year 2025 under normal and drought conditions. Based on sufficiency of water supplies through AVWRC to the majority of the Town, sufficient water supplies are expected to be available to serve the entire planning area through year 2025. The AVWRC UWMP acknowledges the need to identify additional water sources to accommodate growing demand and sets forth BMPs to increase water efficiency, including water conservation measures and incentives, water audits, plumbing retrofits and public education. New development is expected to utilize efficient appliances and irrigation systems, and these and other water-saving technologies and conservation efforts will serve to decrease water demand by development in the planning area.

The MWA and AVRWC UWMPs include mitigation measures and conservation methods that are intended to reduce total water consumption in the Mojave Water Basin, including the General Plan area. The AVRWC UWMP includes a water shortage contingency plan, and a series of water demand measures to implement water conservation and recycling programs. The goal of these measures is to increase the overall efficiency of the existing water system and reduce general consumption. The Town shall require that prior to approval of qualifying future development in the planning area has an adopted Water Supply Assessment in compliance with SB 610 and 221.

Future development plans will be subject to review by the Town, AVFPD and the applicable water provider to consider fire flow requirements, and to determine the appropriate funding mechanisms for construction of these improvements.

General Plan policies and programs and mitigation measures set forth herein include compliance with measures set forth in the AVRWC and MWA Urban Water Management Plans, as well as with applicable state legislation intended to ensure the adequate provision of domestic water to future development. With the implementation of these policies, programs and measures, impacts to groundwater supplies and recharge in the General Plan area will be reduced to less than significant levels.

1. **Impact:** Build out of the General Plan could result in a determination by VVWRA that it does not have sufficient capacity to serve the General Plan and Annexations.

Development facilitated by build out of the General Plan and annexation areas will increase demand on existing wastewater collection and treatment facilities. It is estimated that domestic wastewater flows average approximately 100 gallons per capita per day. Applying this factor to the estimated build out population of 194,931, wastewater generation in the General Plan and annexation areas would be approximately 19,493,069 gallons per day.

This increase in wastewater generation and demand for collection and treatment facilities is significant when compared with the current level of service, in that it will exceed current treatment capacity at the VVWRA treatment plant in Victorville. This estimate assumes that all new residential construction in the Town will be connected to sewer facilities.

2. **Findings:** Changes or alterations have been required in, or measures incorporated into the project, which reduce significant environmental effects associated with the demand for wastewater capacity, as identified in the Final EIR to less than significant levels.
3. **Mitigation:** Mitigation measures include the following:
  - a. Future development shall be required to conform to standards set forth in Section 17921.3 of the Health and Safety Code, Title 20, California Administrative Code Section 1601(b), and applicable sections of Title 24 of the State Code. These

measures include the installation of low-flush toilets, low-flow showerheads and faucets in all new construction.

- b. To the greatest extent feasible, all new development shall connect to the existing wastewater treatment collection system, or otherwise comply with the Town's Sewer Connection Policy.
  - c. The Town shall cooperate and coordinate with VVWRA to ensure that there are adequate wastewater collection and treatment facilities to serve development in the General Plan study area.
  - d. The Town shall continue to confer and coordinate with VVRWA to secure funding for sub-regional wastewater treatment facilities to serve development in the Town.
  - e. The Town shall continue to confer and coordinate with VVWRA to secure funding for tertiary treated water facilities to serve development in the Town.
4. Supportive Evidence: Build out of the General Plan area, including Annexation No. 2008-001 and 2008-02, will occur gradually and therefore increases in demand will be incremental, allowing VVWRA time to plan for expanded services and facilities. The Town and VVWRA must monitor growth and demand trends to ensure the adequate provision of services and facilities, utilizing local management programs where appropriate to reduce demand. VVWRA will also continue to collect tax revenue and connection fees to provide funding for the expansion of facilities.

Implementation of mitigation measures set forth herein will reduce potential impacts to wastewater capacity associated with build out of the General Plan to less than significant levels.

1. Impact: Build out of the General Plan could result in solid waste generation in excess of permitted landfill capacity.

Implementation and build out of the proposed General Plan and annexations will increase the generation of solid waste and the need additional disposal sites. Burrtec Waste Industries plans on providing service to accommodate future development. Continued and increased recycling within the planning area will help lessen the impacts to regional landfills and assist with the Town's compliance with AB 939.

Build out of the General Plan and Annexations could result in the generation of 950,712.02 tons of waste annually.

2. Findings: Changes or alterations have been required in, or measures incorporated into the project, which reduce significant environmental effects associated with solid waste, as identified in the Final EIR to less than significant levels.
3. Mitigation: Mitigation measures include the following:

- a. The Town and its solid waste disposal service provider shall continue to consult and coordinate to maintain and surpass, where possible, the provisions of AB 939 by means of expanded recycling programs to divert resources from the waste stream that can be returned to productive use.
  - b. To the greatest extent feasible, the Town shall encourage commercial and industrial establishments to minimize the amount of packaging and potential waste associated with product manufacturing and sales.
  - c. Recycling provisions for single-family and multi-family residential dwelling units shall continue to be included in the Town's solid waste disposal contracts.
  - d. Recycling provisions for commercial and business establishments should include separate recycling bins. Items to be recycled at commercial establishments may include white paper, computer legal paper, cardboard, glass, and aluminum cans.
  - e. As landscaping debris comprises a significant percentage of residential solid waste, developers shall contract for professional landscaping services from companies which compost green waste. Several landscaping companies in the Apple Valley/Victorville area are currently composting for waste disposal. On-site composting and grass recycling (whereby grass clippings are left on the ground) is also encouraged wherever possible.
4. Supportive Evidence: The Town of Apple Valley is a member of the Mojave Desert and Mountain Recycling Joint Powers Authority, (JPA), a joint powers authority that oversees the solid waste contracts and facilities for its member cities and some unincorporated areas of San Bernardino County. Other jurisdictions that comprise the JPA include Adelanto, Barstow, Big Bear Lake, Needles, San Bernardino County, Twenty-nine Palms, Victorville and Yucca Valley. Formed in 1991 in response to the above-mentioned California's Integrated Waste Management Act of 1989, the JPA began coordinated efforts to divert waste from landfilling through recycling, composting, and waste reduction, and improve public awareness of environmental issues.

The Town is part of the Zero Waste Communities of San Bernardino County (ZWC), a collective effort by sixteen (16) townships and cities in the County to educate residents on ways to reduce, reuse and recycle to extend the lives of the County's landfills. Recycling services also address issues of sustainability and global warming by resulting in energy and resources conservation.

The Victor Valley Materials Recovery Facility, co-owned by the Town of Apple Valley and the City of Victorville, receives all the commercial and residential recycling loads picked up in both jurisdictions. The facility processes over 710 tons of solid waste per week.

The Victorville landfill allows for a maximum of 3,000 tons a day. Currently, it receives an average of 900 tons per day. Based on estimates prepared in June 2008, the remaining

capacity of the site is estimated at eight-two (82) million cubic yards. The County has acquired additional acreage at the landfill to expand capacity. Based on this expansion, the Victorville landfill is estimated to have a closing date of 2047.

Implementation of mitigation measures set forth herein will reduce potential impacts to wastewater capacity associated with build out of the General Plan to less than significant levels.

## **L. Recreational Resources**

1. **Impacts:** Build out of the General Plan and Annexations would increase the use of existing neighborhood and regional parks and other recreational facilities.

Based on the projected build out population in the General Plan and annexation areas, and the Town's adopted standard for provision of parkland, at build out approximately 975 acres of parkland will be required to serve the General Plan area. Therefore, the Town will need to provide an additional 536.13 acres within the planning area prior to build out of the General Plan and annexation areas. This includes approximately sixty-six (66) acres associated with build out of Annexation area No. 2008-001.

Impacts from increased population and resulting utilization of local recreational resources is expected to be reduced to less than significant levels through implementation of Quimby Act requirements, including payment of applicable in lieu fees and dedication of parklands for projects above certain thresholds. To facilitate the acquisition of further areas of parkland the Town may, in addition to the Quimby Act, implement Development Agreements and/or Developer Impact Fees, as well as a range of other funding mechanisms that are provided for in the Parks and Recreation Element of the General Plan.

2. **Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects associated with the need for additional parks as identified in the Final EIR.
3. **Mitigation:**
  - a. The Town will require developers to participate in the Town's parkland fee programs/Quimby requirements.
  - b. The Town will actively pursue a range of supplementary funding sources to acquire additional parklands.
4. **Supportive Evidence:** A wide variety of passive and active regional and local recreational resources are available to Town residents and visitors to the planning area. The Town Development Code establishes a standard for provision of parklands of five (5) acres per 1,000 residents. The Town currently has 438.87 acres of developed or developable parklands. The General Plan and mitigation measures described above and set forth in the

EIR require future development to provide adequate parkland to meet established Town and Quimby Act requirements. These policies and measures are applicable also to the annexation areas.

With the incorporation of the mitigation measures as set forth above, potentially significant impacts to recreational resources associated with build out of the General Plan will be reduced to insignificant levels.

## SECTION 2

### POTENTIAL ENVIRONMENTAL IMPACTS WHICH HAVE BEEN IDENTIFIED AS INSIGNIFICANT

#### **A. Effects Determined to Have No Impact**

The Environmental Checklist Form suggested by the CEQA Guidelines was utilized by the Town of Apple Valley as part of the Initial Study process. The Town reviewed the Checklist to ensure that the EIR would address all environmental issues required to be addressed by CEQA. The Town determined that the proposed project would have no impact on the following environmental areas of concern:

- 1) Biological Resources: conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan;
- 2) Geology and Soils: inundation by seiche, tsunami, or mudflow;
- 3) Hazards and Hazardous Materials: safety hazard for people residing or working in the project area, in the vicinity of a private airstrip;
- 4) Hydrology and Water Quality: inundation by seiche, tsunami or mudflow;
- 5) Land Use and Planning: physical division of an established community;
- 6) Population and Housing: displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere;
- 7) Population and Housing: displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere;
- 8) Traffic and Circulation: change in air traffic patterns;
- 9) Traffic and Circulation: substantial increase in hazards to a design feature or incompatible uses.

#### **B. Effects Determined to Have Less Than Significant Impacts**

The EIR also found that the following impacts would be less than significant, and do not require mitigation:

##### **Aesthetic Resources**

The Town is located in the high desert between the City of Victorville and the communities of Lucerne Valley on the southeast and Hesperia on the southwest. Although considerable rural and residential development exists in the region, a sense of spaciousness prevails and expansive vistas occur in many directions across the planning area. Build out of the General Plan and Annexations will increase the amount of development in the General Plan and Annexation areas. Implementation of the General Plan is expected to result in the continued development of a variety of residential, commercial and industrial structures, as well as additional recreational development. With the exception of certain specialty structures, development allowed by the General Plan is expected to continue to be limited in terms of coverage, height and density. The

Town's development standards will therefore limit the potential impact on scenic vistas, as the mass and scale of this development will be controlled. Impacts will be less than significant.

The General Plan includes policies and programs which assure the preservation of historic structures. The General Plan designates the Knolls, and other topographic features as Open Space, thereby prohibiting development. The General Plan also protects native plants, including Joshua trees, from destruction. As a result of these policies and programs, impacts associated with scenic resources such as trees, rock outcropping and historic buildings are expected to be less than significant.

### **Agricultural Resources**

The Williamson Act contract which currently occurs in Town applies to land owned by the Town's largest water company. The parcel is not currently farmed. Should AVR wish to develop the land, the Williamson Act contract will need to be removed from the parcel. AVR will be required to notify responsible agencies, including the Town, of its intent of non-renewal, and the change will be recorded with the County. Given that the parcel is only 1.8 acres in size, it is not of long term agricultural value, and will not represent a significant loss of agricultural land in the area. Impacts associated with conflicts with existing zoning for agricultural use or a Williamson Act contract are therefore expected to be less than significant.

Lands in the Deep Creek area are designated Low Density Residential and Estate Residential in order to preserve the rural and agricultural/ranching activities which have occurred there in the past. Although these lands are not designated by the State as Farmland of Statewide Importance, they are likely to develop to include equestrian, ranching or hobby farm facilities. This area of Apple Valley has been identified in the General Plan for long term preservation in a semi-agrarian character, including policies and programs which protect this character. Impacts associated with changes in the existing environment which could result in conversion of Farmland to non-agricultural uses are therefore expected to be less than significant.

### **Air Quality**

The General Plan proposes land uses which currently occur within Town limits. The Annexations will extend the same development pattern to these areas. The land uses currently occurring within the Town, or planned through the General Plan, are not anticipated to generate significant odors. The Development Code sets standards, including odors, for industrial land uses, and required that such land uses mitigate their potential impacts. As a result, the build out of the General Plan and Annexations is expected to have less than significant impacts associated with objectionable odors.

### **Biological Resources**

The Town is in the process of preparing a comprehensive Multiple Species Habitat Conservation Plan that will address management for federally listed and other special status species occurring on private lands within the Town of Apple Valley. The MSHCP will address impacts to sensitive and listed species and ensure that the General Plan can be implemented. It will also enable the

Town to streamline the development entitlement process and permitting while ensuring protection of sensitive environmental resources. The General Plan includes policies and programs which assure that the MSHCP effectively protects local special status species. Therefore, impacts associated with any potential conflict with any local policies or ordinances protecting biological resources are expected to be less than significant.

### **Cultural Resources**

The cultural resources analysis conducted for the General Plan identified known areas of sensitivity for cultural resources. Project specific surveys are required by the General Plan for these areas. California law requires that the coroner be contacted, and all excavation or disturbance cease if human remains are unearthed by grading or other ground-disturbing activity. The General Plan's policies and programs, and State law, will assure that impacts associated with the disturbance of human remains outside formal cemeteries will be less than significant.

### **Geology and Soils**

The Town of Apple Valley is located near the boundary of two tectonic plates: the North American and Pacific plates. There are Alquist-Priolo Earthquake Fault Zones within the corporate limits of the Town of Apple Valley, or the Annexations. Therefore, impacts associated with the rupture of a known Alquist-Priolo Earthquake Fault are expected to be less than significant.

### **Hazards and Hazardous Materials**

The San Bernardino County Department of Airports provides for the management, maintenance, and operation of the Apple Valley Airport. Particularly hazardous land uses should be prohibited in all designated airport overlay zones, including those which would cause smoke, water vapor, or light interference impeding the pilot's ability to see the airfield. Uses which cause electrical interference with aircraft navigational and communications equipment also should be prohibited in the airport vicinity. Other inappropriate uses include those attracting large numbers of birds, including landfills and some types of food processing plants involving outdoor storage of grain and other raw materials or food by-products. The General Plan and Development Code include prohibitions against unsafe land uses, and conforms to the airport land use plan restrictions. The build out of the General Plan will therefore not result in a safety hazard for people residing or working in the area.

### **Land Use, Population and Planning**

The proposed General Plan does not significantly change development patterns or land use designations within Town limits. Land use designations have generally been maintained consistent with those in the current General Plan, and three new land use designations are proposed.

The proposed General Plan and annexations will result in an increase in residential units, and commercial and industrial square footage. Within the existing Town limits, this increase will be

associated with changes in the distribution of land uses, including an increase in Medium Density residential units. The changes in the land use pattern within the Town, however, will not be significant, and will not substantially affect the pattern of development which has already occurred.

The development of the Annexation areas will not displace a substantial number of homes or residents.

Lands within Annexation 2008-002 are currently designated for industrial land uses. Under the proposed annexation, all lands within the annexation area will be developed in industrial land uses. The land use designations proposed under Annexation 2008-002 will not impact the character of the area, and development of industrial uses on these lands will not displace any housing or people. The impacts associated with land use in Annexation 2008-002 are expected to be insignificant.

### **Mineral Resources**

The Town of Apple Valley has designated 452.5 acres as mineral resources land use. Of this, approximately 111.56 acres are developed for mining and processing of aggregate materials, and an additional 340.95 acres are designated for the use and production of mineral resources. In the overall, lands designated for mineral resource uses represents less than one (1) percent of all lands in the General Plan area. Land use designations within the annexation areas have been determined as compatible with mineral resource operations. Existing quarries and mining operations can continue unimpeded by the implementation of the General Plan, both within the Town limits and in the Annexations. Impacts associated with the loss of availability of a known mineral resource, or of a locally important mineral resource recovery site will therefore be less than significant.

### **Noise**

Operation of the Apple Valley Airport is currently limited to general aviation aircraft, with noise impacts perceived as "barely perceptible" throughout most of the planning area. The airport houses approximately 119 aircraft, mostly single-engine airplanes. There are currently an average of 103 operations (takeoffs/landings) a day, or 38,000 annually. Lands adjacent to the airport are generally vacant and are zoned for airport, industrial and commercial uses. Although overflights may occasionally be audible within the Town, these impacts are not considered significant. Airport noise contours of 65 dBA or greater are contained within the airport's boundaries.

The County of San Bernardino County has plans to expand the Apple Valley Airport into a hub to better serve industrial and commercial development in and adjacent to the North Apple Valley Industrial Specific Plan area in which the airport is located. Surrounding lands are planned primarily for development of airport industrial and general commercial land uses. Adjacent land uses are largely compatible with existing and future aircraft operations, and future noise contour boundaries are generally contained within the boundaries of the airport. No significant impacts are anticipated as related to the exposure of people residing or working in the area of the airport.

## **Public Services and Utilities**

Apple Valley owns, operates and maintains the local wastewater collection system. Wastewater facilities needed to serve the Town are identified in the Town's Sewer Master Plan. Currently the Town has force main lines and gravity sewer lines of from six (6) inches to twenty-four (24) inches in diameter that connect to regional intercept lines that convey wastewater to a wastewater treatment plant operated by the VVWRA in Victorville. The VVWRA wastewater treatment plant is located at 20111 Shay Road in Victorville. It has a design and current treatment capacity of eighteen (18) million gallons per day; on a daily basis, the plant averages treatment of thirteen (13) million gallons. The plant is required to comply with the requirements of the California Regional Water Quality Control Board (CRWQCB) as they relate to treatment requirements. The plant cannot operate outside these parameters. The sanitary sewer system in Apple Valley and the region will continue to expand as development occurs. This development will be required to pay connection and service fees, which are designed to include costs associated with treatment requirements, among other items. Therefore, the build out of the General Plan is not expected to exceed wastewater treatment requirements.

The Town of Apple Valley contracts with Burrtec Waste Industries of Fontana, California for the collection and disposal of solid waste. Solid waste collected in the planning area by Burrtec is hauled to the Victorville landfill, approximately twelve (12) miles to the northwest and is a part of the San Bernardino County landfill system. AVCO, a hauling division of Burrtec Waste Industries, Inc., provides weekly curbside pick-up of recyclable materials for residential, commercial and industrial development. It transports and recycles materials at its materials recovery facility located in Victorville, discussed below. Continued and increased recycling within the planning area will help lessen the impacts to regional landfills and assist with the Town's compliance with AB 939. The Town is part of the ZWC, a collective effort by sixteen (16) townships and cities in the County to educate residents on ways to reduce, reuse and recycle to extend the lives of the County's landfills. Recycling services also address issues of sustainability and global warming by resulting in energy and resources conservation. New development occurring under the General Plan and Annexations will be required to comply with solid waste requirements imposed by the State, including AB 939. These requirements will assure that impacts associated with compliance with federal, state and local statutes and regulations relating to solid waste will be less than significant.

## **Traffic and Circulation**

In the event of an emergency, it is critical that access into and out of the area be available. Portions of the planning area and several local and regional roadways are located within the Mojave River floodplain, including portions of State Route 18, Rock Springs Road and Bear Valley Road. Rock Springs is an at-grade crossing and is frequently impassable during major storms. Both State Route 18 and Bear Valley Road at the Mojave River are all-weather crossings. The Town is currently constructing an all-weather crossing at Yucca Loma Road. All bridges on Interstate-15 in the planning area are designed to withstand the 100-year flood and to have two (2) feet of freeboard for the fifty (50)-year flood. The Traffic Analysis prepared for the General Plan and Annexations found traffic volumes acceptable at General Plan build out on

these roadways. The Fire District and Town coordinate emergency preparedness planning, including the review of projects to assure that roadway improvements occur to support growth at build out of the General Plan and Annexations. As a result, impacts associated with inadequate emergency access are expected to be less than significant.

The General Plan and Annexations will have no impact on Town parking standards. The Town's roadway classifications allow for parking on Town roadways. As a result, impacts associated with inadequate parking capacity will be less than significant.

There are sixteen (16) regional bus routes operated by the Victor Valley Transit Authority (VVTA), of which three operate regularly in the planning area. Future on-road transit routes are anticipated to provide additional connectivity throughout the northern parts of the Town, in particular. Transit routes are shown for each crossing of the High Desert Corridor, along with providing additional north/south access along Apple Valley road and east/west access on Yucca Loma Road. Potential transit corridors are identified which could be used to extend existing fixed route service, possibly using a route deviation or point deviation system that allows for pick up or drop off transit riders within  $\frac{3}{4}$  miles of a fixed bus route. Such a system has the potential to be especially effective in less densely developed areas where service needs may be limited or warrant the expansion of an existing route. The General Plan includes policies and programs which require the continued coordination with VVTA, whose services will grow as demand for service grows. As a result, impacts associated with alternative transportation are expected to be less than significant.

## **SECTION 3**

### **STATEMENT OF OVERRIDING CONSIDERATIONS**

Significant impacts that will occur as a result of the proposed Apple Valley General Plan are identified and discussed in the EIR, which also sets forth mitigation measures to reduce these impacts to less than significant levels. As identified in Section 4 of these Findings, however, unavoidable adverse impacts will occur with regard to Air Quality, Land Use, and Traffic/Circulation.

In compliance with Section 15093 (a)(b) of the State CEQA Guidelines, the Town of Apple Valley, as Lead Agency, must "balance, as applicable, the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project." The adverse environmental effects may be considered "acceptable" where the benefits of a project outweigh its unavoidable adverse environmental effects. When the Final EIR identifies significant effects that are not avoided or substantially lessens, the Lead Agency must state the specific reasons to support approval

The Town Council, having considered the entire administrative record on the General Plan and Annexations, and having weighed the benefits of the General Plan and Annexations against the unavoidable adverse impacts after mitigation, has determined that each of the following social, economic and environmental benefits of the General Plan and Annexations outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the following overriding considerations:

1. Adoption of the General Plan update will provide the Town of Apple Valley with a comprehensive and consistent statement of goals, policies, and programs upon which it shall base decisions relating to the Town's current and anticipated needs shall be based.
2. The quality of life necessary to attract new residents, businesses and visitors to the Town will be further enhanced by implementation of the General Plan update, and will generally promote increased investment and development, jobs associated with new and/or expanded construction, and the provision of public services and facilities for a larger population base.
3. The proposed General Plan update and Annexations provide for an orderly and coordinated expansion of public services and facilities that will engender improved public health, safety and welfare and will help avoid the undesirable impacts of uncontrolled, noncontiguous development.
4. The land use distribution provided by the General Plan for the Town limits and the Annexations allows for a balanced economic base, including a broad range of employment opportunities for all future residents, eliminating the need of local residents to commute to the Inland Empire for work.

5. The land use designations provided in the General Plan allow for higher density residential and Mixed-Use land uses adjacent to major arterials, shopping and service providers, schools, employment centers and transit, to reduce vehicle miles traveled, and improve air quality.
6. Impacts that are identified as significant are generally associated with normal growth and progress; these impacts would be much more severe without implementation of the proposed General Plan update and Annexations.

**The Town Council hereby declares that the foregoing benefits provided through approval and implementation of the General Plan and Annexations outweigh the identified significant environmental impacts which cannot be mitigated. The Town Council finds that each of the benefits, separately and individually, outweighs the unavoidable adverse environmental effects identified in the EIR and therefore finds those impacts to be acceptable.**

**SECTION 4**  
**SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS WHICH CANNOT BE**  
**MITIGATED TO A LEVEL OF INSIGNIFICANCE**

The Final EIR contains mitigation measures that, when implemented for the proposed General Plan and Annexations, will provide a substantial mitigation of these effects. Nonetheless, the Town of Apple Valley has determined that certain environmental impacts cannot be feasibly mitigated to a level of insignificance. Therefore, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (see Section 3 of these Findings) that substantiates the Town's decision to accept these significant unavoidable adverse environmental impacts because of the benefits afforded by the proposed project.

Most of the significant environmental effects associated with build out of the Apple Valley General Plan and Annexations that can feasibly be avoided have been substantially reduced by virtue of mitigation measures in the Final EIR and the Mitigation Monitoring and Reporting program included therein. The remaining unavoidable significant effects are acceptable when balanced against the facts set forth in the Statement of Overriding Considerations. Impacts identified as significant are generally associated with normal growth and progress and would be much more acute without implementation of the proposed General Plan update. The following discusses impacts where significance could not be mitigated to acceptable levels.

**A. Air Quality**

1. **Impact:** The Ozone attainment plan utilizes land use projections and associated growth rates from the previous General Plan land use plan (1998). The updated General Plan and associated land use designations result in increased residential densities, and greater commercial/retail and industrial development. Build out of the updated General Plan may interfere or delay implementation of the Ozone attainment plan, since it increases densities and is therefore non-conforming. This represents a significant impact. As a result, the build out of the General Plan, and of Annexations 2008-001 and 2008-002 will result in a significant and unavoidable impact to air quality management planning.
2. **Mitigation Measures:** There are no mitigation measures available to reduce this impact.
3. **Supportive Evidence:** Requiring project-specific proposals to implement mitigation measures, including but not limited to those set forth in the EIR for criteria pollutants, can be effective in reducing air quality impacts to the entire General Plan area, and will thereby reduce the level of non-compliance with the Ozone attainment plan. However, the proposed General Plan increases the amount and intensity of development in both the Town limits and the Annexation areas, and its build out was not considered in the attainment plan.
4. **Finding:** The Town of Apple Valley hereby finds that impacts associated with air quality planning constitute a significant unavoidable impact to air quality. Even with the implementation of mitigation measures, air quality impacts associated with ozone attainment will exceed regional plans. All reasonable and feasible mitigation measures

that can substantially reduce impacts have been included in the EIR. No other feasible mitigation measures are available to further reduce emissions. The Town of Apple Valley finds that the remaining unavoidable significant effects are acceptable based on the inclusion of mitigation, the overall inability to mitigate the impacts despite inclusion of mitigation, the benefits associated with the proposed project, objectives established for the proposed project, and specific overriding considerations described in the Statement of Overriding Considerations.

1. **Impact:** Implementation of the General Plan and Annexations will result in the violation of an air quality standard and contribute substantially to an air quality violation. The Mojave Desert Air Basin exceeds state and federal standards for fugitive dust (PM<sub>10</sub>) and for ozone. The EIR quantifies projected pollutant emissions generated at build out of the proposed General Plan, including emissions from the use of consumer products, electricity, and natural gas, and emissions from vehicle exhaust for residential, commercial, office, and industrial land use designations as set forth in the General Plan Land Use Table. Based on these estimates, at build out of the General Plan, emissions would contribute to the continued violation of air quality standards in the region, without the application of mitigation measures.
2. **Mitigation Measures:** The following mitigation measures will reduce the impacts on air quality standards to the extent possible.
  - a. Grading and development permits shall be reviewed and conditioned to require the provision of all available methods and technologies to assure minimal air quality emissions from development. See Table below.

**Available Emission Reduction Technologies**

<b>Diesel Equipment</b>	<b>Daily Emission Reduction Factors</b>				
	<b>CO</b>	<b>NOx</b>	<b>SOx</b>	<b>PM<sub>10</sub></b>	<b>ROG</b>
Aqueous Fuel	0%	14%	0%	63%	0%
Diesel Particle Filter	0%	0%	0%	80%	0%
Cooled Exhaust Gas Recirculation	90%	40%	0%	85%	90%
Lean NOx Catalyst	0%	20%	0%	0%	0%
Diesel Oxidation Catalyst	0%	20%	0%	0%	0%
<b>Worker Trips</b>	<b>CO</b>	<b>NOx</b>	<b>SOx</b>	<b>PM<sub>10</sub></b>	<b>ROG</b>
Use of Shuttle or Ride Sharing	1.3%	1.3%	1.3%	1.3%	1%

Source: Urban Emissions Model (URBEMIS2002) version 8.7.0 April 2005; developed by the California Air Resources Board (CARB) as a modeling tool to assist local public agencies with estimating air quality impacts from land use projects when preparing a CEQA environmental analysis.

- b. As part of the grading permit process, developers shall concurrently submit a dust control plan as required by MDAQMD in compliance with Rule 403 (see Table below).

<b>Fugitive Dust Control Methods</b>	
<b>Daily PM<sub>10</sub> Reduction</b>	
Apply Soil Stabilizers to Inactive Areas	30%
Replace Ground Cover in Disturbed Areas Quickly	15%
Water Exposed Surfaces 2 Times Daily	34%
Water Exposed Surfaces 3 Times Daily	50%
Source: Urban Emissions Model (URBEMIS2002) version 8.7.0, April 2005.	

- c. Prior to grading activities a wind erosion control plan that among other things addresses soil stabilization techniques shall be submitted to the Apple Valley Building Division to assure that dust control is realized for all projects.
- d. The Town shall conduct an initial study for all projects that are expected to exceed any of the MDAQMD pollutant emission threshold criteria, and shall require detailed air quality analyses for all development applications that have the potential to adversely affect air quality including quantification of greenhouse gas emissions. Until new factors are developed the use of the CEQA Handbook prepared by SCAQMD or other appropriate modeling tools such as URBAMIS shall be utilized.
- e. All construction activities within the Town of Apple Valley shall be subject to Rule 401 Visible Emissions, Rule 402 Nuisance, and Rule 403 Fugitive Dust in accordance with the Mojave Desert Planning Area PM10 Attainment Plan.<sup>3</sup>
- f. Set backs and buffer zones shall be provided between sensitive receptors (residences, schools, daycare centers, playgrounds and medical facilities) and point source emitters, such as highways, hazardous materials sites, and industrial development. Projects proposed for sites located within the specified distance to an existing or planned (zoned) sensitive receptor land use shall be evaluated to determine impacts to sensitive receptors including a health risk assessment for the following projects:
- Any industrial project within 1000 feet;
  - A distribution center (40 or more trucks per day) within 1000 feet;
  - A transportation project with 50,000 or more vehicles per day within 1000 feet;

<sup>3</sup> "Final Mojave Desert Planning Area Federal Particulate Matter (PM10) Attainment Plan," prepared by the Mojave Desert Air Quality Management District, July 31, 1995.

- A dry cleaner using perchloroethylene within 500 feet;
  - A gasoline dispensing facility within 300 feet.
- g. The sources General Plan Land Use Plan shall be routinely updated to assure that air pollution point, such as those described above, are located a sufficient distance residential areas and other sensitive receptors, to the greatest extent practical.
  - h. The Town shall encourage the phasing of development projects and the staging of construction equipment to assure the lowest construction-related pollutant emission levels practical.
  - i. The Town shall strive to maintain a balance between housing, commercial, and industrial development, and shall encourage mixed-use development to reduce the length of vehicle trips and associated moving vehicle emissions.
  - j. The Town shall promote the development of pedestrian-oriented retail centers, community-wide trails, and dedicated bike lanes to encourage alternatives to vehicle travel. These components shall be integrated and periodically updated in the General Plan Circulation Element.
  - k. The Town shall pursue programs that create a diversified transportation system that minimizes vehicle miles traveled and associated air quality emissions.
  - l. The Town shall encourage the incorporation of energy-efficient design measures in site plans, including appropriate site orientation to assure solar access, and the use of shade and windbreak trees to enhance the use of alternative energy systems and reduce the need for excessive heating and cooling.
  - m. The Town shall encourage the use of clean burning energy sources for transportation, heating and cooling. Pilot studies and/or demonstration programs shall be initiated by the Town and/or local agencies to promote these uses. The following programs shall be pursued:
    - i. Replace Town and County vehicle fleet with alternative vehicles
    - ii. Initiate ride sharing programs for employees and of telecommuter options
    - iii. Utilize Town building rooftops for placement of Solar equipment
  - n. The Town shall continue to develop and coordinate mass transit services that link residential, commercial, shopping and industrial centers, and shall coordinate with regional transportation authorities to facilitate public transport outside Town limits.
  - o. As requested, the Town shall participate, through the San Bernardino Associated Governments and MDAQMD, in the routine monitoring of all pollutants of regional concern, and shall maintain records of regional air quality trends.

- p. The Town shall create staff positions that emphasize the Town's commitment towards building a green and sustainable community including LEED (Leadership in Energy and Environmental Design) certified personnel and interagency liaisons that work directly with the Town and utility providers to increase efficiency, initiate programs, and develop incentives for water and energy conservation and reducing air quality emissions.
- q. The Town shall coordinate with MDAQMD and the nearby SCAQMD in providing air quality management training to staff and volunteers.
- r. The Town shall review individual projects under CEQA using the control efficiencies provided on pages 11-13 through 11-32 of the 1993 SCAQMD "CEQA Air Quality Handbook" to determine the effectiveness of proposed air quality mitigation measures for specific projects.
- s. A PM<sub>10</sub> Management Plan for construction operations shall be submitted with all development proposal applications. Plans shall include dust management controls, which can reduce PM emission as shown in the table below:

**Particulate Matter Emission Reduction Techniques**

Mitigation Measure	Daily Reduction Factor for PM <sub>10</sub>
Apply non-toxic soil stabilizers to graded construction areas that are inactive for 10 days or more	30-65%
Replace ground cover immediately through seeding and watering	15-49%
Enclose, cover, water twice daily or apply soil binders to exposed piles with more than 5% silt content	30-74%
Water active site at least twice a day	34-68%
Water active site at least three times daily	45-85%
Cover soil haul trucks or maintain at least two feet of freeboard	7-14%
Conduct street sweeps at the end of each day	25-60%
Install wheel washers where vehicles enter and exist unpaved roads or wash off equipment leaving the site	40-70%
Enforce maximum speeds of less than 15 mph on all unpaved roads	40-70%
Pave construction roads that have more than 50 daily construction equipment trips or 150 total daily trips	92.5%
Pave construction site access roads at least 100 feet on to the site from the main road	92.5%
Pave construction roads that have less than 50 daily daily trips	92.5%

Source: "CEQA Air Quality Handbook," prepared by SCAQMD, 1993.

- t. To reduce construction-related traffic congestion, developers and contractors shall implement the following mitigation measures:
    - configure construction equipment parking to minimize traffic disturbance
    - minimize obstruction of through-traffic lanes
    - provide a flag person to ensure safety at construction sites, as necessary
    - schedule operations affecting roadways for off-peak traffic hours
    - provide rideshare incentives to construction personnel
  - u. To minimize construction equipment emissions, developers shall implement the following measures:
    - wash off trucks leaving the site
    - require trucks to maintain two feet of freeboard
    - properly tune and maintain construction equipment
    - use low sulfur fuel for construction equipment
  - v. To minimize indirect-source emissions, developers may:
    - implement energy conservation measures beyond state and local requirements
    - install low-polluting, high-efficiency appliances
    - install solar pool and water heaters, where feasible
    - landscape with appropriate drought-tolerant species to reduce water consumption and provide passive solar benefits
    - install energy-efficient street lighting
  - w. To minimize building energy consumption, developers shall be encouraged to implement the following:
    - improve the thermal integrity of buildings
    - utilize window glazing, wall insulation, and efficient ventilation methods
    - introduce efficient heating and appliances, such as water heaters, cooking equipment, refrigerators, furnaces, and boiler units
    - incorporate appropriate passive solar design and solar heaters
    - use devices that minimize the combustion of fossil fuels
3. Supportive Evidence: The Town of Apple Valley is located within the Mojave Desert Air Basin (MDAB), which exceeds state and federal standards for fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>) and for ozone. The region has a history of elevated PM<sub>10</sub> emissions, which are the result of both human activities, such as vehicle use and construction activity, and natural occurrences, such as windstorms. Particulate matter in the Town of Apple Valley is generated by vehicle emissions, construction, and fugitive dust. The MDAB is currently designated as a PM<sub>10</sub> non-attainment area for both state and federal standards. The MDAB and the Town of Apple Valley are classified as being in non-attainment for PM<sub>2.5</sub>, based on the 2007 State Area Designations. Although the region is classified as

being in non-attainment for the state standard, the region is classified as being in attainment/unclassifiable for the national standard, based on 2006 national area designations. The MDAB is currently designated as a "moderate" ozone non-attainment area under the Federal Clean Air Act. The 2008 MDAQMD Ozone Attainment Plan is intended to assure that the Basin achieves attainment of the federal 8-hour NAAQS for ozone by 2021.

The EIR quantifies projected pollutant emissions generated at build out of the proposed General Plan, including emissions from the use of consumer products, electricity, and natural gas, and emissions from vehicle exhaust for residential, commercial, office, and industrial land use designations as set forth in the General Plan Land Use Table. Based on these estimates, at build out of the General Plan, emissions would exceed threshold criteria for all criteria pollutants without the application of mitigation measures. The build out of the General Plan and Annexations would therefore contribute to the continued violation of state and federal standards for ozone and PM10. The mitigation measures listed above will reduce these emissions to the greatest extent possible, but cannot assure that they will be reduced to less than significant levels. As a result, impacts will remain significant and unavoidable.

Development in Annexation No. 2008-001 will generate significant air quality emissions at build out, due to operational use of electricity and natural gas and moving source emissions, as well as temporary air quality emissions from grading, construction, and equipment deliveries. At build out, air quality emissions associated with stationary and moving source emitters in Annexation No. 2008-001 are expected to contribute to the continued violation of state and federal standards for ozone and PM10. The mitigation measures listed above will reduce these emissions to the greatest extent possible, but cannot assure that they will be reduced to less than significant levels. As a result, impacts will remain significant and unavoidable.

Annexation 2008-002 will generate significant air quality emission at build out, due to operational use of electricity and natural gas and moving source emissions. Air quality emissions associated with stationary and moving source emitters will significantly exceed established thresholds for three criteria pollutants. At build out, air quality emissions associated with stationary and moving source emitters in Annexation No. 2008-002 are expected to contribute to the continued violation of state and federal standards for ozone and PM10. The mitigation measures listed above will reduce these emissions to the greatest extent possible, but cannot assure that they will be reduced to less than significant levels. As a result, impacts will remain significant and unavoidable.

4. Finding: The Town of Apple Valley hereby finds that impacts associated with the violation of air quality standards constitute a significant unavoidable impact to air quality. Even with the implementation of mitigation measures, air quality impacts associated with operational emissions will exceed MDAQMD thresholds. All reasonable and feasible mitigation measures that can substantially reduce impacts have been included in the EIR. No other feasible mitigation measures are available to further reduce emissions. The Town of Apple Valley finds that the remaining unavoidable significant

effects are acceptable based on the inclusion of mitigation, the overall inability to mitigate the impacts despite inclusion of mitigation, the benefits associated with the proposed project, objectives established for the proposed project, and specific overriding considerations described in the Statement of Overriding Considerations.

1. **Impact:** Build out of the General Plan will result in net increases of criteria pollutants and greenhouse gases for which the region is in non-attainment.
2. **Mitigation Measures:** Federal, state and local agencies have developed a range of mitigation measures that, with implementation, will reduce pollutant emissions associated with General Plan build out. These include achieving or exceeding California Title 24 Building Code standards, which will reduce pollutant emissions generated by power plants and the consumption of natural gas. The use of alternative methods of electrical power generation can replace the need for additional fossil fuel-based generating capacity and substantially reduce air quality emissions by utilizing clean energy sources such as wind and solar. In addition, air quality emissions from moving sources can be reduced by promoting public transit and alternative transportation options, use of electric and natural gas vehicles, and other land use and planning designs that reduce overall vehicle trips. The mitigation measures included in the EIR, and described below, will reduce impacts to the extent possible.
  - a. Grading and development permits shall be reviewed and conditioned to require the provision of all available methods and technologies to assure minimal air quality emissions from development. See Table below.

**Available Emission Reduction Technologies**

<b>Diesel Equipment</b>	<b>Daily Emission Reduction Factors</b>				
	<b>CO</b>	<b>NOx</b>	<b>SOx</b>	<b>PM<sub>10</sub></b>	<b>ROG</b>
Aqueous Fuel	0%	14%	0%	63%	0%
Diesel Particle Filter	0%	0%	0%	80%	0%
Cooled Exhaust Gas Recirculation	90%	40%	0%	85%	90%
Lean NOx Catalyst	0%	20%	0%	0%	0%
Diesel Oxidation Catalyst	0%	20%	0%	0%	0%
<b>Worker Trips</b>	<b>CO</b>	<b>NOx</b>	<b>SOx</b>	<b>PM<sub>10</sub></b>	<b>ROG</b>
Use of Shuttle or Ride Sharing	1.3%	1.3%	1.3%	1.3%	1%

Source: Urban Emissions Model (URBEMIS2002) version 8.7.0 April 2005; developed by the California Air Resources Board (CARB) as a modeling tool to assist local public agencies with estimating air quality impacts from land use projects when preparing a CEQA environmental analysis.

- b. As part of the grading permit process, developers shall concurrently submit a dust control plan as required by MDAQMD in compliance with Rule 403 (see Table below).

### Fugitive Dust Control Methods

Daily PM <sub>10</sub> Reduction	
Apply Soil Stabilizers to Inactive Areas	30%
Replace Ground Cover in Disturbed Areas Quickly	15%
Water Exposed Surfaces 2 Times Daily	34%
Water Exposed Surfaces 3 Times Daily	50%

Source: Urban Emissions Model (URBEMIS2002) version 8.7.0, April 2005.

- c. Prior to grading activities a wind erosion control plan that among other things addresses soil stabilization techniques shall be submitted to the Apple Valley Building Division to assure that dust control is realized for all projects.
- d. The Town shall conduct an initial study for all projects that are expected to exceed any of the MDAQMD pollutant emission threshold criteria, and shall require detailed air quality analyses for all development applications that have the potential to adversely affect air quality including quantification of greenhouse gas emissions. Until new factors are developed the use of the CEQA Handbook prepared by SCAQMD or other appropriate modeling tools such as URBAMIS shall be utilized.
- e. All construction activities within the Town of Apple Valley shall be subject to Rule 401 Visible Emissions, Rule 402 Nuisance, and Rule 403 Fugitive Dust in accordance with the Mojave Desert Planning Area PM10 Attainment Plan.<sup>4</sup>
- f. Set backs and buffer zones shall be provided between sensitive receptors (residences, schools, daycare centers, playgrounds and medical facilities) and point source emitters, such as highways, hazardous materials sites, and industrial development. Projects proposed for sites located within the specified distance to an existing or planned (zoned) sensitive receptor land use shall be evaluated to determine impacts to sensitive receptors including a health risk assessment for the following projects:
  - Any industrial project within 1000 feet;
  - A distribution center (40 or more trucks per day) within 1000 feet;
  - A transportation project with 50,000 or more vehicles per day within 1000 feet;
  - A dry cleaner using perchloroethylene within 500 feet;
  - A gasoline dispensing facility within 300 feet.
- g. The sources General Plan Land Use Plan shall be routinely updated to assure that air pollution point, such as those described above, are located a sufficient distance residential areas and other sensitive receptors, to the greatest extent practical.

<sup>4</sup> "Final Mojave Desert Planning Area Federal Particulate Matter (PM10) Attainment Plan," prepared by the Mojave Desert Air Quality Management District, July 31, 1995.

- h. The Town shall encourage the phasing of development projects and the staging of construction equipment to assure the lowest construction-related pollutant emission levels practical.
- i. The Town shall strive to maintain a balance between housing, commercial, and industrial development, and shall encourage mixed-use development to reduce the length of vehicle trips and associated moving vehicle emissions.
- j. The Town shall promote the development of pedestrian-oriented retail centers, community-wide trails, and dedicated bike lanes to encourage alternatives to vehicle travel. These components shall be integrated and periodically updated in the General Plan Circulation Element.
- k. The Town shall pursue programs that create a diversified transportation system that minimizes vehicle miles traveled and associated air quality emissions.
- l. The Town shall encourage the incorporation of energy-efficient design measures in site plans, including appropriate site orientation to assure solar access, and the use of shade and windbreak trees to enhance the use of alternative energy systems and reduce the need for excessive heating and cooling.
- m. The Town shall encourage the use of clean burning energy sources for transportation, heating and cooling. Pilot studies and/or demonstration programs shall be initiated by the Town and/or local agencies to promote these uses. The following programs shall be pursued:
  - Replace Town and County vehicle fleet with alternative vehicles
  - Initiate ride sharing programs for employees and of telecommuter options
  - Utilize Town building rooftops for placement of solar equipment
- n. The Town shall continue to develop and coordinate mass transit services that link residential, commercial, shopping and industrial centers, and shall coordinate with regional transportation authorities to facilitate public transport outside Town limits.
- o. As requested, the Town shall participate, through the San Bernardino Associated Governments and MDAQMD, in the routine monitoring of all pollutants of regional concern, and shall maintain records of regional air quality trends.
- p. The Town shall create staff positions that emphasize the Town's commitment towards building a green and sustainable community including LEED certified personnel and interagency liaisons that work directly with the Town and utility providers to increase efficiency, initiate programs, and develop incentives for water and energy conservation and reducing air quality emissions.

- q. The Town shall coordinate with MDAQMD and the nearby SCAQMD in providing air quality management training to staff and volunteers.
- r. The Town shall review individual projects under CEQA using the control efficiencies provided on pages 11-13 through 11-32 of the 1993 SCAQMD "CEQA Air Quality Handbook" to determine the effectiveness of proposed air quality mitigation measures for specific projects.
- s. A PM<sub>10</sub> Management Plan for construction operations shall be submitted with all development proposal applications. Plans shall include dust management controls, which can reduce PM emission as shown in the table below:

**Particulate Matter Emission Reduction Techniques**

Mitigation Measure	Daily Reduction Factor for PM <sub>10</sub>
Apply non-toxic soil stabilizers to graded construction areas that are inactive for 10 days or more	30-65%
Replace ground cover immediately through seeding and watering	15-49%
Enclose, cover, water twice daily or apply soil binders to exposed piles with more than 5% silt content	30-74%
Water active site at least twice a day	34-68%
Water active site at least three times daily	45-85%
Cover soil haul trucks or maintain at least two feet of freeboard	7-14%
Conduct street sweeps at the end of each day	25-60%
Install wheel washers where vehicles enter and exist unpaved roads or wash off equipment leaving the site	40-70%
Enforce maximum speeds of less than 15 mph on all unpaved roads	40-70%
Pave construction roads that have more than 50 daily construction equipment trips or 150 total daily trips	92.5%
Pave construction site access roads at least 100 feet on to the site from the main road	92.5%
Pave construction roads that have less than 50 daily daily trips	92.5%

Source: "CEQA Air Quality Handbook," prepared by SCAQMD, 1993.

- t. To reduce construction-related traffic congestion, developers and contractors shall implement the following mitigation measures:
- configure construction equipment parking to minimize traffic disturbance
  - minimize obstruction of through-traffic lanes
  - provide a flag person to ensure safety at construction sites, as necessary
  - schedule operations affecting roadways for off-peak traffic hours
  - provide rideshare incentives to construction personnel

u. To minimize construction equipment emissions, developers shall implement the following measures:

- wash off trucks leaving the site
- require trucks to maintain two feet of freeboard
- properly tune and maintain construction equipment
- use low sulfur fuel for construction equipment

v. To minimize indirect-source emissions, developers may:

- implement energy conservation measures beyond state and local requirements
- install low-polluting, high-efficiency appliances
- install solar pool and water heaters, where feasible
- landscape with appropriate drought-tolerant species to reduce water consumption and provide passive solar benefits
- install energy-efficient street lighting

w. To minimize building energy consumption, developers shall be encouraged to implement the following:

- improve the thermal integrity of buildings
- utilize window glazing, wall insulation, and efficient ventilation methods
- introduce efficient heating and appliances, such as water heaters, cooking equipment, refrigerators, furnaces, and boiler units
- incorporate appropriate passive solar design and solar heaters
- use devices that minimize the combustion of fossil fuels

In addition to those mitigation measure listed above, the EIR includes a variety of measures that will ensure that specific action is taken to reduce emissions of greenhouse gases and combat the effects of global warming and climate change.

a. Design and implement land uses that encourage job/housing proximity or easy access to transit opportunities including high density development along transit corridors, compact mixed-use projects, and urban villages that maximize affordable housing and encourage biking, walking, and the use of public transit. This can be accomplished through the implementation of the goals, policies and programs of the Medium Density Residential and Mixed-Use land use designations and, as appropriate, implementation of specific plans in targeted areas where the opportunities for such development can be created through advance planning. Transit corridors to be focused on high-density development are along Bear Valley Road, Highway 18, Dale Evans Parkway, Apple Valley Road, Navajo Road, Central Road, and Kiowa Road. Furthermore, high density development will be targeted for the future High Desert Corridor.

- b. Encourage infill, redevelopment, mixed-use, and higher density development in appropriate areas of the Town where existing development can serve as the foundation for the creation of new urban villages. . Such development would be focused around the southern portion of the Town near the major intersections of Bear Valley Road, such as its intersections with Apple Valley Road, Kiowa Road and Navajo Road. Other areas targeted for development include those along Highway 18 and Dale Evans Parkway.
- c. In order to reduce vehicle miles traveled and greenhouse gas emissions, mixed-use projects with a maximum density of 30 dwelling units per acre shall be developed in the core of Apple Valley on infill lots and/or adjacent to transportation corridors (such as Bear Valley Road, Highway 18, and Dale Evans Parkway) and existing and future job centers.
- d. Incentive programs shall be offered for affordable Medium Density Residential infill projects (maximum 20 dwelling units per acre) within the core of Apple Valley and/or adjacent to transportation corridors and existing and proposed job centers. This will help to reduce the vehicle miles traveled and greenhouse gas emissions.
- e. Infill in the Mountain Vista Neighborhood is encouraged and incentives shall be offered by the Town for projects greater than 20 units in size. Infill and higher densities in this existing neighborhood will reduce the amount of vehicle miles traveled.
- f. Mobile Home Park development shall be encouraged through the creation of the Mobile Home Park Land Use Designation. This will encourage higher density residential development along transportation corridors and adjacent to existing and future job centers. As a result, this should help reduce vehicle miles traveled and greenhouse gas emissions.
- g. The Town shall encourage and promote the development of the North Apple Valley Industrial Specific Plan to create a job center with productive industries, which will reduce the vehicle miles traveled of high desert residents that typically have to drive to employment centers in the San Bernardino Valley, as well as the Riverside City and County portions of the Inland Empire for work. The Town shall reduce the approval time for entitlements and permit process for industrial projects within this area. The industrial development also supports a broad-based economy and encourages a jobs housing balance.
- h. The Town shall permit childcare facilities in single-family and multi-family residential zones, as well as, in the commercial and industrial areas where employment is concentrated. This will encourage the reduction of vehicle miles traveled.

- i. New developments shall be encouraged to include housing, recreational, and retail amenities, so as to limit the number of vehicle miles traveled by providing accessible and desirable amenities onsite.
- j. All new development shall be required to install infrastructure prior to occupancy, which will encourage a well planned, orderly development pattern.
- k. Advanced technology systems and effective management strategies shall be employed in order to improve the operational efficiency of transportation systems and the movement of people, goods, and services including synchronization of traffic lights and signals. New development that requires roadway and/or intersection improvements will be required to install such improvements such that these advanced traffic management systems may be easily implemented by the Town.
- l. New projects shall incorporate design parameters that allow for frequent, reliable, and convenient public transit.
- m. The Town shall expand and develop an integrated and comprehensive bikeway, walking path and trail system. The expansion of a regional trail system shall be in consultation with neighboring communities to improve the overall Victor Valley system.
- n. Street and travel corridors shall be monitored and maintained to assure that congested areas and intersections are rectified.
- o. Idling time for commercial, delivery, and construction vehicles shall be regulated and limited.
- p. Landscaping designs shall use trees and other vegetation to maximize the shading of buildings in order to reduce energy requirements for heating and cooling.
- q. Planting and preserving existing trees shall be utilized as means of providing carbon storage. Preserving existing trees shall be encouraged during the development review of new projects. The Town shall formulate minimum tree planting standards to be applied during the development review of a project.
- r. Tree planting in parks and open spaces will be encouraged. Tree planting programs shall be implemented by the Town. These programs shall include an educational component that emphasizes the importance of trees as means of providing carbon storage.
- s. The Town shall promote the use of LEED building practices for public and private development by considering the utilization of such building practices as a factor favoring project approval during the entitlement process. Sustainable or "green" building standards similar to LEED shall also be considered favorably. Alternative energy systems such as solar, thermal, photovoltaics and other clean energy systems

shall be integrated in building design. Building design shall take advantage of shade, prevailing winds and sun screen to promote energy efficiency.

- t. The Town shall encourage the use of energy saving measures beyond the requirements of Title 24 for residential and commercial projects. The incorporation of such measures shall be considered as a factor in favor of project approval during the entitlement process. An incentive program shall be developed for projects that exceed Title 24 requirements by fifteen (15) percent and/or achieve LEED certification or similar performance standards for building design. Incentives such as fee reductions or waivers of certain development standards shall be considered.
- u. Promote the use of facilities for low/zero carbon fueled vehicles in new developments, such as the charging of electric vehicles from green electricity sources.
- v. The Town will encourage and facilitate the exploitation of local renewable resources by supporting public and private initiatives to develop and operate alternative systems of electricity generation, using wind, solar and other renewable energies.
- w. Promote educational programs directed at the public, schools, professional associations, businesses, and industries that offer strategies for reducing GHG emissions.
- x. Initiate a program to replace existing traffic lights, street lights, and other electrical uses to energy efficient bulbs and appliances. Encourage new lighting to be energy efficient. The Town shall require that lighting in all Town facilities be replaced with energy efficient fixtures as existing fixtures fail and require replacement.
- y. Utilize Energy Star equipment and appliances for new development and encourage replacement appliances to be energy efficient. The voluntary commitment to such a requirement by project applicants shall be considered a factor in favor of project approval.
- z. Promote the use of on-site renewable energy production including installation of photovoltaic cells or other solar options. The Town shall encourage the use of solar cells in private development and consider such project features favorably during project review. The Town shall investigate the cost effectiveness of installing such solar cells on Town buildings for the purposes of powering Town facilities and possibly selling excess "clean" energy back to the SCE power grid, pursuant to state law.
- aa. Consider an Energy Savings Performance Contract with a private entity to retrofit public buildings, which will allow the private entity to fund all energy improvements in exchange for a share of the energy savings over a period of time.
- bb. Utilize the Collaborative for High Performance Schools best practices for school design, building, and operation.

- cc. Replace or retrofit municipal water and wastewater systems with energy efficient motors, pumps, and other equipment, and recover wastewater treatment methane for energy production.
- dd. Capture and utilize landfill gas for use as an energy source including fuel for vehicles, operating equipment, and heating buildings.
- ee. Promote the use of vehicles and buses that use alternative fuels or technologies such as hybrids, biodiesel, and ethanol. The Town's vehicle fleet shall be transitioned to alternative fuels to the extent economically feasible.
- ff. The Town shall promote the use of mass transit services, coordinating with all agencies to link residential and commercial businesses and employment centers within the Town's residential neighborhoods and nearby communities. Mass transit services shall be expanded as needed within the context of economic feasibility.
- gg. Ride sharing, carpooling, flexible work scheduling, telecommuting and Park & Ride programs shall be encouraged for public and private employers.
- hh. The Town shall assess the local transportation system annually with a view to gaining greater efficiency in the movement of people and goods through the community. Opportunities to expand the public transit system, using buses equipped with bicycle racks and fueled by compressed natural gas or hydrogen will be maximized. Widespread use of pedestrian pathways and alternative means of transportation, such as bicycles and electric hybrid vehicles will be facilitated and encouraged.
- ii. Offer incentives to private businesses for developing energy and water efficient features and building materials, such as expedited plan checks and reduced permit fees.
- jj. Offer rebates and low interest loans to residents that make energy saving improvements on their homes, including but not limited to the installation of solar cells and panels.
- kk. Incentives shall be provided for rehabilitation and remodeling of existing development. Assistance from the Town shall be provided through the Residential Rehabilitation Loan Program to improve energy efficiency of existing residences. Educational materials shall be provided to the public advising them of energy efficiency through available appliance programs and other energy conservation improvements that are eligible for the Residential Rehabilitation Loan Program.
- ll. The Town shall consider incentive programs, rebates and refunds for the use of energy efficient appliances, windows and building designs for new and remodeled



structures. The incentive program could also include incentives for the use of recycled materials.

- mm. Encourage bicycle lanes and walking paths directed to the location of schools, parks, and other destination points. The provision of such facilities will be considered favorably during project review pursuant to the General Plan's Circulation Element.
  - nn. The Town will implement a program to install photo voltaic systems on the buildings and carports located at the Public Works facility and Town Hall/Police Department, which will provide electricity for the Civic Center and the Public Works/Animal Control facilities. This will improve the energy efficiency of these facilities.
  - oo. Prior to July 15, 2010, the Town shall develop and adopt a Climate Action Plan ("CAP") that enhances the General Plan's goals, policies and programs relating to meeting the greenhouse gas emission targets established in the California Global Warming Solutions Act, including reducing emissions to 1990 levels by including an emissions inventory; emission targets that apply at reasonable intervals through the life of the plan; enforceable GHG control measures; monitoring and reporting; and mechanisms to allow for the revision of the plan, if necessary, to stay on target. The goal of the CAP shall be to reduce greenhouse gas emissions within the Town's control the achieve the emission reduction goals required by AB 32, as further developed and quantified by the California Air Resources Board. The CAP shall quantify the approximate greenhouse gas emissions reductions of each measure developed with the CAP, and shall consider the mechanisms, strategies and techniques included above.
3. Supportive Evidence: The potential for air quality degradation in the Town of Apple Valley and region will increase with implementation of the proposed General Plan. A variety of land uses and activities will contribute to air pollutant emissions, including mining operations, grading activities, off-road vehicle activity, construction, vehicle emissions and high winds. While vehicular traffic is expected to result in the most significant air quality impacts, the operation of existing and new facilities, which require the utilization of natural gas and electricity, will also contribute to the degradation of air quality. The EIR describes major sources of pollutants associated with build out of the General Plan, and projected emissions are quantified where possible. These emissions will be assessed and mitigated on a project-by-project basis, and will be spread over the life of the General Plan and annexation areas build out. Nevertheless, it is anticipated that they will constitute an unavoidable significant impact to air quality. The Town will continue to coordinate with MDAQMD and other appropriate agencies regarding the implementation of effective mitigation measures.

Build out of the General Plan has the potential to incrementally contribute to global climate change by release of air pollutants known as GHG. Build out of the General Plan

and Annexations is estimated to contribute approximately 0.756 percent of the total California emissions limit for 2020 as established by California Air Resources Board.

Development in Annexation No. 2008-001 will generate significant air quality emissions at build out, due to operational use of electricity and natural gas and moving source emissions, as well as temporary air quality emissions from grading, construction, and equipment deliveries, which are not quantified at this level of analysis. At build out, air quality emissions associated with stationary and moving source emitters in Annexation No. 2008-001 are expected to exceed threshold criteria for all but one criteria pollutant without the application of mitigation measures, and to contribute approximately 0.088 percent of the total California GHG emissions limits established by ARB for year 2020.

Annexation 2008-002 will generate significant air quality emission at build out, due to operational use of electricity and natural gas and moving source emissions. Air quality emissions associated with stationary and moving source emitters will significantly exceed established thresholds for three criteria pollutants and contribute approximately 0.026 percent of California's total GHG emission limits as established by ARB for year 2020.

With the incorporation of the mitigation measures as set forth above, and in the Mitigation Monitoring Program included in the EIR, the significant impacts to air quality associated with build out of the General Plan will be reduced to the greatest extent practicable.

4. Finding: The Town of Apple Valley hereby finds that impacts associated with operational emissions and greenhouse gas emissions constitute a significant unavoidable impact to air quality. Even with the implementation of mitigation measures, impacts associated with operational emissions will exceed MDAQMD thresholds. All reasonable and feasible mitigation measures that can substantially reduce impacts have been included in the EIR. No other feasible mitigation measures are available to further reduce emissions. The Town of Apple Valley finds that the remaining unavoidable significant effects are acceptable based on the inclusion of mitigation, the overall inability to mitigate the impacts despite inclusion of mitigation, the benefits associated with the proposed project, objectives established for the proposed project, and specific overriding considerations described in the Statement of Overriding Considerations.
  1. Impact: Implementation of the General Plan and Annexations has the potential to expose sensitive receptors to substantial pollutant concentrations.
  2. Mitigation Measures: The following mitigation measures will reduce the impacts of pollutant concentrations to the extent possible.
    - a. Grading and development permits shall be reviewed and conditioned to require the provision of all available methods and technologies to assure minimal air quality emissions from development. See Table below.

**Available Emission Reduction Technologies**

<b>Diesel Equipment</b>	<b>Daily Emission Reduction Factors</b>				
	CO	NOx	SOx	PM <sub>10</sub>	ROG
Aqueous Fuel	0%	14%	0%	63%	0%
Diesel Particle Filter	0%	0%	0%	80%	0%
Cooled Exhaust Gas Recirculation	90%	40%	0%	85%	90%
Lean NOx Catalyst	0%	20%	0%	0%	0%
Diesel Oxidation Catalyst	0%	20%	0%	0%	0%

<b>Worker Trips</b>	CO	NOx	SOx	PM <sub>10</sub>	ROG
Use of Shuttle or Ride Sharing	1.3%	1.3%	1.3%	1.3%	1%

Source: Urban Emissions Model (URBEMIS2002) version 8.7.0 April 2005; developed by the California Air Resources Board (CARB) as a modeling tool to assist local public agencies with estimating air quality impacts from land use projects when preparing a CEQA environmental analysis.

- b. As part of the grading permit process, developers shall concurrently submit a dust control plan as required by MDAQMD in compliance with Rule 403 (see Table below).

**Fugitive Dust Control Methods**

<b>Daily PM<sub>10</sub> Reduction</b>	
Apply Soil Stabilizers to Inactive Areas	30%
Replace Ground Cover in Disturbed Areas Quickly	15%
Water Exposed Surfaces 2 Times Daily	34%
Water Exposed Surfaces 3 Times Daily	50%

Source: Urban Emissions Model (URBEMIS2002) version 8.7.0, April 2005.

- c. Prior to grading activities a wind erosion control plan that among other things addresses soil stabilization techniques shall be submitted to the Apple Valley Building Division to assure that dust control is realized for all projects.
- d. All construction activities within the Town of Apple Valley shall be subject to Rule 401 Visible Emissions, Rule 402 Nuisance, and Rule 403 Fugitive Dust in accordance with the Mojave Desert Planning Area PM10 Attainment Plan.<sup>5</sup>
- e. Set backs and buffer zones shall be provided between sensitive receptors (residences, schools, daycare centers, playgrounds and medical facilities) and point source emitters, such as highways, hazardous materials sites, and industrial development.

<sup>5</sup> "Final Mojave Desert Planning Area Federal Particulate Matter (PM10) Attainment Plan," prepared by the Mojave Desert Air Quality Management District, July 31, 1995.

Projects proposed for sites located within the specified distance to an existing or planned (zoned) sensitive receptor land use shall be evaluated to determine impacts to sensitive receptors including a health risk assessment for the following projects:

- Any industrial project within 1000 feet;
- A distribution center (40 or more trucks per day) within 1000 feet;
- A transportation project with 50,000 or more vehicles per day within 1000 feet;
- A dry cleaner using perchloroethylene within 500 feet;
- A gasoline dispensing facility within 300 feet.

- f. The sources General Plan Land Use Plan shall be routinely updated to assure that air pollution point, such as those described above, are located a sufficient distance from residential areas and other sensitive receptors, to the greatest extent practical.
  - g. The Town shall encourage the phasing of development projects and the staging of construction equipment to assure the lowest construction-related pollutant emission levels practical.
3. Supportive Evidence: The EIR quantifies projected pollutant emissions generated at build out of the proposed General Plan and Annexations, including emissions from the use of consumer products, electricity, and natural gas, and emissions from vehicle exhaust for residential, commercial, office, and industrial land use designations as set forth in the General Plan Land Use Table. The land use pattern has been developed to locate sensitive receptors away from pollutant concentrations to the extent possible. The General Plan and Development Code include provisions for the buffering of sensitive receptors from potential impacts. However, since the build out of the General Plan and Annexations will exceed criteria pollutant thresholds, the impacts cannot be mitigated to less than significant levels, and will remain significant and unavoidable.
4. Finding: The Town of Apple Valley hereby finds that impacts associated with pollutant concentrations constitute a significant unavoidable impact to air quality. Even with the implementation of mitigation measures, air quality impacts associated with operational emissions will exceed MDAQMD thresholds. All reasonable and feasible mitigation measures that can substantially reduce impacts have been included in the EIR. No other feasible mitigation measures are available to further reduce emissions. The Town of Apple Valley finds that the remaining unavoidable significant effects are acceptable based on the inclusion of mitigation, the overall inability to mitigate the impacts despite inclusion of mitigation, the benefits associated with the proposed project, objectives established for the proposed project, and specific overriding considerations described in the Statement of Overriding Considerations.

## **B. Land Use, Population and Housing**

- 1. Impacts: Implementation of the General Plan and Annexations has the potential to conflict with the land use plan established by the County of San Bernardino for the area encompassed in Annexation Area 2008-001. This area will experience the greatest

change in land use patterns, from the current primarily low density residential designations to increased residential densities, including Medium Density and Mixed-Use residential development. Annexation 2008-001 will also result in changes to lands currently designated Rural Living in the County General Plan to commercial and industrial designations.

It is expected that as development occurs in the Town over the next several years, land uses in Annexation 2008-001 would intensify regardless of the current land use patterns in the area. However, the character of the existing scattered residential development will be changed significantly by the proposed land use designations in this annexation area. General Plan policies and programs designed to provide buffers between residential and commercial or industrial land uses, and standards set forth in the Town's Development Code are expected to limit impacts of development to existing residents.

Changes in land use designations as proposed in this General Plan and Annexation effort cannot be mitigated to less than significant levels. Therefore, impacts related to land use within Annexation 2008-001 will be significant and unavoidable.

2. **Mitigation:** The General Plan includes policies and programs to address and mitigate land use incompatibilities. Even with these policies and programs, however, the impacts associated with land use in Annexation 2008-001 will remain significant and unavoidable. The following mitigation measures are offered to help reduce impacts to the extent possible.
  - a. Individual project proposals, especially those involving a mix of residential and other uses, as well as those located near sensitive lands or uses, shall be fully evaluated during the project review process to assure that all land use compatibility issues are addressed and mitigated.
  - b. Development in currently undeveloped areas shall be controlled to assure the adequate provision of infrastructure, including roadways, water and wastewater systems.
3. **Findings:** The Town of Apple Valley hereby finds that impacts associated with land use and planning in Annexation 2008-001 constitute a significant unavoidable impact. Even with the implementation of mitigation measures, land use impacts associated with Annexation 2008-001 will remain significant, due to the change in character resulting from the proposed land use plan. All reasonable and feasible mitigation measures that can substantially reduce impacts have been included in the EIR. No other feasible mitigation measures are available to further reduce these impacts. The Town of Apple Valley finds that the unavoidable significant effects are acceptable based on the inclusion of mitigation, the overall inability to mitigate the impacts despite inclusion of mitigation, the benefits associated with the proposed project, objectives established for the proposed project, and specific overriding considerations described in the Statement of Overriding Considerations.

4. Supportive Evidence: The Town's population has grown consistently over the past several decades. Commercial development has occurred primarily along major roadways in and adjacent to the General Plan area. The proposed General Plan will result in increased residential, commercial and industrial development, as well as population growth. In general, land use and development patterns associated with the proposed General Plan are consistent with those of the existing General Plan, and do not significantly change development patterns or land use designations within Town limits. All significant impacts will occur in Annexation No. 2008-001, where proposed land use designations have the potential to substantially alter land use patterns and the currently rural residential character of this area. Given the annexation area's proximity to the Town, as development occurs in Town over the next several years, an intensification of land use would be expected in Annexation 2008-001, regardless of the current land use patterns in the area. General Plan goals, policies and programs, and standards set forth in the Town's Development Code, will limit impacts of development to existing residents, and will ensure that a substantial number of homes or residents are not displaced. Nonetheless, impacts to land use from proposed land use designations in Annexation 2008-001 will be significant and cannot be mitigated to less than significant levels.

### C. Transportation and Traffic

1. Impacts: The EIR assesses traffic impacts associated with build out of the General Plan and Annexations, which will result in a substantial increase in traffic load and capacity of the street system. As demonstrated in the EIR, however, capacity will be maintained throughout the system, with the implementation of mitigation measures, with the exception of one intersection, at Corwin Road and Dale Evans Parkway. At this intersection, even with the construction of improvements, the capacity of the intersection cannot be maintained. The build out of the General Plan will also exceed the level of service established in the General Plan for this intersection. The level of service for all other intersections will remain at acceptable levels at build out of the General Plan and Annexation areas.
2. Mitigation: With the incorporation of mitigation measures provided in the EIR, the overall traffic and circulation impacts resulting from build out of the proposed General Plan and Annexations will be reduced to less than significant levels and the required levels of service will be maintained at all intersections except Dale Evans Parkway and Corwin Road, which will operate at LOS E. This intersection's impacts cannot be mitigated to less than significant levels, and impacts will remain significant and unavoidable.

The EIR contains mitigation measures which will reduce all other impacts associated with build out of the General Plan and Annexations to less than significant levels, as follows:

- a. The Town shall establish and maintain a master plan of roadways that sets forth detailed improvement plans and priority schedules for implementation. The plan shall ensure that roadway segments and intersections generally operate at level of Service

C or better, wherever feasible, and that all intersections maintain a Level of Service D or better during both morning and evening peak hours.

- b. Street rights-of-way shall be provided as follows:
  - 142 feet for a Major Divided Parkway
  - 128 feet for Major Divided Arterials
  - 104 feet for Major Roadways
  - 88 feet for Secondary Roadways
  - 60 to 66 feet for Collector Streets
  - 66 feet for Industrial and Commercial Local Streets
  - 60 feet for Local Streets
  - 50 feet for Rural Streets and Cul-de-Sacs
- c. All Town streets shall be designed to have a minimum lane width of twelve (12) feet.
- d. To minimize the number and length of vehicle trips travelled within the planning area, the General Plan Land Use Plan shall provide for a balance and mix of employment and housing opportunities.
- e. The Town shall encourage the use of mass/public transit, and collaborate with the VVTA to ensure the ongoing operation and expansion of fixed route bus and demand responsive systems.
- f. The Town shall require that new development projects on arterial roadways incorporate bus pullouts, to allow buses to leave the flow of traffic and reduce congestion.
- g. The Town shall encourage the use of multi-occupant modes of transportation, and shall encourage employers to utilize telecommuting opportunities, home-based employment, and part-time or non-peak hour work schedules.
- h. The Town shall develop a program to retrofit bus pullouts on built-out streets, wherever possible, and shall implement them through the Capital Improvement Program.
- i. The Town shall enhance and expand its comprehensive Master Plan of continuous, convenient multi-use trails and bicycle routes that connect residential, commercial, schools, parks and other community activity centres.
- j. The Town shall consult and coordinate with the County of San Bernardino and the California Department of Transportation to ensure the provision of adequate all-weather crossings along critical roadways.
- k. The Town shall ensure that sidewalks are provided on all roadways that are 88 feet wide or wider. In Rural Residential land use areas, the Town shall ensure that designated pathways are provided

- l. The Town shall confer and coordinate with the Apple Valley Unified School District to develop and implement safe routes to school.
  - m. The Town shall proactively consult and coordinate with the County of San Bernardino to ensure that the local airport continues to meet the Town's existing and future transportation, commercial and emergency response needs.
  - n. The Town shall require, as necessary, project-specific and/or phase-specific traffic impact analyses for subdivision and other project approvals. Such analyses may be required to identify build out and opening year traffic impacts and service levels, and may need to exact mitigation measures required on a cumulative and individual project or phase basis.
  - o. Concurrent with construction, all new development proposals located adjacent to public roadways shall be required to install all improvements to their ultimate General Plan half-width.
  - p. The Town shall continue to monitor roadway segments where the daily Volume to Capacity ratio analysis indicates that build out traffic volume will "potentially exceed capacity."
  - q. The Town shall review traffic volumes resulting from General Plan build out to coordinate, program and if necessary, revise road improvements. This review shall take place every five years.
  - r. All new development shall be required to pay a "fair share" of improvements to surrounding roadways, bridges and signals that are impacted by and are located within and surrounding the development project.
  - S. The Town shall ensure that pedestrian access is preserved and enhanced by means of the following: improved sidewalks, pedestrian walkways, lighting and landscaping designs and connections to existing sidewalks and trails.
  - t. New development proposals shall be required to construct bicycle lanes in conjunction with off-site improvements.
  - u. New development proposals shall be required to construct recreational trails in conjunction with off-site improvements.
3. Findings: The Town of Apple Valley hereby finds that level of service E at Dale Evans Parkway and Corwin Road at build out of the General Plan and Annexations constitutes a significant unavoidable impact. Even with the implementation of mitigation measures, traffic impacts at this intersection will remain significant, due to the inability of improvements to improve the level of service. All reasonable and feasible mitigation measures that can substantially reduce impacts have been included in the EIR. No other

feasible mitigation measures are available to further reduce these impacts. The Town of Apple Valley finds that the unavoidable significant effects are acceptable based on the inclusion of mitigation, the overall inability to mitigate the impacts despite inclusion of mitigation, the benefits associated with the proposed project, objectives established for the proposed project, and specific overriding considerations described in the Statement of Overriding Considerations.

4. Supportive Evidence: The proposed General Plan, EIR and the General Plan Traffic Study provide programmatic and prescriptive actions and measures that are expected to reduce transportation impacts associated with the implementation of the proposed General Plan to the greatest extent feasible. The various existing regional transportation initiatives coordinated through the Town and San Bernardino County and the continued thoughtful integration of land uses, the performance of transportation systems serving the General Plan area can be further enhanced and potential adverse cumulative impacts mitigated. Increased opportunities for mass transit and non-motorized means of transportation and should further improve roadway functioning as new development occurs.

Implementation of the mitigation measures as set forth above, as well as in the Mitigation Monitoring Program in the Final EIR will reduce significant impacts to traffic/circulation associated with build out of the General Plan will be reduced to the greatest extent practicable.

## SECTION 5

### CUMULATIVE IMPACTS OF THE PROPOSED PROJECT

#### **Traffic/Circulation**

The Apple Valley Traffic Model provides a region-based analysis of traffic impacts that may be associated with the implementation of the General Plan. The impacts associated with traffic and circulation, as analyzed in this EIR, include the potential impacts associated with development in surrounding jurisdictions. These impacts were found to be less than significant, with the exception of one intersection within Town limits.

The proposed General Plan also addresses special traffic and circulation issues that have potential to impact the regional roadway system, including freeway ramp intersections and the alignment of the High Desert Corridor. It revises roadway classifications found in the 1998 General Plan to make them consistent with the long-term needs of the circulation system.

As set forth in the Circulation Element of the proposed General Plan, the Town shall adopt a level of service of LOS D or better throughout its limits and in the annexation areas. Traffic impacts that result in roadway operations at these levels of service would be considered less than significant. Based on these criteria, the improvements set forth in the EIR are mitigation measures designed to reduce build out traffic levels to less than significant levels.

With the continued growth in background traffic, build out of the planning area under the proposed General Plan and annexation area land use plans could result in significant cumulative impacts associated with traffic and the local circulation system. Levels-of-service on existing roadways will continue to decrease as development in the region continues to increase. On-going coordination with local and regional jurisdictions will help to further limit cumulative impacts on regional transportation systems.

#### **Water Resources**

Portions of the Mojave River Groundwater Basin, including the Alto sub-basin, which underlies the planning area, are in a state of overdraft. The sub-basin is included under the Mojave Basin Area Adjudication, which requires that the MWA import additional surface water to help balance the Basin. MWA is a State Water Project (SWP) contractor and receives imported SWP water annually for distribution by approved water contractors that serve Apple Valley, including the AVRWC and others. MWA also participates in conjunctive water use, or "water banking" with Metropolitan Water District. MWA and AVRWC have prepared UWMPs to address water management issues in the Basin. AVRWC serves approximately eighty (80) percent of water users in the Town of Apple Valley and has indicated that it has adequate water for its service area through year 2025. MWA and AVRWC have implemented water conservation techniques and measures to reduce overdraft. The Town and the VVWRA, which processes reclaimed water at its Victorville plant, have developed plans for delivery of reclaimed water to the Town in the future.

Implementation of the General Plan and annexation areas will result in increased demand for domestic water. Implementation of water conservation methods and future delivery of reclaimed

water are expected to ease overdraft conditions in the Basin and Alto sub-area. The proposed General Plan includes policies and programs intended to promote and support the conservative use of water resources for domestic and landscaping uses, and to encourage the use of drought tolerant planting materials. Nonetheless, factors such as periodic drought conditions in California, the potential for reductions in available Colorado River water and new sources of recharge water all affect the availability of domestic water resources for future development. The proposed General Plan and annexations will contribute to a cumulative reduction in groundwater in the Basin.

### **Biological Resources**

Human encroachment into undeveloped lands is expected to reduce open space, foraging habitat, and overall biodiversity. Cumulative adverse impacts that may result from continued clearing and development of land include the reduction of foraging territory for ranging species; the disruption of species' migration patterns; the creation of isolated sub-populations; and the restriction in "gene flow" between existing sub-populations. The preservation of designated open space lands within the planning area, and the development of the Apple Valley Multiple Species Habitat Conservation Plan, with its associated requirements for the protection of species of concern, will limit cumulative regional disruption of wildlife movement. Policies and programs in the proposed General Plan include the integration of open space areas and wildlife corridors. Given that sensitive species currently occur within the planning area, development proposals will be required to adequately mitigate impacts to wildlife and habitat before development is permitted. It is expected, however, that cumulative impacts to biological resources will occur through the build out of the General Plan and annexation areas.

### **Air Quality**

Impacts associated with continued development will contribute to regional air pollution, and these impacts can be considered cumulatively significant. While most of the region's electricity is generated outside the region, increased electricity generation from fossil fuels may have adverse impacts on the Mojave Desert Air Basin, the South Coast Air Basin and other air basins in Southern California, at least in the near to mid-term. New development will result in increases in levels of carbon monoxide, exhaust hydrocarbons, and oxides of nitrogen and sulfur, and these will contribute to the degradation of regional air quality and regional exceedances of federal and state standards. Increased grading, construction, and vehicular activity have potential to contribute to existing fugitive dust problems and regional exceedances of federal  $PM_{10}$  and  $PM_{2.5}$  standards, and will require the implementation of soil stabilization and other dust control techniques on a project-specific basis, that are consistent with regional, state and federal regulation, to reduce these impacts to less than significant levels.

A variety of local and regional strategies are being developed and implemented to reduce these impacts. The proposed General Plan sets forth policies and programs that include the implementation of alternative modes of transportation, and the use of energy-conserving appliances and structural design techniques. Nonetheless, when combined with existing and future background emissions from neighboring communities and air basins to the west, build out of the proposed General Plan and annexation areas will constitute a significant cumulative impact to air quality.

**Noise**

Increased traffic volumes are expected to result in the most significant noise impacts, with the most impacted areas expected to be lands adjacent to major arterials and regional roadways, which carry the highest traffic volumes. Ambient noise levels will also rise due to equipment noise and the noise generated by household appliances and equipment. The proposed General Plan includes a wide range of policies and programs which, when implemented, are expected to reduce potential noise impacts to less than significant levels. As set forth in the proposed General Plan, potential noise impacts will be considered in the application review process for all proposed projects. The strategic placement of acoustical barriers, such as masonry walls, the arrangement of attached housing to provide necessary shielding of outdoor living areas, and the incorporation of additional setbacks from roadways, are all factors that will be considered. Future development will, where necessary, also be required to conduct acoustical analyses to properly identify, mitigate and reduce project-related noise impacts to acceptable levels. The proposed General Plan provides policies and programs that include community noise standards, compliance monitoring, land use reassessments, and other actions that will control and minimize impacts to the community noise environment.

**Public Services and Facilities**

The demand for services and facilities associated with future development facilitated by the proposed General Plan and annexations are expected to increase incrementally and cumulatively. These services and facilities include police and fire protection, school and library services, parks and recreation facilities, and public and quasi-public utilities, including electricity, natural gas, water, sanitary sewer, telephone, cable and solid waste management.

Continued development in the planning area is expected to result in increased demand for electrical energy. Electrical energy demand is comparable to other areas of Southern California. Substantial reductions to the cumulative demand for energy can result from an increased reliance on non-polluting energy systems and the construction of energy-efficient buildings, as supported by the policies and programs of the General Plan.

Increased population facilitated by the General Plan will also result in cumulative impacts to landfills. The proposed General Plan provides goals, policies and programs that support recycling programs and aggressive waste minimization, which could significantly reduce cumulative impacts to landfills. Regionally coordinated recycling programs will also help preserve resources and reduce the amount of material being deposited in landfills.

## SECTION 6

### GROWTH-INDUCING IMPACTS OF THE PROPOSED PROJECT

As required by the State CEQA Guidelines (Section 15126 (g)), an EIR must discuss how a proposed project could directly or indirectly lead to economic, population or housing growth. A project may be growth-inducing if it removes obstacles or impediments to growth, taxes community service facilities or encourages other activities or sets precedents that cause significant environmental effects. The potential growth-inducing impacts of the proposed project are discussed below in terms of these criteria.

#### **A. Economic, Population or Housing Growth**

Adoption and implementation of the proposed General Plan is expected to result in positive economic impacts to the Town and thereby to the region. The proposed General Plan provides for the development of additional housing over that which could occur under the 1998 General Plan. These units will also generate a larger population at build out of the General Plan area. The proposed General Plan also increases commercial and industrial lands, and ultimately building space, both in the existing Town limits and the annexation areas. The increases in commercial and industrial lands have the potential to increase the number of jobs available to Town residents, potentially reducing the trip length of commuting residents as well as reducing commuter trips for new residents in the future. The proposed annexations and associated land use designations have been planned to provide for a logical and incremental expansion of residential, commercial and industrial development towards the U.S. I-15 corridor as well as industrial development east of the North Apple Valley Industrial Specific Plan area. The proposed actions are intended to maximize development potential in the General Plan area, and to assure the Town a secure and balanced future.

The proposed General Plan includes policies requiring that individual project applications be reviewed and analyzed to ensure a long-term balance between housing and employment in the Town. Necessary analysis may include, but not be limited to, fiscal impact analyses, economic feasibility studies, and similar documentation.

#### **B. Removal of an Impediment to Growth**

The adoption of the General Plan and annexation of lands to the west and east of Town in Annexations 2008-001 and 2008-002 will not overtly remove an impediment to growth or directly induce growth. However, the land use designations proposed in the General Plan and for the annexation areas will eventually result in the development of these lands at greater intensities than currently permitted, and will increase growth-inducing impacts incrementally over the long-term life of the General Plan.

Future patterns of urbanization will depend on market forces and infrastructure development, and these will be directly proportional to the proposed General Plan land use plan. The implementation of Medium Density and Mixed-Use land uses in close proximity to job centers

and shopping and service nodes is expected to help provide for a balance between infrastructure, the natural environment, and pressures of human development.

To some degree, the growth-inducing impacts associated with the implementation of the proposed General Plan will be regulated and limited by policy and physical constraints, including those associated with topographic, hydrologic constraints and sensitive biological resources. The need to protect human life and property from environmental hazards, and the need to protect and preserve sensitive biological and water resources will further limit development intensities in some locations.

The proposed General Plan includes numerous goals, policies and programs directed at preserving the Town's valuable natural resources, and thoughtfully integrating land uses by providing for higher residential land use densities in proximity to existing and proposed commercial development and the I-15 and High Desert Corridor.

### **C. Impact on Community Service Facilities**

Implementation of the proposed General Plan and annexations will result in development that incrementally and cumulatively increases demand for community services and facilities, including police and fire protection, school and library services, parks and recreation facilities, and public and quasi-public utilities, including electricity, natural gas, water, sanitary sewer, telephone, cable and solid waste management. However, development in the General Plan area will generate revenues that are expected to be adequate to support necessary public services and facilities. Increased population will cumulatively impact governmental services provided by the Town, and it is expected that developer fees and assessment districts will contribute to a reduction of these impacts.

### **D. Precedent-Setting Effects**

Adoption and implementation of the proposed General Plan and annexation areas will regulate development within the General Plan area boundaries. Development patterns in the region will also be affected by the General Plans of the City of Victorville and the County of San Bernardino. The City of Victorville General Plan provides similar urban and suburban land use patterns for lands to the south of the Town limits, while lands in San Bernardino County are likely to remain in rural and low intensity residential land uses. Lands controlled by the federal government, particularly the Bureau of Land Management, located to the north of Town, will continue to be preserved as open space or exploited for their resources. Physical and policy constraints can be expected to have a moderating influence on land use intensities permitted by other jurisdictions and agencies. Some increases in development intensities are likely to occur on County lands surrounding the Town. However, the Town's proposed General Plan decreases land use intensities along its eastern, northern and southern borders, which are expected to be more compatible with the County land use patterns to the south, north and east. On the Town's western boundary, U.S. I-15 and the Mojave River provide a physical barrier will act as a buffer between Town and annexation area development areas, and the less intense lands to the west.

**SECTION 7**  
**IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES**

The future development of the planning area as proposed under the General Plan and annexations will result in the irretrievable and irreversible commitment of the following renewable and non-renewable natural resources: open land; energy resources, including natural gas, oil and other fossil fuels; water; construction materials such as lumber, gravel, sand, asphalt, and metals; minerals; biological resources; and visual resources.

The on-going depletion of fossil fuel resources will continue to occur as a result of the continued consumption of electrical energy and natural gas. The incremental use of fossil fuels will factor into the ultimate loss of an important source of chemical and material feed stocks, and these stocks will be irretrievable once consumed.

As the General Plan builds out, habitat and other biological resources will be irretrievably lost. Viewsheds within the planning area will be irreversibly altered as future development occurs, potentially degrading the quality of the open space environment as urbanization continues.

The General Plan establishes a regulatory framework and land use patterns and intensities that are intended to conserve and protect valuable resources and substantially reduce long-term impacts.

Urban development is, over time, expected to have lesser impacts on finite resources than it does at present, as future and enhanced technology are anticipated to reduce impacts on fossil fuel resources and other finite mineral resources. Development standards and restrictions, as well as land use designations established in the proposed General Plan and annexation areas, are also expected to limit development impacts on natural resources, including open space lands and biological resources.

This EIR sets forth mitigation measures, the implementation of which will reduce potential impacts associated with the proposed General Plan to less than significant levels for sensitive and/or non-renewable environmental resources.

**SECTION 8**  
**FINDINGS REGARDING ALTERNATIVES**

The General Plan and Annexation areas had certain project objectives, which were tied to the Town's vision for the long term, as follows:

1. The preservation of the residential character of the community, with a particular focus on the preservation and enhancement of existing neighborhoods.
2. A balance of housing types to accommodate the needs of all current and future residents.
3. Adequate park and recreation facilities distributed throughout the community.
4. The preservation of open space, water quality and air quality to the greatest extent possible.
5. The preservation of adequate Levels of Service on Town roadways.
6. The development of comprehensive alternative transportation routes for pedestrian, equestrian and bicycle use.
7. A land use pattern which improves the jobs/housing balance and reduces commuter trips.
8. The build out of a wide-ranging economic base which provides a broad range of job opportunities.

The Environmental Impact Report considered alternatives to the proposed project which would reduce impacts of the proposed project, while still meeting some or most of the project objectives. As required by CEQA, these alternatives constituted a reasonable range of potential options necessary to permit a reasoned choice. These were the No Project Alternative, the More Intense Project Alternative, and the Less Intense Alternative. The Final EIR identified the No Project and Less Intense Project Alternatives as "environmentally superior" to the Preferred Alternative, however with the Final EIR mitigation measures, which will provide a substantial mitigation of the potential environmental effects, approves the proposed project. Therefore, as set forth in Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (see Section 3 of these Findings) to substantiate the Town's decision to reject the project alternatives because of the balance of impacts to benefits afforded by the proposed project.

**A. No Project Alternative: Existing Apple Valley General Plan**

1. Description of Alternative: Under the No Project Alternative, the existing General Plan would be implemented. The existing General Plan includes existing Apple Valley land

use designations within Town limits, and existing San Bernardino County designations within the proposed annexation areas.

The No Project alternative will result in approximately eighteen (18) percent fewer residences in comparison to the Preferred Alternative, while commercial development will be reduced by forty-five (45) percent and industrial land uses by approximately thirty (30) percent. In the overall, it results in lower development intensities within the Town limits than the Preferred Alternative, and proposes primarily low-density residential development in Annexation 2008-001, and industrial land uses in Annexation 2008-002.

## 2. Comparison of Effects:

*Aesthetics and Visual Resources:* In general, the land use development patterns of the No Project Alternative are similar to those of other alternatives, including the Preferred Alternative, placing commercial designations primarily along major roadways and focusing industrial development in the northern portion of the planning area, and reducing the overall number of residences. Scenic areas, such as along the Mojave River, are retained as Open Space or utilized for other compatible uses, including low density residential uses. Annexation No. 2008-001 is primarily designated for Low Density Residential uses, whereas the other alternatives propose a variety of residential, commercial and industrial uses along the U.S. Interstate-15 corridor in this area. Nonetheless the No Project Alternative would result in the urbanization of areas that are currently largely undeveloped. Visual impacts associated with the No Project Alternative are expected to be comparable to those of other alternatives for most of the planning area.

*Agricultural Resources:* Based on development patterns in areas identified as having the potential for agricultural resources, the No Project Alternative will be equivalent to the Preferred Alternative. As with the Preferred Alternative, the area south of Bear Valley Road, east and west of Deep Creek Road, will develop in very low intensity land uses. Impacts are reduced to less than significant levels with implementation of mitigation measures as set forth in the Final EIR.

*Air Quality:* Development of the No Project Alternative will not interfere with the objectives of the Draft Ozone Attainment Plan prepared by MDAQMD in 2008. Development associated with this alternative will generate emissions for all criteria pollutants in concentrations that exceed daily thresholds due to energy and natural gas usage and emissions from the operation of vehicles. Total emissions are reduced by from 21.5 percent to 35.95 as compared to the Preferred Alternative. Using currently available methods to quantify GHG emissions, build out of the No Project Alternative will increase emissions over 1990 levels, resulting in a significant impact. Although emissions can be mitigated to a certain degree, reductions in these impacts with the implementation of mitigation measures cannot be effectively quantified. The No Project Alternative will result in significant and unavoidable impacts to air quality, including greenhouse gas emissions.

*Biological Resources:* Development of the No Project Alternative would result in removal of habitat, increase habitat fragmentation, and introduce domestic pets, which are predators of birds, lizards, and rodents. The No Project Alternative would result in fewer dwelling units and residents than the Preferred Alternative, which could reduce impacts from domestic animals and use of open space areas compared to the Preferred Alternative. The No Project Alternative and the Preferred Alternative are comparable with regard to allocation of Open Space lands. Impacts to Biological Resources as a result of development of the No Project Alternative are generally comparable to those associated with the Preferred Alternative and will be reduced to less than significant levels by implementation of mitigation measures set forth in the Final EIR.

*Cultural Resources:* Impacts to cultural resources are expected to be comparable for all development scenarios. State and federal regulations regarding the identification and protection of cultural resources will be the same for the No Project as for any of the other project alternatives, as will required mitigation as set forth in the Final EIR. Implementation of these measures will reduce impacts to cultural resources to less than significant levels for all project alternatives.

*Geology and Soils:* Build out of the No Project Alternative would result in fewer people, structures, and facilities that would be susceptible to potential hazards associated with a seismic event than would any of the other alternatives. Land disturbances and impacts to soils under the No Project Alternative are comparable to the Preferred Alternative since the overall acreage impacted at build out is equivalent. Impacts associated with Geology and Soils are reduced to less than significant levels with the implementation of mitigation measures in the Final EIR.

*Hazardous and Toxic Materials:* The No Project Alternative will generate a lower volume of universal and industrial hazardous wastes, and expose fewer people to hazards associated with the potential transport of hazardous and toxic substances along U.S. Interstate-15 and rail lines within the planning area than would the Preferred Alternative. In Annexation No. 2008-001 there will be residential and commercial development but no industrial development, while Annexation No. 2008-002 will result in development of a limited amount of residential development and industrial uses equating to approximately forty (40) percent of that proposed under the Preferred Alternative. These uses have the potential to generate, use, store and dispose of hazardous and toxic materials, and with the presence of a residential population in this annexation area in this alternative, there will be increased risk of exposure to hazardous waste and materials. These impacts will be reduced to less than significant levels with the implementation of mitigation measures set forth in the Final EIR.

*Hydrology:* Development associated with each land use alternative will result in an increase in impervious surfaces and associated runoff, and each will therefore have the potential to alter or obstruct existing drainage patterns. The No Project proposes less overall development and therefore has the least potential for increased runoff of all the development scenarios. Nonetheless, with implementation of the mitigation measures set

forth in the EIR, none of the development alternatives are expected to result in substantial impacts to flooding and hydrology.

*Water Quality and Resources:* Based on factors used in the EIR to calculate projected water demand, the No Project Alternative is expected to result in the lowest water demand, approximately eighteen (18) percent less than the Preferred Alternative. The No Project is therefore the least impacting on water resources. The mitigation measures set forth in the Final EIR will be applicable to any of the development scenarios, and are expected to reduce potential impacts to water resources to less than significant levels. Development associated with implementation of any of the project alternatives has potential to generate water pollutants that may degrade water quality. However, compliance with the Town's Sewer Connection Policy, requirements of the NPDES and mitigation measures in the EIR will reduce potential impacts to water quality to less than significant levels for all alternatives.

*Land Use, Population and Housing:* The No Project Alternative would result in no changes in development patterns, as the existing General Plan would continue to be implemented. The land use pattern under the No Project Alternative is not significantly different from that proposed under the Preferred Alternative. The most substantial difference in land use patterns under the No Project Alternative would occur in Annexation 2008-001, and would alter the character of the area, which is largely developed as scattered single-family residential on one acre or more lots. Build out would result in about 2,400 homes; however, this change would not be significant, especially when compared to the Preferred Alternative. In Annexation 2008-002, impacts associated with land use, population and housing would be generally the same under the No Project Alternative, as the land uses in this area would be primarily industrial under either alternative. A small area of residential development would occur in the southern portion of the annexation area, but the development pattern would be consistent with the Preferred Alternative. Under this alternative, impacts associated with land use would be reduced to less than significant levels, as compared with the Preferred Alternative, under which impacts were found to be significant and unavoidable in Annexation 2008-001.

*Mineral Resources:* Although the No Project Alternative results in a lower intensity of development than the Preferred Alternative, each of the project alternatives results in similar the patterns of urban development and the lands to be impacted by mineral resources operations. These patterns are generally consistent with those proposed under the Preferred Alternative. Therefore, impacts associated with implementation of any of the four alternatives are expected to be similar with regard to the availability and use of mineral resources. Potentially adverse impacts are expected to be off-set by the application of federal and state regulations, as well as policies set forth in the General Plan and mitigation measures included in the Final EIR.

*Noise:* Under the No Project Alternative, at build out of the existing General Plan, noise levels along approximately eight-five (85) roadway segments in the planning area are expected to exceed the 65 dBA CNEL at 100 feet from the roadway centerline at build out of the existing General Plan. Along four (4) roadway segments, noise levels are

expected to be greater than the Preferred Alternative, however, these differences are considered imperceptible. Noise levels are expected to be less than the Preferred Alternative at a level that is potentially audible along forty (40) roadway segments, and perceptibly lower along twenty-four (24) roadway segments. Impacts will be reduced to less than significant levels with the implementation of mitigation measures set forth in the Final EIR.

*Public Services and Facilities:* All of the project alternatives will place increased demand on public services and facilities in the planning area, including that required to serve new development proposed in the annexation area. The No Project Alternative generally places a lower demand on these services and facilities than any of the development scenarios. Mitigation measures set forth in the EIR will reduce potential impacts to these services and facilities to less than significant levels.

*Recreational Resources:* As compared to the Preferred Alternative, the No Project Alternative proposes fewer new dwelling units and thus introduces fewer new residents to the planning area. Therefore, the impacts on local recreational resources are expected to be somewhat less, both in terms of use of existing recreational resources and the need for provision of new resources. Impacts can be reduced to less than significant levels by implementation of mitigation measures set forth in the Final EIR.

*Transportation and Traffic:* It is estimated that approximately 969,942 average daily two-way trips will be generated at build out of the No Project Alternative, representing an approximately sixty-three (63) percent decrease from the Preferred Alternative. Analysis of Volume/Capacity ratios for modeled roadway segments in the planning area indicates that ninety-five (95) roadway segments are expected to operate at acceptable levels, while six (6) segments are expected to approach capacity and three (3) segments are expected to operate at values that would potentially exceed capacity.

3. **Findings:** The Town of Apple Valley compared the relative impacts and benefits of the proposed project and the No Project Alternative and did not select this Alternative. However, monitored mitigation measures and features incorporated into the proposed project, as described in Sections 1 and 2 of these Findings, will substantially reduce the environmental effects of the proposed project.
4. **Facts:** The General Plan goals, policies and programs outline the objective of the proposed General Plan, which is to: preserve the residential character of the community, focusing on the preservation and enhancement of existing neighborhoods; provide a balance of housing types to accommodate the needs of all current and future residents; ensure the adequate distribution of park and recreation facilities throughout the community; preserve open space, water quality and air quality to the greatest extent possible; preserve adequate Levels of Service on Town roadways; develop comprehensive alternative transportation routes for pedestrian, equestrian and bicycle use; implement land use patterns improve the jobs/housing balance and reduces commuter trips; and build out a wide-ranging economic base which provides a broad range of job opportunities.

As discussed in the Comparison of Facts above, and confirmed in the EIR, the No Project Alternative does not fully meet the project objectives of the proposed General Plan (Preferred Alternative). Further, the No Project Alternative does not provide many of the benefits associated with the Preferred Alternative as outlined in Section 1 of these Findings. For these reasons, the No Project Alternative was rejected.

## **B. Alternative I: More Intense Alternative**

1. Description of Alternative: Under Alternative I, the More Intense Development alternative, commercial and industrial land use are intensified over the Preferred Alternative within Town limits, as well as within Annexation 2008-001. Under Alternative I, residential development would increase approximately four (4) percent over the Preferred Alternative, and commercial development would increase approximately fourteen (14) percent. Industrial development would decrease approximately thirteen (13) percent as compared with the Preferred Alternative. Development within the annexation areas would follow similar land use patterns as the Preferred Alternative.

2. Comparison of Effects:

*Aesthetics and Visual Resources:* The More Intense Alternative will facilitate development that represents an increase in residential and commercial development, and a decrease in industrial development, as compared with that proposed under the Preferred Alternative. Impacts to aesthetics from light and glare and impacts to visual resources such as viewsheds and scenic vistas are therefore expected to be generally greater than those of the Preferred Alternative.

Overall impacts to visual resources in Annexation 2008-001 are expected to be greater under this alternative, as the level of commercial development along U.S. I-15 corridor is increased, and the resulting impacts associated with building mass and light and glare will be greater. Land uses in Annexation 2008-002 under this Alternative would remain industrial, and aesthetic impacts would be expected to be equivalent to those of the Preferred Alternative. Impacts will be reduced to less than significant levels with the implementation of mitigation measures set forth in the Final EIR.

*Agricultural Resources:* The More Intense Alternative will increase residential development intensity throughout the Town, including the area south of Bear Valley Road at Deep Creek Road, where lot sizes as small as one-half acre could occur. The potential for Agricultural and ranching activities on smaller lots would therefore be unlikely. This alternative would have a greater potential of eliminating agricultural activities within Town limits than the Preferred Alternative, or any of the other alternatives.

*Air Quality:* As with all development scenarios except the No Project Alternative, implementation of the More Intense Project Alternative is expected to interfere with the

objectives of the Draft Ozone Attainment Plan, prepared by MDAQMD in 2008. The More Intense Project Alternative will generate emissions for all criteria pollutants in concentrations that exceed the daily thresholds due to energy and natural gas usage and emissions from the operation of vehicles. At build out of the More Intense Project Alternative all criteria thresholds for air quality emissions will be substantially exceeded. Compared to the Preferred Alternative total emissions for the More Intense Project Alternative are increased by between 4.2 percent and 7.0 percent. Using currently available methods to quantify GHG emissions, build out of the More Intense Alternative will increase emissions over 1990 levels, resulting in a significant impact. Reductions in these impacts with the implementation of mitigation measures cannot be effectively quantified. Therefore impacts associated with GHG emissions will therefore be significant and unavoidable. Significant and unavoidable impacts to air quality, including greenhouse gas emissions, will occur as a result of development of the More Intense Project Alternative.

*Biological Resources:* Development of the More Intense Alternative is expected to result in a level of impacts to biological resources that is comparable to those anticipated under the Preferred Alternative. At project build out, construction activities, development, and operation would result in fragmentation, impacts to open space areas, removal of habitat, and an increase in human population and associated domestic pets, which prey on birds, lizards, and rodents. The number of acres designated for Open Space is the same as for the Preferred Alternative.

*Cultural Resources:* Impacts to cultural resources are expected to be comparable for the More Intense as for all other development scenarios. State and federal regulations regarding the identification and protection of cultural resources will be the same for the More Intense and any of the other project alternatives. Mitigation measures set forth in the Final EIR will also be the same, and with implementation of these measures impacts to cultural resources will be reduced to less than significant levels.

*Geology and Soils:* The level of land use development and resulting exposure of persons and structures to seismic hazards is comparable for the More Intense Alternative and the Preferred Alternative. The most notable differences between these two alternatives are for commercial development, which is higher and therefore results in more exposure to risk under the More Intense Alternative, and industrial development, which is lower under the More Intense Alternative. Residential, commercial, and industrial development under the More Intense Alternative would result in comparable land disturbance and impacts to soils as with the Preferred Alternative. Impacts to geology and soils would be reduced to less than significant levels with the implementation of mitigation measures set forth in the Final EIR.

*Hazardous and Toxic Materials:* This alternative is expected to result in the generation of comparable, albeit slightly larger, volumes of household and other universal hazardous wastes as would be generated under the Preferred Alternative. The level of commercial development is expected to increase the potential for risks associated with hazardous and toxic materials, while the decrease in industrial land uses is expected to result in a

corresponding decrease in the amount of hazardous substances in storage and exposure of fewer people to worker safety risks from both physical and chemical hazards.

Development in Annexation No. 2008-001 will result in more residents than the Preferred Alternative, which would expose slightly more people to risks from potential hazardous/toxic materials releases along U.S. I-15 and within the planning area itself, and would also result in a greater amount of hazardous substances in storage. Annexation No. 2008-002 will facilitate the development of the same level of industrial land uses as would the Preferred Alternative, and no residential or commercial development. Therefore, the level of hazardous waste generation and storage will be virtually the same as that under the Preferred Alternative.

*Hydrology:* The More Intense Alternative will generate the greatest amount of runoff, flooding potential, and sedimentation, a result of this alternative's more intense land use patterns and an increase in impervious surfaces. Development under the More Intense Alternative for Annexation No. 2008-01 and Annexation No. 2008-02 will be similar to that of the Preferred Alternative. However, with the implementation of mitigation measures as set forth in the Final EIR, implementation of the More Intense Alternative is not expected to result in substantial impacts on flooding and hydrology.

*Water Quality and Resources:* The More Intense Alternative will result in the greatest water demand, approximately two (2) percent more than the Preferred Alternative. Impacts to water quality will be similar for all alternatives, differing primarily with regard to level and intensity of development and associated runoff that may result in degradation of water quality. The mitigation measures set forth in the Final EIR will be applicable to any of the development scenarios, and are expected to reduce potential impacts to water resources and quality to less than significant levels.

*Land Use, Population and Housing:* This alternative would somewhat intensify residential and commercial land uses, and reduce industrial land uses, particularly in Annexation 2008-001, where industrially designated lands would instead be developed in commercial land uses. Within the Town limits, the land use pattern would be expected to be similar to the Preferred Alternative, and would not substantially affect housing and population. The land use pattern in this alternative would improve the jobs/housing balance in a manner similar to that of the Preferred Alternative, insofar as it would provide a greater variety of employment opportunities for the Town's residents, and would likely reduce the need to commute to work. The More Intense Alternative will significantly impact Annexation 2008-001 in terms of land use, population and housing. The intensity of development under this alternative is similar to that proposed under the Preferred Alternative, and under this alternative, impacts associated with land use, population and housing would remain significant and unavoidable. The More Intense Alternative will have similar land use impacts as the Preferred Alternative in Annexation 2008-002, and these would be less than significant.

*Mineral Resources:* Development patterns and the lands to be impacted by mineral resources operations under this alternative are essentially the same as those of the other

development scenario, and are generally consistent with those proposed under the Preferred Alternative. Therefore, the potential impacts on mineral resource operations associated with the More Intense Alternative are expected to be comparable to those of the other development scenarios. Impacts are reduced to less than significant levels with the implementation of applicable state and federal regulations and mitigation measures set forth in the Final EIR.

*Noise:* The More Intense Alternative will result in an increase of approximately 9.5 dBA CNEL over the No Project Alternative, and is expected to result in an increase in noise levels along forty-four (44) roadway segments that will be perceptible to adjacent land uses. As compared to the Preferred Alternative, noise increases that are potentially audible will occur along six (6) of the roadway segments. Noise levels that are less than those expected to be generated by the Preferred Alternative are projected along twenty-one (21) roadway segments; however, the differences are expected to be imperceptible.

*Public Services and Facilities:* The More Intense Alternative is expected to result in increased demand on public services and facilities that is greater than the Preferred Alternative, although in most cases not substantially so. Increased demand on these facilities will occur under any development scenario. The implementation of mitigation measures set forth in the Final EIR is expected to reduce potential impacts to less than significant levels.

*Recreational Resources:* The total parklands requirements under the More Intense Alternative are approximately four (4) percent greater than those of the Preferred Alternative. In the overall impacts to parklands and recreational facilities associated with this alternative are expected to exceed, albeit slightly, those associated with the Preferred Alternative. These impacts will be mitigated to less than significant through the implementation of mitigation measures set forth in the Final EIR.

*Transportation and Traffic:* The More Intense Alternative is projected to generate 1,630,773 daily two-way trips at build out. This represents approximately three (3) percent more daily trips than the Preferred Alternative. V/C ratio analysis for this alternative shows that seventy-six (76) segments would operate at acceptable levels, twenty (20) segments would approach capacity, and eight (8) roadway segments would potentially exceed capacity at build out. The More Intense Alternative exceeds other alternative with regard to segments that are either approaching capacity or potentially exceeding capacity. While mitigation measures will reduce these impacts to the greatest extent feasible, impacts cannot be reduced to less than significance for any of the alternatives.

3. Findings – The Town of Apple Valley compared the relative impacts and benefits of the proposed project and the More Intense Alternative, and did not select this Alternative. Nonetheless, the environmental effects of the proposed project will be substantially reduced by the monitored mitigation measures and features incorporated into the proposed project, as described in Sections 1 and 2 of these Findings.

4. Facts – As outlined in the Comparison of Facts above, and confirmed in the EIR, the More Intense Project Alternative does not fully meet the project objectives of the proposed General Plan. In addition, the More Intense Project Alternative does not meet many of the benefits associated with the Preferred Alternative as outlined in Section 1 of these Findings. For these reasons, the More Intense Project Alternative was rejected.

### **C. Alternative II: Less Intense Alternative**

1. Description of Alternative: Under Alternative II, the Less Intense Development alternative, residential densities are reduced, as are commercial land uses, when compared to the Preferred Alternative. Land use intensities for industrial development are similar to those of the Preferred Alternative. The Less Intense alternative represents a reduction in development of approximately fourteen (14) percent for residential development, approximately thirty (30) percent for commercial development, and approximately thirteen (13) percent for industrial development as compared with the Preferred Alternative. Land uses in Annexation 2008-001 are generally less intense than under the Preferred Alternative, with more residential and less commercial development, and in Annexation 2008-002 they are comparable to the Preferred Alternative, consisting.
2. Comparison of Effects:

*Aesthetics and Visual Resources:* The Less Intense Alternative generally proposes less or less intense development in the planning area than does the Preferred Alternative. Therefore impacts to visual resources, including levels of light and glare, are also reduced.

*Agricultural Resources:* The Less Intense Alternative would limit residential development, and increase the potential for larger lots (lots of two [2] acres or more) in the Deep Creek area by designating more lands for Low Density Residential uses in that area. This alternative would be expected to have fewer impacts on the establishment and long-term continuation of agricultural and ranching activities than any of the other alternatives, including the Preferred Alternative.

*Air Quality:* Implementation of the Less Intense Project Alternative will reduce the potential for air quality degradation in the Town of Apple Valley and region as compared to the Preferred Alternative. However, development of the Less Intense Project Alternative will result in an increase in population size, commercial/retail and industrial square footage as compared to the No Project land use plan that was the basis for preparation of the Draft Ozone Attainment Plan. Therefore, without mitigation, it is expected that, the Less Intense Alternative has the potential to interfere with the objectives of the Ozone Attainment Plan. The Less Intense Project Alternative will generate emissions for all criteria pollutants in concentrations that exceed the daily thresholds due to energy and natural gas usage and emissions from the operation of vehicles. Compared to the Preferred Alternative, total emissions for the Less Intense Project Alternative are reduced by 15.3 percent to as much as 21.3 percent. Using currently available methods to quantify GHG emissions, build out of the More Intense

Alternative will increase emissions over 1990 levels, resulting in a significant impact. Mitigation measures will reduce these impacts to some extent; however, these reductions cannot be effectively quantified. Therefore impacts associated with GHG emissions will therefore be significant and unavoidable. Like the Preferred Alternative, significant and unavoidable impacts to air quality, including greenhouse gas emissions, will occur as a result of development of the Less Intense Project Alternative.

*Biological Resources:* The Less Intense Alternative would result in fewer dwelling units and residents, which could reduce impacts from domestic animals and use of open space areas compared to the Preferred Alternative. The Less Intense Alternative designates the same number of acres for Open Space uses as does the Preferred Alternative. In general, impacts to Biological Resources as a result of development of the Less Intense Alternative are expected to be comparable to those expected for the Preferred Alternative.

*Cultural Resources:* All development scenarios are expected to result in similar impacts to cultural resources. All project alternatives will be subject to state and federal regulations regarding the identification and protection of cultural resources. With implementation of required mitigation measures as set forth in the Final EIR, impacts to cultural resources will be reduced to less than significant levels for all project alternatives.

*Geology and Soils:* This alternative would result in fewer residences and less commercial and industrial square footage than the Preferred Alternative, thereby proportionately reducing the number of people and structures that would be exposed to seismic risks. Impacts to surface soils as a result of development of the Less Intense Alternative is comparable to the Preferred Alternative since the overall acreage of land to be disturbed and developed at build out is the same. The Less Intense Alternative is second only to the No Project Alternative in terms of having the lowest impacts associated with geological hazards.

*Hazardous and Toxic Materials:* Under the Less Intense Alternative, impacts from the generation and storage of hazardous materials and waste are expected to be somewhat less than the Preferred Alternative, with the development of fewer residential units, and less commercial development and industrial development. Impacts from the generation and storage of hazardous materials and waste in Annexation 2008-001 are expected to be less than those under the Preferred Alternative, and similar in Annexation 2008-002.

*Hydrology:* Development associated with each land use alternative will result in an increase in impervious surfaces and associated runoff, and each will therefore have the potential to alter or obstruct existing drainage patterns. These are expected to be somewhat reduced under the Less Intense Alternative, given that the level and intensity of development in the planning area will also be reduced. With the implementation of mitigation measures set forth in the Final EIR, no substantial impact on flooding and hydrology are expected to result from the Less Intense Alternative.

*Water Quality and Resources:* the Less Intense Alternative will result in approximately twelve (12) percent less water demand than the Preferred Alternative, and is in this way generally similar to the No Project Alternative. The mitigation measures set forth in the Final EIR will be applicable to any of the development scenarios, and are expected to reduce potential impacts to water resources to less than significant levels. Impacts to water quality will be similar for all alternatives, although the level of development proposed under the Less Intense Alternative would be expected to generate less runoff and associated water pollutants as compared with either the Preferred Alternative or More Intense Alternative. Mitigation measures set forth in the Final EIR will reduce these impacts to less than significant levels.

*Land Use, Population and Housing:* The Less Intense Alternative will have land use, population and housing impacts similar to those described under the No Project Alternative. The development patterns within the Town and Annexation 2008-001 would be similar to both the No Project and Preferred alternatives, however this alternative would reduce the land use, population and housing impacts in Annexation 2008-001 to less than significant levels, insofar as the development pattern would be substantially similar to that currently envisioned by the County. The land use designation in Annexation 2008-002 would be the same as under the Preferred Alternative, and would be less than significant.

*Mineral Resources:* Impacts associated with availability and use of mineral resources for the Less Intense Alternative would be similar to those of other alternatives, and would be reduced to less than significant levels with the implementation of General Plan policies and programs, applicable state and federal regulations, and mitigation measures set forth in the Final EIR.

*Noise:* The Less Intense Alternative is expected to increase noise levels by approximately 7.4 dBA CNEL over the No Project Alternative. Along 41 roadway segments, increased noise levels are expected to be perceptible to land uses over the No Project Alternative. As compared with the Preferred Alternative, the Less Intense Alternative will result in noise levels that are the same along two (2) of the evaluated roadway segments, and that are perceptibly less along eight (8) roadway segments. Potentially audible decreases are projected along twenty-two (22) roadway segments. The Less Intense Alternative is expected to result in increased noise levels that are potentially audible along one of the roadway segments. With implementation of mitigation measures set forth in the Final EIR, potential impacts would be reduced to less than significant levels.

*Public Services and Facilities:* The Less Intense Alternative will generate less demand on public services and facilities than the Preferred Alternative. The decreased demand under this Alternative is second only to the No Project Alternative, which further reduces demand as compared with the Preferred Alternative. Potential impacts will be reduced to less than significant levels with the implementation of mitigation measures set forth in the Final EIR.

*Recreational Resources:* Impacts to recreational resources with regard to provision of parklands are expected to be approximately fourteen (14) percent less under the Less Intense Alternative than under the Preferred Alternative. Impacts on recreational resources resulting from the implementation of any of the project alternatives will be reduced to less than significant levels by the implementation of mitigation measures

*Transportation and Traffic:* The Less Intense Alternative is projected to generate 1,224,515 daily two-way trips at build out, or approximately twenty-two (22) percent less than daily trip projections for the Preferred Alternative. Level of service along modeled roadway segments in the planning area are expected to be "acceptable" for ninety-five (95) roadway segments, and five (5) segments are projected to approach capacity at build out. There are 4 roadway segments where the LOS potentially exceeds capacity. As with all of the alternatives, the Less Intense Alternative will generate increased vehicular traffic along local and regional roadways. These impacts are expected to be substantial, and will require the construction of roadway improvements to accommodate traffic volumes at build out. Mitigation measures will reduce potential impacts to the greatest extent feasible; however, impacts will not be mitigated below levels of significance.

3. Findings – As discussed in the Comparison of Facts provided above, and confirmed in the EIR, the Town of Apple Valley compared the relative impacts and benefits of the proposed project and the Less Intense Project Alternative, and did not select this Alternative. The Preferred Alternative, as described in Sections 1 and 2 of these Findings, incorporates monitored mitigation measures and other features that will substantially reduce the environmental effects of the proposed General Plan.
4. Facts –The Less Intense Project Alternative does not fully meet the project objectives of the proposed General Plan, and does not meet many of the benefits associated with the Preferred Alternative as outlined in Section 1 of these Findings. Therefore, the Town rejected the Less Intense Project Alternative.

#### **D. Environmentally Superior Alternative**

Based on the analysis in the EIR, all the alternatives will have similar impacts on agricultural resources, biological resources, cultural resources, geology and soils, and hydrology. Impacts associated with issue areas directly tied to development, including air quality, noise, public facilities and traffic, will be lower under the No Project and Less Intense alternatives, and equal or marginally higher under the More Intense Alternative.

In the overall, the No Project Alternative would have the least impacts on the environment, and would represent the environmentally superior alternative. The No Project Alternative would not meet the Project Objectives. The Less Intense Alternative would be the next most superior alternative, and would meet more of the Project Objectives, but would not meet the objectives relating the jobs/housing balance and economic base, because the land use designations would not support sufficient commercial and industrial space to diversify the economy and provide the widest range of jobs.

## **SECTION 9**

### **FINDINGS REGARDING MITIGATION MONITORING PROGRAM**

Section 21081.6 of the Public Resources Code requires that when a public agency is making the findings required by State CEQA Guidelines Section 15091(a) (1), codified as Section 21081(a) of the Public Resources Code, the public agency shall adopt a reporting or monitoring program for the changes to the proposed project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment.

The Town of Apple Valley hereby finds and accepts that the Mitigation Monitoring Program, which is incorporated into the Final EIR, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of measures intended to mitigate potential environmental impacts.

In the event of any inconsistencies between the Mitigation Measures as set forth herein and the Mitigation Monitoring and Reporting Plan, the Mitigation Monitoring and Reporting Plan shall control.

## SECTION 10

### SECTION 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the record, the Town of Apple Valley has made one of more of the following findings with respect to the significant effects of the proposed project:

- a. Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effects as identified in the Final Environmental Impact Report.
- b. Some changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes can and should be adopted by such other agency.
- c. Specific economic, legal, social, technological, or other considerations, including provision of employment for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final Environmental Impact Report.

Based on the foregoing findings and the information contained in the record, and as conditioned by the foregoing findings:

- a. All significant effects on the environment due to the proposed project have been eliminated or substantially lessened where feasible as discussed in Sections 1 and 2 of these Findings.
- b. The benefits of the proposed project set forth in the foregoing Statement of Overriding Considerations, as noted in Section 3 of these Findings, outweigh any remaining significant effects of the project on the environment found to be unavoidable.
- c. The documents and materials that constitute the record of proceedings on which these Findings have been based are located at the Town of Apple Valley, 14955 Dale Evans Parkway, Apple Valley, CA 92307. The custodian for these records is the Assistant Director of Community Development. This information is provided in compliance with Public Resources Code section 21081.6.