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PLANNING COMMISSION STAFF REPORT

DATE: September 8, 2010 **AGENDA NO. 1**

CASES: DEV10-00008

SUBJECT: Amendment to the Desert Gateway Specific Plan (Northern Triangle)

APPLICANT: City of Victorville

LOCATION: Generally west of Interstate 15 Freeway, east of the Mojave River, and north of where they intersect.

I. STAFF RECOMMENDATION:

That the Planning Commission adopt Resolution No. P-10-037, recommending adoption of a Negative Declaration and approval of DEV10-00008 to the City Council.

II. SUMMARY:

The Desert Gateway Specific Plan was approved in 2009. While over 3,200 acres of the Specific Plan are currently within the city limits of Victorville, 4,850 are within the existing sphere and approximately 2,050 are adjacent to the sphere.

As part of the City's ongoing "Northern Sphere Expansion" and LAFCO Proposal 3082, it was discovered that a number of different mining interests are operating in the area to the north, around Quartzsite Mountain. In addition, several mining claims exist which encroach into the specific plan area. To address this issue, the amendment is proposed to add a "Resource Recovery Overlay" district as a Land Use Designation, which will allow mining operations with the issuance of a Conditional Use Permit.

III. STAFF ANALYSIS:

The Planning Division designated much of the proposed northern sphere area as "Open Space" in the 2008 General Plan update. This was done due to area being designated for protection of the Mojave Monkeyflower in the West Mojave Plan (habitat conservation plan), and also due to existing mining operations. At that time, our understanding was that the mining was related to cement manufacturing and consisted mostly of Cemex and Riverside TXI operations.

Through the LAFCO process, it has been discovered that numerous mining claims for a variety of minerals exist in and around the area, and that several companies beside Cemex and Riverside TXI have ongoing mining operations. It was also discovered that several of these mining claims encroach into the Desert Gateway Specific Plan area. While there is currently no development in the immediate vicinity, future development presents the risk for potential incompatible land uses and impacts due to the close proximity to mining operations.

At this time, James Hardie is the only company with ongoing mining and mining claims in the plan area which has come forward to voice their concerns with the sphere expansion plan moving forward.

Staff is proposing, in concurrence with LAFCO, that the Resource Recovery Overlay District be placed on the property, with a requirement for Conditional Use Permit approval prior to mining. During this process, conditions can be proposed to mitigate potential impacts from mining such as noise, dust, traffic routes, etc. The intent of the amendment, based on the Council's concerns and understanding of the importance of mining to the valley, is not to prevent mining but to ensure the ability to continue mining in a manner compatible with surrounding development.

The amendments would alter the Land Use map, by adding a Resource Recovery Overlay designation, and placing this designation on approximately 60 acres of land northwest of the golf course over Passive Open Space. Table 4.3 Land Use Designations would also be modified to add the Resource Recovery Overlay and provide a general description similar to the following:

> This overlay may be placed over any land use designation and any parcel with an existing mining claim. Approval of a conditional use permit is required prior to mining in these designated areas.

In addition, Section 4.1.8 will be added to promote compatibility of land uses around future mining areas. This section will add requirements for residential development and will require the following conditions, among others, of all projects:

1. The Developer(s) shall be required to prepare a Noise Study to identify existing ambient noise levels within the Project Area, and to project exterior noise levels for all outdoor areas and balconies. The Noise Study shall establish that the project design and/or the specific insulation identified in the building plans will mitigate exterior and interior noise levels consistent with the General Plan, the Noise Control provisions contained in Chapter 13.01 of the City of Victorville Municipal Code, or applicable standards of any other local agencies.

2. If deemed appropriate by the Noise Study, residential dwelling units must be located as far as practicable from the mining claims, and/or oriented in such a manner as to provide the greatest reduction in noise impacts from blasting activities.

3. Prospective residents must be made aware of the proximity of the Residential Development to the mining activities. The Project Developer(s) shall be required to prepare and record Noise Easements and/or Covenants, Conditions and Restrictions, identifying the Project and containing a disclosure provision regarding the mining operations, which shall include information regarding noise, fumes, vibration and particulates.

While other mining claims exist in the planning area, they may be mitigated by the Assembly Bill (McKeon) or by developers who purchase the property for development purposes. Briefly, the McKeon bill is an attempt to stop the mining in Santa Clarita canyon by purchasing the mining rights from Cemex, using money generated from disposal of Bureau of Land Management land in the Northern Triangle area.

IV. ENVIRONMENTAL ASSESSMENT:

While the original specific plan was approved and found consistent with the development density which was analyzed in the General Plan EIR, the ability to have mining in the area was never proposed or analyzed. The conditional use permit process allows the ability to impose measures which will ensure that impacts from mining operations remain less than significant. A negative declaration is recommended for adoption.

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THE STAFF RECOMMENDATION MAY BE ACCEPTED OR REJECTED BY THE PLANNING COMMISSION AFTER THEIR OWN ANALYSIS AND CONSIDERATION OF PUBLIC TESTIMONY PRESENTED AT THE HEARING. THE PLANNING COMMISSION ACTION IS A RECOMMENDATION TO THE CITY COUNCIL ONLY

CITY OF VICTORVILLE PLANNING DEPARTMENT
14343 Civic Drive, Victorville, California 92392
(760) 955-5135 FAX (760) 269-0070

DRAFT NEGATIVE DECLARATION

Preparation Date: August 17, 2010

Name or Title of Project: Specific Plan Amendment DEV10-00008 (Desert Gateway).

Location: Generally east of the Mojave River and west of Interstate 15 Freeway, north of the intersection of the two and south of the mountains.

Entity or Person Undertaking Project: City of Victorville
14343 Civic Drive
Victorville, California 92392

Description of Project: A request to amend the Desert Gateway Specific Plan to provide a Resource Recovery Overlay to be placed on properties with existing mining claims. This overlay will require the approval of a Conditional Use Permit in order for the mining to occur and will offer the ability to condition the project to provide compatibility between mining and the surrounding community.

Statement of Findings: The Planning Commission has reviewed the Initial Study for this proposed project and has found there are no adverse environmental impacts to the environmental setting and does hereby direct staff to file a Notice of Determination, pursuant to the California Environmental Quality Act (CEQA).

A copy of the Initial Study and other applicable documents used to support the proposed Negative Declaration is available for review at the City of Victorville Planning Department.

Further, pursuant to Fish and Game Code Section 711.4, a "No Effect Determination" is hereby made based upon the fact that future projects will require a conditional use permit and will undergo environmental assessment at that time.

Public Review Period: August 20, 2010 to September 8, 2010

Public Hearing Date: Planning Commission on September 8, 2010, City Council in October 2010.

Adopted by the City Council on _____.

_____
RUDY CABRIALES, MAYOR
VICTORVILLE CITY COUNCIL

_____
BILL WEBB
DIRECTOR OF DEVELOPMENT

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INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM

1. **Project title:** Desert Gateway Specific Plan Amendment DEV10-00008.

2. **Lead agency name and address:** City of Victorville, 14343 Civic Drive, Victorville, CA 92393-5001.

3. **Contact person and phone number:** Chris Borchert, Development Department (760) 955-5146.

4. **Project location:** The City of Victorville is located in southwestern San Bernardino County, in the geographic subregion of the southwestern Mojave Desert known as the Victor Valley. The Victor Valley is separated from other urbanized areas in Southern California by the San Bernardino and San Gabriel mountains. The City's regional location is shown in Figure 1, *Victorville General Plan Regional Location Map*. The Desert Gateway Specific Plan area is in the northernmost and easternmost area of the city. It covers most of the the area which is west of Interstate 15 freeway, east of the Mojave River, and north of the intersection of the two.

5. **Project sponsor's name and address:** City of Victorville, Planning Division, 14343 Civic Drive, Victorville, CA 92393-5001.

6. **General Plan designation:** Specific Plan.

7. **Zoning:** Specific Plan.

8. **Description of project:**
An amendment to the Desert Gateway Specific Plan to provide a Resource Recovery Overlay to be placed on properties which may have existing mining claims. This overlay will require the approval of a Conditional Use Permit in order for the mining to occur and may offer a way to potentially mitigate the impacts of mining within the specific plan area. During development of the specific plan, it was unknown that mining claims were present within the area, and it was also assumed that the developers would be buying the land to build on.

   The project site encompasses approximately 10,100 total acres and almost 16 square miles, the Desert Gateway Specific Plan is currently 3,200 acres within City limits, 4,850 acres within the existing Sphere of Influence, and 2,050 acres which are proposed to be added to the sphere and eventually annexed into the City.

   The specific plan proposes industrial, commercial, mixed use, open space, single family and multi-family residential, and institutional uses as well. Somewhat central to the plan is the Mixed Use Town Center which would revolve around the development of the train station or another regional draw such as a mall or entertainment venue.

9. **Surrounding land uses and setting:** On the western edge is the Mojave River floodplain. Dry for most of the year, water generally only flows along this stretch during heavier rain events. The major land use across the river is the Cemex cement plant. On the eastern boundary is the Interstate 15 freeway which consists of three travel lanes on both sides and a right-of-way width of which varies from 215 to 280+ feet. Across the freeway from the site is mostly vacant land, split between the County to the north and Apple Valley sphere/city to the south and a portion at the southern end is within Victorville city limits. Most of the site slopes up from the south to north and from east to west as foothills until it reaches rocky outcroppings close to the peaks of the adjacent hills. This line of rock was deemed to be the extent of development and therefore makes up most of the northern boundary. Further north is very hilly area with the only land use being mining operations.

10. **Other public agency whose approval is required** None for the specific plan amendment approval. San Bernardino County LAFCO approval is necessary for annexation of the areas currently outside of the city limits and sphere of influence.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTS:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐	Land Use and Planning	☐	Transportation/Circulation	☐	Public Services
☐	Population and Housing	☐	Biological Resources	☐	Utilities and Service Systems
☐	Geological Problems	☐	Energy and Mineral Resources	☐	Aesthetics
☐	Water	☐	Hazards	☐	Cultural Resources
☐	Air Quality	☐	Noise	☐	Recreation
		☐	Mandatory Findings of Significance		

DETERMINATION:

On the basis of this initial evaluation:

X I find that the proposed project COULD NOT have significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. (De Minimis)

__ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.

__ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

__ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated". An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

__ I find that the proposed project WILL NOT have a significant effect on the environment, because no new potentially significant effects have been identified beyond those previously analyzed adequately in an earlier EIR (Final Program Environmental Impact Report for the City's Comprehensive General Plan Update, State Clearinghouse No. 2008021086 adopted in October 2008), pursuant to applicable standards, and no additional mitigation measures beyond those imposed as part of that previous EIR are necessary to be imposed upon the proposed project to reduce mitigable impacts to a insignificant level. Therefore, no additional environmental documentation is necessary.

Signature: Chris Borchert Date: August 19, 2010

Chris Borchert
Assistant Director Of Planning For: Victorville Planning Department

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is provided for all answers except "No Impact" answers that are adequately supported by the information sources the lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) "Potentially Significant Impact" is noted if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact". The lead agency describe the mitigation measures, and briefly explains how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses", may be cross-referenced).

5) Earlier analyses may be referenced where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.

6) The lead agency incorporates into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated. See the sample question below. A source list is attached, and other sources used or individuals contacted are cited in the discussion.

ENVIRONMENTAL IMPACTS:

I. **LAND USE AND PLANNING.** *Would the proposal*	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
a) Conflict with general plan designation or zoning? (1, Figure 3 and 2, Sheet 1)			X	
b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? (3, 1)				X
c) Be incompatible with existing land use in the vicinity? (4)			X	
d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)? (5)				X
e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? (4)				X

Comments: The General Plan Land Use Designation for the project site was changed to Specific Plan during the development of the specific plan. While care was taken to leave mountainous areas designated as Open Space in the plan, it was recently learned that several mining claims exist on land which comes close to, and/or encroaches into the Specific Plan area. The City understands the importance of mining to the area and the region and does not desire to prevent mining operations. However, mining operations often include the use of explosives to loosen up the dirt, in addition to large and noisy equipment. The placement of the Resource Recovery Overlay on properties which may be mined in the future could help to continue mining operations while also ensuring compatibility with the developing community around it. This will be done by requiring the mining company to gain approval of a Conditional Use Permit by the City prior to mining within the specific plan. At that time, appropriate

mitigation measures can be conditioned to ensure compatibility with the surroundings. It is also assumed that another option when development begins in these areas, is for the developers to purchase the land and mining claims in order to develop the property. With this change to the specific plan, no further mitigation is necessary at this time.

II. POPULATION AND HOUSING. *Would the proposal:*

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
a) Cumulatively exceed official regional or local population projections? (6, 4)				X
b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? (4)				X
c) Displace existing housing, especially affordable housing? (4)				X

Comments: The proposed amendment establishes an overlay district which will require the approval of a conditional use permit in order to mine. No changes to housing densities or infrastructure requirements is caused by this change. No additional mitigation necessary.

III. GEOLOGIC PROBLEMS. *Would the proposal result in or expose people to potential impacts involving:*

a) Fault rupture? (8, Figure 1)				X
b) Seismic ground shaking? (8, Table 2)			X	
c) Seismic ground failure, including liquefaction? (5) and 8, 4 and Table 2)				X
d) Seiche, tsunami, or volcanic hazard? (8, Table 2)				X
e) Landslides or mudflows? (8, 7 and Figure 3)				X
f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill? (8, Figure 3)				X
g) Subsidence of land? (3, Figure 8)				X
h) Expansive soils? (5)				X
i) Unique geologic or physical features? (5)				X

Comments: There are no known or suspected fault traces located within the Victorville Planning Area. Additionally, the City Planning Area is not subject to the provisions of Alquist-Priolo Special Studies Zones. The proposed amendment establishes an overlay district which will require the approval of a conditional use permit in order to mine. . No additional mitigation necessary.

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
IV. WATER. *Would the proposal result in:*				
a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? (11, graphic)			X	
b) Exposure of people or property to water related hazards such as flooding? (10, Panel 5795)				X
c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity? (4)				X
d) Changes in the amount of surface water in any water body? (4)				X
e) Changes in currents, or the course or direction of water movements? (4)				X
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? (11)				X
g) Altered direction or rate of flow of groundwater? (4)				X
h) Impacts to groundwater quality? (4)			X	
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies? (11)				X

Comments: While mining could change drainage patterns and/or impact groundwater quality, the specific plan proposes drainage areas as open space and allows adequate area to meet water flow requirements. The proposed amendment establishes an overlay district which will require the approval of a conditional use permit in order to mine. At that time, appropriate mitigation measures can be conditioned to ensure changes to drainage and groundwater are mitigated. Future projects, subdivisions and potentially even mining could be required to submit hydrology studies to determine the amount of improvements needed to control flow. In addition, the City routinely conditions projects in accordance with National Pollutant Discharge Elimination System (NPDES).

No additional mitigation is necessary.

V. AIR QUALITY. *Would the proposal:*				
a) Violate any air quality standard or contribute to an existing or projected air quality violation? (13, 1)				X
b) Expose sensitive receptors to pollutants? (4)			X	
c) Alter air movement, moisture, or temperature, or cause any changes in climate? (13, 1)				X

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
d) Create objectionable odors? (11)			X	

Comments: The proposed amendment establishes an overlay district which will require the approval of a conditional use permit in order to mine. The overlay is only proposed over approximately 60 acres at this time, on a mining claim which is currently being mined to the north. The requirement for a conditional use permit could result in the ability to obtain better air quality restrictions than are occurring currently with existing mining operations. No additional mitigation necessary.

VI. TRANSPORTATION/CIRCULATION. *Would the proposal result in*:

a) Increased vehicle trips or traffic congestion? (11, graphic)			X	
b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (11, graphic)				X
c) Inadequate emergency access or access to nearby uses? (4)				X
d) Insufficient parking capacity on-site or off-site? (11, graphic)				X
e) Hazards or barriers for pedestrians or bicyclists? (11, graphic)				X
f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (11, graphic)				X
g) Rail, waterborne or air traffic impacts? (11, graphic)				X

Comments: The proposed amendment establishes an overlay district which will require the approval of a conditional use permit in order to mine. While existing haul routes and mining roads were accommodated with the plan, the conditional use process will add another method for mitigating future issues with regard to mining and impacts to streets or circulation. No additional mitigation necessary.

VII. BIOLOGICAL RESOURCES. *Would the proposal result in impacts to*:

a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)? (15)				X
b) Locally designated species (e.g., heritage trees)? (15)				X
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)? (4)				X
d) Wetland habitat (e.g., marsh, riparian, and vernal pool)? (4)				X
e) Wildlife dispersal or migration corridors? (15)				X

Comments: The proposed amendment establishes an overlay district which will require the approval of a conditional use permit in order to mine. While an area with a mining claim has been designated, no mining is currently taking place and it is unknown when in the future it would begin. An initial study could be done with the conditional use permit process. At that time, appropriate mitigation measures can be conditioned to ensure biological resources are not impacted. No additional mitigation necessary.

VIII. ENERGY AND MINERAL RESOURCES. *Would the proposal:*

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
a) Conflict with adopted energy conservation plans? (6, 36)				X
b) Use nonrenewable resources in a wasteful and inefficient manner? (11, graphic)				X
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? (3, 10)				X

Comments: The proposed amendment establishes an overlay district which will require the approval of a conditional use permit in order to mine in areas with existing mining claims. If appropriate, this will help to ensure the ability to utilize mineral resources which are valuable to the region. The specific plan also has policies and goals similar to the General Plan of conserving energy through design. No additional mitigation necessary.

IX. HAZARDS. *Would the proposal:*

a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)? (11)				X
b) Possible interference with an emergency response plan or emergency evacuation plan? (8, Figure 5)				X
c) The creation of any health hazard or potential health hazard? (11)			X	
d) Exposure of people to existing sources of potential health hazards? (4)			X	
e) Increased fire hazard in areas with flammable brush, grass, or trees? (11)				X

Comments: The proposed amendment establishes an overlay district which will require the approval of a conditional use permit in order to mine in areas with existing mining claims. Potential mining in the specific plan area could increase the creation of or exposure to hazardous conditions, however, the conditional use permit process can be used to provide conditions which will help to ensure that hazardous situations are mitigated. No additional mitigation necessary.

X. NOISE. *Would the proposal result in:*

a) Increases in existing noise levels? (11)			X	

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
b) Exposure of people to severe noise levels? (11)			X	

Comments: The proposed amendment establishes an overlay district which will require the approval of a conditional use permit in order to mine. The potential for mining companies to operate within the specific plan could increase the noise levels, however, the conditional use permit process is being required in order to provide a method of mitigating issues like noise in the future. No additional mitigation is necessary.

XI. PUBLIC SERVICES. *Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:*

a) Fire protection? (11)				X
b) Police protection? (11)				X
c) Schools? (11)				X
d) Maintenance of public facilities, including roads? (11)				X
e) Other government services? (11)				X

Comments: The proposed amendment establishes an overlay district which will require the approval of a conditional use permit in order to mine for mineral resources. The amendment will not affect public services and the specific plan reserves areas for fire and police stations, parks, schools and libraries. Goals and policies address when these services need to be provided and to what extent. Five mitigation measures from the General Plan EIR will help to mitigate impacts. No additional mitigation necessary.

XII. UTILITIES AND SERVICE SYSTEMS. *Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:*

a) Power or natural gas? (11)				X
b) Communications systems? (11)				X
c) Local or regional water treatment or distribution facilities? (11)				X
d) Sewer or septic tanks? (11)				X
e) Storm water drainage? (11)				X
f) Solid waste disposal? (11)				X
g) Local or regional water supplies? (11)				X

Comments: The proposed amendment establishes an overlay district which will require the approval of a conditional use permit in order to mine. The amendment will not affect utilities or service systems in the specific plan area. No additional mitigation necessary.

XIII. AESTHETICS. *Would the proposal:*

a) Affect a scenic vista or scenic highway? (11)			X	

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
b) Have a demonstrable negative aesthetic effect? (11)				X
c) Create light or glare? (11)			X	

Comments: The proposed amendment establishes an overlay district which will require the approval of a conditional use permit in order to mine. Mining in the area could change the look of the hillside, affecting views, however, if this is a concern, the conditional use permit process can be used to condition measures which mitigate this issue. Additionally, General Plan EIR mitigation measures address open space, hillside development and parking lot lighting to further lessen impacts. No additional mitigation necessary.

XIV. CULTURAL RESOURCES. *Would the proposal:*

a) Disturb paleontological resources? (4)				X
b) Disturb archaeological resources? (4)				X
c) Have the potential to cause a physical change which would affect unique ethnic cultural values? (4)				X
d) Restrict existing religious or sacred uses within the potential impact area? (4)				X

Comments: The proposed amendment establishes an overlay district which will require the approval of a conditional use permit in order to mine. Standard conditions of approval include requirements for archaeological and paleontological resources. No additional mitigation necessary.

XV. RECREATION. *Would the proposal:*

a) Increase the demand for neighborhood or regional parks or other recreational facilities? (11)				X
b) Affect existing recreational opportunities? (11)				X

Comments: The proposed amendment establishes an overlay district which will require the approval of a conditional use permit in order to mine. The amendment will have no impact on recreation. No mitigation necessary.

MANDATORY FINDINGS OF SIGNIFICANCE.

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have the potential to achieve short-term, to the disadvantage or long-term, environmental goals?				X
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
d) Does the project have environmental effects which will cause substantial adverse affects on human beings, either directly or indirectly?				X

Comments: a) The project does not have the ability to impact these areas due to the idea that they will merely be required to apply for a conditional use permit in order to mine the existing claim. This is a similar requirement to the current jurisdiction of the County of San Bernardino, with the requirement for reclamation upon completion. b, c) There are currently no short term issues involved, as the mining claims have existed for decades and do not appear to be approaching useful production within the next decade or so. Considerable mining is taking place to the north and west of the specific plan area. mining within the plan area would merely be a continuation of the existing mining.

XVII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case a discussion identifies the following:

a) **Earlier analyses used.** Earlier analyses are identified and stated where they are available for review.

b) **Impacts adequately addressed.** Effects from the above checklist that were identified to be within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards are noted with a statement whether such effects were addressed by mitigation measures based on the earlier analysis.

c) **Mitigation measures.** For effects that are "Less than Significant with Mitigation Incorporated", describe the mitigation measures which are incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project are described.

Authority: Public Resources Code Sections 21083 and 21087.
Reference: Public Resources Code Sections 21080(c), 21080.1, 21083, 21083.3, 21093, 21094, 21151; *Sundstrum v. County of Mendocino,* 202 CalApp 3d 296 (1988); *Leonoff v. Monterey Board of Supervisors,* 222 CalApp 3d 1337 (1990.

REFERENCES

1. 2008 City of Victorville General Plan Land Use Element.
2. City of Victorville Official Zoning Map.
3. 2008 City of Victorville General Plan Resource Element.
4. Aerial photos of the City of Victorville.
5. United States Soil Conservation Service *Soil Survey of San Bernardino County, California.*
6. 2008 City of Victorville General Plan Housing Element.
7. California Department of Finance Demographic Research Unit Report E-5, January 1, 1999.
8. 2008 City of Victorville General Plan Safety Element.
9. Latest adopted version of the Uniform Building Code.
10. *Deleted*
11. Desert Gateway Specific Plan.
12. 1991 Uniform Fire Code.
13. 2008 City of Victorville General Plan Circulation Element.
14. United States Bureau of Land Management California Desert Conservation Area, 1988.
15. Chapter 13.33 of the Victorville Municipal Code.
16. 2008 City of Victorville General Plan Noise Element.
17. Victorville Municipal Code Buildings, and Construction Ordinance, Chapter 15.04.
18. Victorville Municipal Code Zoning Ordinance, Chapter 18.16.
19. Victorville Municipal Code, Chapter 6.30.