

Statement of Facts, Findings and Overriding Considerations
City of Victorville General Plan 2030
(SCH NO. 2008021086)

I. INTRODUCTION

The City Council (the "Council") of the City of Victorville (the "City"), in approving the General Plan 2030 (the "Project"), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Program Environmental Impact Report ("EIR") was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act ("CEQA"). Hereafter, the Notice of Preparation, Notice of Availability, Draft EIR, Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR, and the Mitigation Monitoring Program will be referred to collectively herein as the EIR. These Findings are based on the entire record before this Council, including the EIR. This Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by this Council.

II. PROJECT SUMMARY

The project encompasses the approximately 156 square miles or 99,253 acre City of Victorville Planning Area, which is generally located in southwestern San Bernardino County, in the geographic subregion of the southwestern Mojave Desert known as the Victor Valley.

The project consists of five primary components:

1. General Plan 2030 which would comprehensively update and supersede the City's current General Plan, with the most significant change to land use being the provision of larger commercial corners at major intersections, and a circulation plan to implement it. This includes deletion of the Old Town and SCLA Elements which are included in the existing General Plan; and
2. Rezoning of the unincorporated County islands to include Mountain View Acres North and South and the Coad Road area, and rezoning of the City's existing northern sphere area to include 2,049 acres of land adjacent to the existing sphere. All of the existing northern sphere is to be zoned Specific Plan upon annexation into the City; and
3. Extension of the City Sphere of Influence to include the Northern Expansion Area of approximately 37,000± acres and the Victorville Water District Sphere of Influence to be coterminous with the proposed City Sphere of Influence; and
4. Expansion of the Victorville Water District boundary to be coterminous with the northern sphere rezoning; and
5. Deletion of the Midtown and Southdown Industrial Specific Plans.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City conducted an extensive environmental review of the project which included a Draft EIR and a Final EIR, including technical reports; along with a public review and comment period. The following is a summary of the City's environmental review of this Project:

- Notice of Preparation (NOP) was filed with the State Clearinghouse, and the NOP and Initial Study were available for public review from February 19, 2008 through March 19, 2008.
- Scoping Meeting was held pursuant to Section 21083.9 of the Public Resources Code, March 5, 2008, between 2:00-5:00 p.m. at City Hall.
- Notice of Completion was filed with the State Clearinghouse, and the Draft EIR was available for public review from August 15, 2008 through September 29, 2008. *Comments were accepted through October 2, 2008 due to confusion with the actual end date.*
- Notices of Availability informing public agencies and the public about the availability of the Draft EIR were issued August 15, 2008.
- Comments on the Draft EIR were received from eight public agencies, three attorneys representing property owner interests and eleven residents.
- In accordance with Public Resources Code Section 21092.5, on October 9, 2008, the City provided written proposed responses to public agencies that commented on the Draft EIR.
- On September 24, 2008, the Planning Commission held a public hearing to consider the project and staff recommendations. The Planning Commission, after considering written comments and oral testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following that, the Planning Commission issued a recommendation to the City Council that the City Council certify the EIR, adopt these Findings and the Statement of Overriding Considerations, and the further recommendations contained in the relevant Staff Report, and approve the Project.
- On October 21, 2008, the City Council held a public hearing to consider the Project, and Planning Commission and staff recommendations. The City Council, after considering written comments and oral testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following that, the City Council certified the EIR, adopted these Findings and the Statement of Overriding Considerations, and the further recommendations contained in the relevant Staff Report, and approved the Project.

IV. INDEPENDENT JUDGMENT FINDING

The City selected and retained Comprehensive Planning Services (“CPS”) to prepare the EIR. CPS prepared the EIR under the supervision and direction of the City planning staff.

Finding: The EIR for the project reflects the City’s independent judgment. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultant, directing the consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

V. GENERAL FINDING ON MITIGATION MEASURES

Unless specifically stated to the contrary in these findings, it is this Council’s intent to adopt all mitigation measures recommended by the EIR which are applicable to the Project.

VI. ENVIRONMENTAL IMPACTS FACTS AND FINDINGS

City staff reports, the EIR, written and oral testimony at public meetings or hearings, these facts, findings and statement of overriding considerations, and other information in the administrative record, serve as the basis for the City's environmental determination.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the project is presented in Section 5 Chapter 4 of the Draft EIR. Responses to comments from the public and from other government agencies on the Draft EIR are provided in Section 2.0 of the Final EIR.

The EIR evaluated 17 major environmental topics for potential impacts including: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, Utilities and Service Systems, and Energy, plus Mandatory Findings of Significance. This Council concurs with the conclusions in the EIR that the topics and subtopics discussed in VI (A) and VI (B), below, either are less than significant without mitigation or can be mitigated below a level of significance. For the topics and subtopics discussed in VI (C), this Council acknowledges that there are remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance, and that overriding considerations exist which make these potential impacts acceptable to this Council.

(A) IMPACTS IDENTIFIED AS LESS THAN SIGNIFICANT REQUIRING NO MITIGATION

Because of the scope of the proposed General Plan 2030 project, all topics discussed were found to have at the least "less than significant impacts". The following topics, as well as cumulative impacts related to these topics, were found to be less than significant with no mitigation measures required. Facts are described in the paragraph(s) following each topic and subtopic; and the finding is stated at the end of the description of facts.

(1) For Agricultural Resources, the EIR finds as follows:

- i. Over time as Victorville continues to develop, current agricultural parcels, currently designated for residential uses, are expected to ultimately transition to their General Plan use as residential. This transition to non-agricultural uses is likely to occur under the existing City General Plan, absent the project. General Plan 2030 retains the residential designation of this agricultural property and continues to promote development of the Planning Area. Because General Plan 2030 would not intensify land uses on or surrounding these properties, project impacts relative to the conversion of Prime Farmland to non-agricultural uses are considered less than significant.
- ii. The Open Space designation proposed for the Prime Farmland on the Kemper-Campbell property and in the Northern Expansion Area would not support conversion of these properties to non-agricultural uses. Impacts relative to the conversion of Prime Farmland to non-agricultural uses on these properties are considered less than significant.
- iii. General Plan 2030 does not propose to alter existing zoning for an agriculture use or for a property with a Williamson Act contract.

(2) For Geology and Soils,

- i. Compliance with and conformity to adopted plans and policies, including those within the General Plan 2030, will reduce to less than significant levels potential impacts to geology and soils associated with future development within the Planning Area, related to exposure of people or structures to potential substantial adverse effects.
- ii. Compliance with and conformity to adopted plans and policies, including those within the General Plan 2030, will reduce to less than significant levels potential impacts to geology and soils associated with future development within the Planning Area, related to substantial soil erosion or the loss of topsoil?
- iii. Compliance with and conformity to adopted plans and policies, including those within the General Plan 2030, will reduce to less than significant levels potential impacts to geology and soils associated with future development within the Planning Area, related to location on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- iv. Compliance with and conformity to adopted plans and policies, including those within the General Plan 2030, will reduce to less than significant levels potential impacts to geology and soils associated with future development within the Planning Area, related to expansive soils.
- v. Compliance with and conformity to adopted plans and policies, including those within the General Plan 2030, and will help to mitigate the potential impacts to geology and soils associated with future development within the Planning Area, related to soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems.

(B) IMPACTS IDENTIFIED AS LESS THAN SIGNIFICANT REQUIRING MITIGATION

The following topics, as well as cumulative impacts related to these topics, were generally found to be less than significant with mitigation required, and include subtopics mitigated through proposed General Plan 2030 provisions and those requiring no mitigation. Facts are described in the paragraph(s) following each topic and subtopic; and the finding is stated at the end of the description of facts.

(I) For Aesthetic Resources, the EIR finds as follows:

- i. Compliance with and conformity to adopted plans and policies, including those related to General Plan 2030 Land Use Element Goal #4, and recommended mitigation measures will reduce to less than significant levels potential impacts relative to substantial adverse effect on a scenic resource.
- ii. There are no existing or proposed State scenic highways in the Planning Area. Implementation of the General Plan 2030 will not impact scenic resources within a State scenic highway.
- iii. Compliance with and conformity to adopted plans and policies, including those related to General Plan 2030 Land Use Element Goal #4 and Resource Element Goal #4, and recommended mitigation measures will reduce to less than significant

levels potential impacts relative to substantial degradation of the existing visual character or quality of the site and its surroundings.

- iv. Upon implementation of the Mitigation Measures AES-8 through AES-12, potential adverse impacts of light and glare on a project-specific level are expected to be reduced to levels of insignificance.

(2) For Biological Resources, the EIR finds as follows:

- i. Upon implementation of the Objectives, Policies, and Implementing Measures of the General Plan 2030, potential adverse impacts to riparian habitat or other sensitive natural communities are expected to be reduced to levels of insignificance.
- ii. Upon implementation of the Resource Element Goal #4, Objectives, Policies, and Implementing Measures of the General Plan 2030, potential adverse impacts to federally protected wetlands are expected to be reduced to levels of insignificance.
- iii. To reduce predator attraction and create a specific and detailed wildlife corridor map for the Northern Expansion Area, mitigation measures are added to the Project. Upon implementation of Resource Element Goal #4, Objectives, Policies, and Implementing Measures of the General Plan 2030 and recommended mitigation measures, potential adverse impacts to the movement of native resident or migratory species or wildlife corridors are expected to be reduced to levels of insignificance.
- iv. Joshua trees are protected by Chapter 13.33 of the Victorville Municipal Code, which prohibits the destruction or removal of Joshua trees without written consent from the Director of Community Services. This code reduces project impacts relative to conflicts with local policies or ordinances protecting biological resources to less than significant levels.
- v. If the City of Victorville becomes a signatory to the West Mojave Plan (Policy 4.1.2), the City's CEQA review process will be streamlined by providing a simplified means of mitigating impacts to sensitive plant and wildlife species potentially impacted by development projects within City limits. Should the City decide not to become a signatory of the West Mojave Plan, mitigation measures are added to the project to ensure Victorville's conservation strategies are similar those proposed by the West Mojave Plan.

(3) For Cultural Resources, the EIR finds as follows:

- i. Upon implementation of the Resource Element Goal #5, Objective, Policy and Implementation Measures of the General Plan 2030, potential adverse impacts relative to historical resources are expected to be reduced to levels of insignificance.
- ii. Upon implementation of the Resource Element Goal #5, Objective, Policy and Implementation Measures of the General Plan 2030, and mitigation measures added to the Project, potential adverse impacts relative to historical resources are expected to be reduced to levels of insignificance.

- iii. Upon implementation of the Resource Element Goal #5, Objective, Policy and Implementation Measures of the General Plan 2030, potential adverse impacts relative to paleontological resources are expected to be reduced to levels of insignificance.
- iv. Upon implementation of the Resource Element Goal #5, Objective, Policy and Implementation Measures of the General Plan 2030, and mitigation measures added to the Project, potential adverse impacts relative to disturbance of human remains are expected to be reduced to levels of insignificance.

(4) For Hazards and Hazardous Materials, the EIR finds as follows:

- i. Upon implementation of the General Plan 2030 Safety Element Goal #1 and related provisions, and mitigation measures added to the Project, potential adverse impacts of hazardous materials and wastes associated with routine transport, use and disposal will be reduced to less than significant.
- ii. Upon implementation of the General Plan 2030 Safety Element Goal #1 and related provisions, and mitigation measures added to the Project, potential adverse impacts associated with reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment will be reduced to less than significant.
- iii. Upon implementation of the General Plan 2030 Safety Element Goal #1 and related provisions, and mitigation measures added to the Project, potential adverse impacts associated with a project's potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school will be reduced to less than significant.
- iv. Upon implementation of the General Plan 2030 Safety Element Goal #1 and related provisions, and mitigation measures added to the Project, potential adverse impacts associated with a project which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment will be reduced to less than significant.
- v. Upon implementation of the General Plan 2030 Safety Element Goal #1 and related provisions, and mitigation measures added to the Project, potentially adverse airport safety hazards for people who would reside or work within two miles of the SCLA will be reduced to less than significant.
- vi. Upon implementation of mitigation measures added to the Project, potentially adverse airport safety hazards for people who would reside or work within the vicinity of a private airstrip will be reduced to less than significant.
- vii. Upon implementation of the General Plan 2030 Safety Element Goal #2 and related provisions, and mitigation measures added to the Project, potential adverse impacts associated with impairment of or physical interference with an adopted emergency response plan or emergency evacuation plan will be less than significant.
- viii. Upon implementation of the General Plan 2030 Safety Element Goal #2 and related provisions, and mitigation measures added to the Project, potential

adverse impacts of exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands will be less than significant.

(5) For Hydrology and Water Quality, the EIR finds as follows:

- i. Existing regulatory requirements are expected to control violations of water quality standards and waste discharge requirements associated with development within the Planning Area under the General Plan 2030, reducing impacts to be less than significant levels.
- ii. City water supply plans and water conservation and recycling requirements, and General Plan 2030 Resources Element Goal #1 and its provision, will reduce potential adverse impacts associated with the depletion of groundwater supplies or interference with groundwater recharge to less than significant levels.
- iii. City flood control and storm drainage collection requirements, and General Plan 2030 Resources Element Goal #1 and its provision, will reduce potential adverse impacts of related to alteration of existing site drainage patterns and/or alteration of stream or river courses to less than significant levels.
- iv. City flood control and storm drainage collection requirements, and General Plan 2030 Resources Element Goal #1 and its provision, will reduce potential adverse impacts related to alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation to less than significant levels.
- v. City flood control and storm drainage collection requirements, and General Plan 2030 Resources Element Goal #1 and its provision, will reduce potential adverse impacts associated with runoff water which would exceed the capacity of existing or planning stormwater drainage systems or provide substantial additional sources of polluted runoff to less than significant levels.
- vi. City flood control requirements, and General Plan 2030 Resource Element Goal #3 and Safety Element Goal #1, will reduce potential adverse impacts related to placement of housing within a 100-year flood hazard area as mapped on a federal flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map under the General Plan 2030 to less than significant levels.
- vii. City flood control requirements, and General Plan 2030 Resource Element Goal #3 and Safety Element Goal #1, will reduce potential adverse impacts related to placement of structures within a 100-year flood hazard area under the General Plan 2030 to less than significant levels.
- viii. City flood control requirements, and General Plan 2030 Resource Element Goal #3 and Safety Element Goal #1, will reduce potential adverse impacts related to exposure of people or structures to a risk of loss, injury, or death involving flood, to less than significant levels.
- ix. City flood control requirements, and General Plan 2030 Resource Element Goal #3 and Safety Element Goal #1, will reduce potential adverse impacts related to mudflows to less than significant levels.

(6) For Land Use and Planning, the EIR finds as follows:

- i. The General Plan 2030 Land Use Element, and specifically Goal #1 and its provisions, are intended to protect existing development from intrusion by new incompatible land uses. These provisions and measures are expected to reduce potential impacts relative to the physical division of an established community to less than significant levels; and to ensure that adverse physical changes or impacts due to the Project's economic or social effects do not occur.
- ii. General Plan 2030 provides for consistency between its provisions and local plans, and is considered consistent with relevant and applicable policies of the RCPG regarding land use and planning issues.
- iii. Upon implementation of the Resource Element Goal #4, Objectives, Policies, and Implementing Measures of the General Plan 2030, and added biological resource mitigation measures added to the project to ensure Victorville's conservation strategies are similar to those proposed by the West Mojave Plan, potential adverse impacts relative to conflicts with the provisions of the habitat conservation plan would be less than significant.

(7) For Mineral Resources, the EIR finds as follows:

- i. Because the proposed Northern Expansion Area is largely undeveloped, mineral resource information for this proposed SOI is not currently available. To ensure that potential mineral resources in this area are properly identified, a mitigation measure is added to the project to reduce potential impacts relative to the loss of known mineral resources to less than significant levels.
- ii. The proposed General Plan Land Use Map designates existing mining operations as primarily Heavy Industrial, which permits mining operations. The proposed General Plan 2030 is not expected to result in the loss of a locally important mineral resource recovery site.

(8) For Public Services, the EIR finds as follows:

- i. Upon implementation of the Safety Element Goal #2 and related provisions, and mitigation measures added to the project, potential adverse impacts relative to public services would be reduced to less than significant.

(9) For Recreation, the EIR finds as follows:

- i. Upon implementation of the Resource Element Goal #2 and related provisions, and a mitigation measure added to the project, potential adverse impacts relative to recreation would be reduced to less than significant.

(10) For Utilities and Service Systems, the EIR finds as follows:

- i. Through existing regulatory requirements and General Plan 2030 Resource Element Goal #1 and related provisions, potential to exceed the RWQCB wastewater treatment requirements associated with development within the Planning Area under the General Plan 2030 are expected to be less than significant.

- ii. Through existing regulatory requirements, General Plan 2030 Resource Element Goal #1 and related provisions, and City planning efforts underway for developing its system of trunk and interceptor sewers, potential adverse impacts related to expansion of water or wastewater treatment facilities associated with development within the Planning Area under the General Plan 2030 are expected to be less than significant.
- iii. Through existing regulatory requirements, General Plan 2030 Resource Element Goal #1 and related provisions, Victor Valley Water Reclamation Plant capacity, and the City Sewer System Master Plan, the wastewater treatment provider and the City are planning for the appropriate capacity to serve the long-term needs of the Planning Area and potential adverse impacts under General Plan 2030 are expected to be less than significant.
- iv. Through existing regulatory requirements, General Plan 2030 Land Use Element Goal #2 and related provisions, the City Master Plan of Drainage, and mitigation measures added to the Project, potential impacts to storm water drainage systems within the Planning Area under the General Plan 2030 are expected to be less than significant.
- v. Through existing regulatory requirements, General Plan 2030 Resource Element Goal #1 and related provisions, City water supply projects, and water conservation and recycling measures provided in the Municipal Code, with Victor Valley Water Reclamation Plant capacity, and the City Sewer System Master Plan, the City is expected to have sufficient water supplies available to serve the Project.
- vi. Through existing regulatory requirements, General Plan 2030 Land Use Element Goal #3 and related provisions, the City Municipal Code requirements for recycling, potential impacts associated with the Planning Area being served by a landfill with sufficient permitted capacity to accommodate the future solid waste disposal needs under the General Plan 2030 are expected to be less than significant.
- vii. Through existing regulatory requirements, General Plan 2030 Land Use Element Goal #3 and related provisions, the City Municipal Code requirements for recycling, potential impacts associated with the Planning Area being compliant with applicable regulations (local) related to solid waste under the General Plan 2030 are expected to be less than significant.

(11) For Energy Conservation, the EIR finds as follows:

- i. General Plan 2030 Resource Element provisions, existing regulations and mitigation measures added to the Project encourage alternative, more energy efficient sources, building design, and vehicular use which reduce energy consumption. Potential project impacts relative to energy conservation are expected to be less than significant.
- ii. Cumulative energy conservation impacts: The proposed General Plan 2030 proposes balanced growth within the Planning Area. It also supports energy conservation measures to reduce the amount of energy consumption and the amount of fossil fuel that new development would use. The project is not expected to result in significant adverse impacts relative to energy conservation.

Consequently, cumulative impacts of the project related to energy conservation would be less than significant.

(12) For Mandatory Findings of Significance, the EIR finds as follows:

- i. Through existing regulatory requirements, General Plan 2030 provisions and recommended mitigation measures, the project is not expected to degrade the quality of the environment, including substantial reduction in the habitat or numbers of a fish or wildlife species.
- ii. The project is not expected to contribute to impacts that are individually limited but potentially cumulatively considerable, specifically in regard to issues such as aesthetics, cultural resources, noise, biological resources, and public services and utilities. Consequently, project impacts, relative to mandatory findings of significance for these issues, is less than significant.

(C) IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE

The following topics were generally found to be significant and unavoidable, and include subtopics mitigated through proposed General Plan 2030 provisions and mitigation measures added to the Project. Facts are described in the paragraph(s) following each topic and subtopic; and the finding is stated at the end of the description of facts.

Those subtopics impacts found to be significant and unavoidable are those that, after implementation of proposed General Plan 2030 provisions and the recommended mitigation measures, cannot be reduced to less than significant levels. These impacts require a Statement of Overriding Considerations.

(I) For Air Quality, the EIR finds as follows:

- i. Proposed General Plan 2030 Resource Element Goal 6 and its provisions are intended to encourage compliance with applicable air quality plans. In addition, mitigation measures are added to the project to reduce construction level, operational level and green house gas air pollutant emissions. The General Plan provisions and recommended mitigation measures will reduce air pollutant emissions but will not reduce conflicts with the MDAQMD air quality plans to less than significant levels. This impact is significant and unavoidable.
- ii. Proposed General Plan 2030 Resource Element Goal 6 and its provisions are intended to encourage compliance with applicable air quality plans. In addition, mitigation measures are added to the project to reduce construction level, operational level and green house gas air pollutant emissions. The General Plan provisions and recommended mitigation measures will reduce air pollutant emissions, however the project would continue to violate established air quality standards and to significantly contribute to greenhouse gas emissions. This impact is significant and unavoidable.
- iii. Potential air quality impacts to sensitive receptors, in most situations, may be reduced to acceptable levels by proper site planning, setbacks, and appropriate roadway capacity. Proposed General Plan 2030 Resource Element Goal 6 and its provisions are intended to reduce health risks associated with siting sensitive land uses near air pollutant emitting sources. These General Plan provisions are

expected to reduce potential air quality impacts to sensitive receptors to less than significant levels.

- iv. Proposed General Plan 2030 Resource Element Goal 6 and its provisions are intended to encourage compliance with applicable air quality plans. In addition, mitigation measures are added to the project to reduce construction level, operational level and green house gas air pollutant emissions. The General Plan provisions and recommended mitigation measures will reduce air pollutant emissions but will not reduce the project's cumulatively net increase on a criteria pollutant for which the region is in non-attainment. The project will also continue to cumulatively contribute to greenhouse gas emissions. This impact is significant and unavoidable.
- v. Manufacturing or industrial uses that generate objectionable odors are subject to MDAQMD regulations and state and federal regulations (e.g., OSHA, CAL EPA). While diesel equipment will be used during construction, diesel equipment emissions are usually not concentrated enough to represent significant odor emission impacts and do not impact substantial numbers of people. State regulations are requiring older diesel equipment to be replaced gradually with more efficient equipment. Construction equipment diesel odor emissions will be assessed during specific project reviews. Potential air quality impacts relative to objectionable odors are expected to be less than significant.
- vi. Cumulative air quality impacts: Buildout of the General Plan would exceed MDAQMD thresholds for ROG and PM-10. Projected mobile and area source emissions also will exceed PM-10 standards. The Planning Area is now, and will likely continue to exceed the state and federal standards for Ozone and PM-10. The proposed General Plan Resource Element provisions and recommended mitigation measures will reduce air pollutant emissions but not to less than significant levels. This impact is significant and unavoidable.

(2) For Noise, the EIR finds as follows:

- i. Proposed General Plan 2030 Noise Element Goals and provisions, and Resource Element provisions that encourage compliance with the California Air Resources Board (CARB) "Air Quality and Land Use Handbook: A Community Health Perspective", would reduce noise impacts to sensitive uses. The proposed General Plan 2030 Land Use Map maintains a Specific Plan designation over the SCLA area, ensuring that only non-noise sensitive land uses are located proximate to the airport. The Land Use Map also retains the Heavy Industrial designation over the existing cement operations. The General Plan provisions are expected to reduce exposure of persons to or generation of excessive noise levels to less than significant levels.
- ii. Proposed General Plan 2030 Noise Element Goals and provisions, Resource Element provisions, and the Land Use Map specifically restrict noise and require mitigation measures for any noise-emitting construction equipment or activity. These provisions also are expected to reduce exposure of persons to or generation of excessive groundbourne vibration or groundbourne noise to less than significant levels.
- iii. Proposed General Plan 2030 Noise Element Goals and provisions are expected to reduce potential noise impacts from roadway noise. Proposed Resource

Element provisions restrict the siting of new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day. These measures are expected to protect future land uses from locating adjacent to excessive noise generating roadways. However, existing sensitive land uses may be located adjacent to roadways where future traffic noise would exceed levels of significance. These proposed General Plan measures would not protect potential impacts to existing sensitive land uses. No mitigation measures have been identified that could reduce these potential permanent increases in ambient noise levels to less than significant levels. This impact is significant and unavoidable.

- iv. Provisions of the proposed Noise Element, Resource Element and Land Use Map are expected to reduce exposure of persons to or generation of excessive noise levels. All subsequent development projects in the Planning Area will be subject to separate CEQA reviews, including identification and if necessary mitigation of specific temporary or permanent noise increases. Substantial temporary or periodic increases in ambient noise levels resulting from implementation of General Plan 2030 are expected to be less than significant.
- v. Provisions of the proposed Noise Element seek to ensure that there is no conflict or inconsistency between the operation of the Southern California Logistics Airport and future land uses within the Planning Area. These provisions are expected to reduce to less than significant levels the possibility that people living or working in the Planning Area would be to excessive noise levels from existing or future SCLA operations.
- vi. An existing nonconforming air strip is located proximate to proposed General Plan Land Use Map future development. Mitigation is added to the project to reduce this impact to less than significant levels.
- vii. Cumulative noise impacts: Proposed General Plan growth will cause noise levels generated by vehicular and truck noise along deficient roadways to increase. Proposed General Plan 2030 provisions are not expected to reduce future roadway noise so that existing land uses would not be exposed to excessive noise levels. This potential increase in roadway noise is expected to combine with other sources of ambient noise resulting in potential cumulative increases in permanent ambient noise levels in excess of acceptable levels. No mitigation measures have been identified that would reduce this potential cumulative impact to less than significant levels. This impact is significant and unavoidable.

(3) For Population and Housing, the EIR finds as follows:

- i. In regard to consistency with regional projections, inclusion of the Northern Expansion Area into the City Planning Area and changes to the existing northeastern SOI area would result in substantial population growth, both directly (by proposing new homes and businesses) and indirectly (through extension of roads or other infrastructure). No mitigation measures have been identified to eliminate or lessen this growth inducing impact. This impact is significant and unavoidable.
- ii. Land use designation changes proposed by the General Plan 2030 Land Use Map occur primarily on undeveloped land. No substantial demolition of residential

uses is proposed under the General Plan 2030. Should subsequent development projects result in potential displacement of housing or people, a relocation analysis would be required to be prepared in accordance with federal and State law. Because the project does not propose uses that would displace substantial numbers of existing housing or people, impacts relative to displacement of housing or people is less than significant.

- iii. Cumulative population and housing impacts: As proposed by the General Plan 2030, at build-out, the Victorville Planning Area will account for approximately 2% of the SCAG regional population. An increase of over one percent on a regional basis is considered substantial and significant. No mitigation measures have been identified to eliminate or lessen this growth inducing impact. This impact is significant and unavoidable.

(4) For Transportation/Traffic, the EIR finds as follows:

- i. Despite the proposed Circulation Element planned roadway improvements and mitigation measures added to the project to reduce roadway segment deficiencies, proposed General Plan growth will cause thirty-nine (39) segments in the Planning Area to experience unacceptable levels of service at General Plan buildout. These deficient segments are located in built-out areas, along Interstate 15, US-395, SR-18, and along Bear Valley Road. This impact is significant and unavoidable.
- ii. CMP roadways within the City of Victorville include: Interstate 15, US-395, SR-18 (D Street and Palmdale Road) and Bear Valley Road (Amargosa Road to east). Each of these four segments has a forecasted 2035 level of service of LOS F despite recommended Circulation Plan improvements. For intersections included in the CMP, a project has a significant impact if determined by the City Traffic Engineer resulting in a LOS F. If the intersection is already at LOS F, a significant impact occurs when the project increases the traffic demand substantially as determined by the City Traffic Engineer. There are seven intersections on the CMP network in the City that are forecasted as LOS F in 2035. Proposed General Plan 2030 growth would contribute to these deficient CMP segments and intersections. Proposed General Plan Circulation Element provisions and mitigation measures added to the project would not reduce these deficiencies on CMP roadways to less than significant levels. This impact is significant and unavoidable.
- iii. The General Plan 2030 and added mitigation measures will reduce impacts with SCLA operations. Therefore, the project will not likely change any air traffic patterns or impose any additional safety risk upon flight operations, or necessitate a change in location for the airfield. This impact is less than significant.
- iv. The General Plan 2030 does not propose incompatible uses that present hazards to travel on local roadways. The proposed Circulation Element contains a plan, roadway cross-sections and objectives and policies that are designed to reduce hazards, promote design features for local roadways consistent with City standards and accommodate projected traffic at local intersections. The proposed Circulation Element designates Truck Routes

within the City to reduce hazards to other vehicles. Consequently, impacts related to design hazards are expected to be less than significant.

- v. Proposed Circulation Element rights-of-way for roadway allow for inclusion of parking lanes. The proposed Land Use Element does not address parking policy. Parking capacity and layout is specified by the Zoning Code or Specific Plans and is addressed during project review of individual development projects. Consequently, impacts related to parking capacity are expected to be less than significant.
- vi. Proposed Circulation Element Goal 2 and its supporting provisions require implementation of an efficient multi-modal transportation network, including expansion of transit. Consequently, impacts related to alternative transportation are expected to be less than significant.
- vii. Cumulative transportation/traffic impacts: There are four CMP segments and seven CMP intersections forecasted to have a 2035 level of service of LOS F despite recommended Circulation Plan improvements and proposed mitigation measures. Proposed General Plan 2030 growth would contribute to these deficient CMP segments and intersections. This impact is significant and unavoidable.

(5) For Mandatory Findings of Significance, the EIR finds as follows:

- i. The project is expected to adversely affect human beings, either directly or indirectly, specifically in regard to traffic, noise and air quality conditions. As such, the project does result in a Mandatory Finding of Significance. This impact is significant and unavoidable.

VII. GROWTH INDUCING IMPACTS – FACTS AND FINDINGS

Pursuant to Section 15126.2 (d) of the CEQA Guidelines, growth-inducing impacts are the ways, in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are direct and indirect growth-inducing impacts, including projects that remove obstacles to population growth (a major expansion of a waste water treatment plant). Increases in population that tax existing community service facilities, requiring construction of new facilities with significant effects may also be growth inducing. It must not be assumed that growth in any area is necessarily beneficial, detrimental or of little significance to the environment.

Of the proposed General Plan 2030 project components, the rezoning of the existing northern sphere, the extension of the SOI to include the Northern Expansion Area and the expansion of the Victorville Water District are growth inducing. These components of the project would provide new urban land use designation for the existing northern sphere and Northern Expansion Area, provide for new roads to serve the Northern Expansion Area as well as other City and regional growth, and expand the water district boundaries to provide water service to the Northern Expansion Area. These changes would provide for new development within the 99,253 acre Planning Area, of which approximately 25,000 acres are developed today.

Specifically, the following issues have been considered in evaluating the growth-inducing aspects of General Plan 2030:

- The Circulation Plan will accommodate the projected trips generated by the proposed Land Use Plan.
- The Water Supply Assessment will accommodate the projected water demand and supply needed for the proposed Land Use Plan.
- The storm drainage and wastewater requirements will be accommodated through proposed General Plan policies and recommended mitigation measures promulgated in this EIR.
- The Resource Element will accommodate the projected park and recreational needs for future residents.
- The Safety Element will accommodate the projected public service and emergency service needs for future residents, business persons and travelers.
- The City will coordinate with local school districts to accommodate the projected students residing in future housing developments associated with the Land Use Plan.
- The increased impervious areas created by development of the proposed Land Use Plan are not expected to impact existing floodplain areas.

The technical analyses completed for General Plan 2030 has not identified any issues where development will impose “spillover” or ancillary adverse impacts for adjacent areas outside of the City. Examples of such effects including increasing employment without increasing roadway capacity or housing opportunities within the City, allowing development in perimeter areas without extending public services, or overcrowding schools by increasing the housing stock without increasing enrollment capacity.

Outside forces, beyond the City’s control, also exert growth-inducing impacts in the area and region. These factors include increased traffic on Interstate 15 and the regional need for Southern California Logistics Airport services.

In conclusion, while General Plan 2030 is growth-inducing, measures recommended to reduce adverse public service and utility impacts of the project will reduce the plan’s growth inducing effects to the extent feasible. General Plan 2030 does have growth-inducing effects relative to regional population and housing growth (reference VI (C) (3) i and iii), which are significant and unavoidable.

VIII. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL EFFECTS - FACTS AND FINDINGS

Significant irreversible environmental changes that would be caused by a proposed project should it be implemented are defined by Section 15126.2 (c) of the CEQA Guidelines. These changes include large commitments of nonrenewable resources, which because of the size and duration of use of such resources make removal or nonuse thereafter unlikely. Types of projects that might use large commitments of nonrenewable resources are new large-scale mining operations or highway improvements through previously undeveloped land. This CEQA Guideline also includes irreversible damage that could result from environmental accidents associated with a project.

Approval of the proposed project would cause the following irreversible environmental changes:

- Grading and development of previously undisturbed land.

- Utilization of various new raw materials (such as lumber, sand and gravel) for project construction.
- Consumption of energy to develop and maintain the project.
- Incremental increase in vehicular activity in the surrounding circulation system, resulting in associated incremental increases in air pollutant emissions and noise levels.

Based on the CEQA definition of significant irreversible environmental changes, the project will include large commitments of nonrenewable resources, which are of the size and duration of use of such resources which makes removal or nonuse thereafter unlikely. The project will require substantial amounts of lumber, sand and gravel, and consumption of energy.

The project will not involve the use of potentially hazardous materials that could result in environmental accidents and irreversible damage.

IX. PROJECT ALTERNATIVES

In accordance with Section 15126.6 of the CEQA Guidelines, acceptable alternatives could feasibly attain most of the basic project objectives but would avoid or substantially lessen potential significant effects of the project. Five project alternatives have been selected for evaluation. These include Alternative 1, the No-Project alternative and four additional project alternatives. Alternative 1, the No-Project alternative, includes the existing site conditions, and assumes no new development would occur onsite. Alternative 2, Buildout of Existing General Plan, projects development of the land use designations in the current General Plan. Alternative 3, the Reduced Density in 2030 alternative, proposes that all land use density proposed in General Plan 2030 (the project) be reduced by 20 percent. Alternative 4, Land Use Alternative A, proposes a substantial increase in Very Low Residential land use (22,947 acres) compared to General Plan 2030 (8,152 acres). Alternative 5, Land Use Alternative B, also increases the acreage for Very Low Residential (14,098 acres) in comparison to General Plan 2030 and increases the acreage for Open Space from 22,536 acres to 33,259 acres.

The No-Project Alternative is designated the Environmentally Superior Alternative. However, pursuant to the CEQA Guidelines (Section 15126 (e) (2)), whenever the No-Project is the superior alternative, another alternative should be designated the alternate Environmentally Superior Alternative. The next best environmentally superior alternative in terms of least amount of impacts is Alternative 2, Existing General Plan, however that alternative does not meet the project objectives. Alternative 3, Reduced Density, is designated the superior alternate based on the reduced trips generated by the alternative and its ability to meet project objectives.

X. STATEMENT OF OVERRIDING BENEFITS

(A) PROJECT BENEFITS

This Council finds that the project will provide several benefits to the public and the City in general. These benefits include:

- The project meets the City's requirement to comply with the State of California Government Code that requires that every city adopt "a comprehensive, long term general plan" (§65300). The General Plan must cover a local jurisdiction's entire planning area and address the broad range of issues associated with the city's development.

- The project plans for the next twenty years, defining a path that recognizes the City's many assets, including its established presence as the commercial hub of the High Desert, the SCLA and logistics industry, and its abundant supply of affordable land.
- The project addresses the critical issues that will shape Victorville's future, specifically:
 - The optimum type and mix of land uses that will both secure its economic solvency and maintain a high quality of life.
 - Transportation systems needed to accommodate planned growth.
 - Infrastructure systems needed to accommodate planned growth.
 - Important natural resources to be protected and integrated with planned growth.
 - The community facilities needed to accommodate planned growth.
 - The community amenities needed to provide a balanced and pleasing place to live, work, shop, play and learn.
- The project seeks to achieve the objectives identified through the community workshops and clarified through the various technical reports prepared in support of the project. These objectives are as follows:
 - Update the General Plan to comply with applicable federal, state and regional policies.
 - Prepare a General Plan that responds to Victorville's current planning context and its vision for future balanced growth.
 - Promote logical and orderly development in already urbanized and currently undeveloped areas of the Victorville Planning Area.
 - Establish community service priorities and promote cohesive master planning of infrastructure.
 - Link land use, transportation, and infrastructure, and ensure that General Plan policies are mutually supportive, internally consistent.
 - Preparing a General Plan that is easy to use.
- The project also includes the rezoning of several unincorporated islands which are currently under the jurisdiction of San Bernardino County. The project satisfies the direction of the Local Agency Formation Commission that islands be annexed into the neighboring city to promote logical and orderly service boundaries and eliminate wasteful services.
- The project provides for the expansion of the sphere of influence to the Northern Expansion Area, to promote the area's logical and orderly development, allow a single multipurpose agency, establish community service priorities, and promote cohesive master planning of infrastructure extension not only in the expansion area but also in the City and its existing SOI. This expansion satisfies a portion of the request of the Local Agency Formation Commission (LAFCO 3082).
- The project would meet the objectives of the *Strategic Market Analysis of Victorville's Commercial Zoning*, prepared by The Concord Group, January 20, 2005, to remedy the imbalance between commercial and residential development by focusing commercial into strategic nodes located along arterial roadways, and specifically intersections of arterial roadways.
- The project will increase the City jobs to housing ratio, creating a more balanced community.
- The project will allow for productive use of currently vacant land within the City of Victorville.

- The project will provide goods and services to the residents of the City and the surrounding community.
- The project, by promoting commercial and employment generating uses, will provide for increased economic benefit to the City, including increased revenues through sales tax and benefits to local residents.
- Although the economic, social and monetary benefits of the proposed project have not been calculated, the long-term planning of land uses and infrastructure are expected to secure the long-term economic health of the City and to have positive economic and social effects on the Victorville community.

The City Council of the City of Victorville adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the project as addressed in the EIR, specifically:

- (1) **Air Quality:** Conflicts with air quality plans; violation of established air quality standards and contribution to greenhouse gas emissions; contribution to the project's cumulatively net increase on a criteria pollutant for which the region is in non-attainment, including cumulative contribution to greenhouse gas emissions; cumulative air quality impacts.
- (2) **Noise:** Promotion of General Plan growth that will cause noise levels generated by vehicular and truck noise along deficient roadways to increase and exceed established noise thresholds; cumulative noise impacts.
- (3) **Population and Housing:** Expansion into the Northern Expansion Area that would encourage population growth in excess of regional projections; cumulative population and housing impacts.
- (4) **Transportation/Traffic:** Contribution to traffic levels resulting in deficient roadway intersections and segments; contribution to traffic levels resulting in deficient CMP roadway intersections and segments; cumulative traffic impacts.
- (5) **Mandatory Findings of Significance:** Adverse affects on human beings, either directly or indirectly, specifically in regard to traffic, noise and air quality conditions.

This section of the findings specifically addresses the requirement of Section 15093 of the CEQA Guidelines, which requires the lead agency to balance the benefits of a proposed project against its unavoidable significant impacts and to determine whether the impacts are acceptably overridden by the project benefits. If the Council finds that the previously stated major project benefits outweigh the unavoidable significant adverse environment impacts noted above, then the Council may, nonetheless, approve the Project. Each of the separate benefits are hereby determined to be, in itself, and independent of other project benefits, basis for overriding all unavoidable environmental impacts identified in the EIR and these findings.

The Council's findings set forth in the preceding sections identified all of the adverse environmental impacts and feasible mitigation measures which can reduce impacts to less than significant levels where feasible, or to the lowest feasible levels where significant impacts remain. The findings have also analyzed three alternatives to determine whether there are reasonable or feasible alternatives to the proposed action, or whether they might reduce or eliminate the significant adverse impacts of the Project. The EIR

presents evidence that implementing the development of the project will cause significant adverse impacts which cannot be substantially mitigated to non-significant levels. These significant impacts have been outlined above and this Council finds as follows:

Having considered the unavoidable adverse impacts of the project, this Council hereby determines that all feasible mitigation has been adopted to reduce or avoid the potentially significant impacts identified in the EIR, and that no additional feasible mitigation is available to further reduce significant impacts. Further, this Council finds that economic, social and other considerations of the project outweigh the unavoidable adverse impacts described above. The reason for accepting these remaining unmitigated impacts are described below. In making this finding, this Council has balanced the benefits of the project against its unavoidable environmental impacts and has indicated its willingness to accept those effects.

The Council further finds that the project's benefits are substantial and override each unavoidable impact of the project as follows:

- (1) Air Quality: There is no feasible mitigation or alternative that would reduce impacts to less than significant levels.
- (2) Noise: There is no feasible mitigation or alternative that would reduce impacts to less than significant levels.
- (3) Population and Housing: There is no feasible mitigation or alternative that would reduce impacts to less than significant levels. Although Alternative 2 would reduce population and housing impacts by not expanding into the Northern Expansion Area, it would not meet the project objectives of updating the General Plan and providing for the orderly development of the currently developed and undeveloped sections of the Planning Area.
- (4) Transportation/Traffic: There is no feasible mitigation or alternative that would reduce impacts to less than significant levels.
- (5) Mandatory Findings of Significance: There is no feasible mitigation or alternative that would reduce impacts to less than significant levels.

As the CEQA Lead Agency for the proposed action, the City of Victorville has reviewed the project description and the alternatives presented in the EIR, and fully understands the project and project alternatives proposed for development. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the project have been identified in the Draft EIR, the Final EIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR this document, Section IX above, and finds that approval of the project is appropriate.

This Council finds that although the economic, social and monetary benefits of the proposed project have not been calculated, the long-term planning of land uses and infrastructure are expected to secure the long-term economic health of the City and to have positive economic and social effects on the Victorville community. The Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this Council finds that the benefits identified herein override the unavoidable environmental effects.

California Public Resource Code 21002 provides: "In the event specific economic, social and other conditions make infeasible such project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency..." Finally, California Administrative Code, Title 4, 15093 (a) states: "If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

Section 21081.6 of the Public Resources Code requires this Council to adopt a monitoring or reporting program (MMP) regarding the changes in the Project. The MMP is adopted because it fulfills the CEQA mitigation monitoring requirements: to ensure compliance with the changes in the project and mitigation measures imposed on the project during project implementation; and to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements or other measures.