

RESOLUTION 2018-16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING AN ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2008091077) FOR THE APPLE VALLEY 2009 GENERAL PLAN AND ANNEXATION 2008-001 AND APPROVING ANNEXATION 2018-001

WHEREAS, on August 11, 2009, in accordance with the California Environmental Quality Act (CEQA) (Pub. Res. Code, § 21000 et seq.) and the State CEQA Guidelines (14 Cal. Code Regs., § 15000 et seq.), the Town Council for the Town of Apple Valley certified the Final Environmental Impact Report (EIR), adopted a Mitigation Monitoring Program (MMRP) and a Statement of Overriding Considerations, and approved the Apple Valley 2009 General Plan and Annexation 20098-001 (the "Project"); and

WHEREAS, the Project is an Addendum to the 2009 General Plan EIR]; and

WHEREAS, the Town now desires to file an application for the Annexation of 1,304± Acres That Lie West of Dale Evans Parkway and Stoddard Wells Road, North of Johnson Road, East of Interstate 15, and South of Morro Road; and

WHEREAS. Annexation 2018-001 consists of 1,304± acres, representing 47 percent of the land area previously proposed under Annexation 2008-001 (2,774.6± acres) and is in the Town's Sphere of Influence.]; and

WHEREAS, because the Town has certified the EIR and now is considering a discretionary minor modification to the approved Project, the Town is required to review the modification and determine whether any of the circumstances under Public Resources Code section 21166 and State CEQA Guidelines section 15162 require additional environmental review; and

WHEREAS, the Town has evaluated the Modified Project and has determined that none of the conditions described in State CEQA Guidelines section 15162 calling for preparation of a subsequent EIR or MND have occurred; however, pursuant to State CEQA Guidelines section 15164, subdivision (a), the Town determined that an Addendum to the EIR should be prepared because some changes or additions to the EIR are necessary; and

WHEREAS, it has been determined that the Modified Project is consistent with the goals, policies, objectives and regulations of the EIR, and mitigation measures imposed in the MMRP; and

WHEREAS, the Addendum has been reviewed by the Town in connection with the previously-certified EIR and is available for inspection at the Town of Apple Valley's Town Hall, 14955 Dale Evans Parkway, Apple Valley, California 92307 and is incorporated herein by reference; and

WHEREAS, pursuant to State CEQA Guidelines section 15164, subdivision (c), the Addendum is not required to be circulated for public review, but can be attached to the certified EIR; and

WHEREAS, on May 8, 2018, at a regularly scheduled public meeting, the Town Council considered evidence prepared by staff and public testimony concerning the Addendum to the EIR and the Modified Project.

NOW, THEREFORE, THE TOWN COUNCIL FOR THE TOWN OF APPLE VALLEY FINDS THAT THE ABOVE RECITALS ARE TRUE AND CORRECT AND INCORPORATED HEREIN, AND DOES HEREBY RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1. Compliance with CEQA: In considering the Modified Project, the Council has considered the Environmental Impact Report for the 2009 General Plan and Annexation 2008-001 (State Clearinghouse Number 2008091077), which was certified by the Town on August 11, 2009, and the Addendum thereto, along with all oral and written comments received and the administrative record (the Record). The Council hereby finds and determines that the Record contains a complete and accurate reporting of the environmental impacts of the Modified Project and the Project as a whole, the impacts of which were fully addressed and mitigated (to the extent feasible) in the EIR. The Council hereby further finds and determines that the Addendum has been completed in compliance with CEQA and the State CEQA Guidelines. The Council further finds and determines that the Addendum reflects the Council's independent judgment.

SECTION 2. FINDINGS REGARDING ENVIRONMENTAL IMPACTS. Based on the substantial evidence set forth in the record, including but not limited to the Addendum, the Council finds that an addendum to the EIR is the appropriate document for disclosing the minor changes and additions that are necessary to the EIR to account for the Modified Project. The Council finds that none of the conditions under State CEQA Guidelines section 15162 requiring the need for further subsequent environmental review have occurred because the modifications specified in the Addendum:

a) do not constitute substantial changes that would require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

b) do not constitute substantial changes with respect to the circumstances under which the modifications are administered that would require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

c) do not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified showing any of the following: (i) the modifications would have one or more significant effects not discussed in the EIR; (ii) significant effects previously examined would be substantially more severe than shown in the EIR; (iii) mitigation

measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the Town Council declined to adopt such measures; or (iv) mitigation measures or alternatives considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but which the Town Council declined to adopt.


SECTION 3. APPROVAL OF ADDENDUM. The Council hereby approves and adopts the Addendum to the EIR prepared for the Modified Project.

SECTION 4. APPROVAL OF MODIFIED PROJECT. The Council hereby approves the Modified Project, as described in the Addendum, namely Annexation 2018-001.

SECTION 5. NOTICE OF DETERMINATION. The Council hereby directs staff to prepare, execute and file a Notice of Determination with the County of San Bernardino's Clerk of the Board of Supervisors and with the Office of Planning and Research State Clearinghouse within five (5) working days of the approval of the Project.

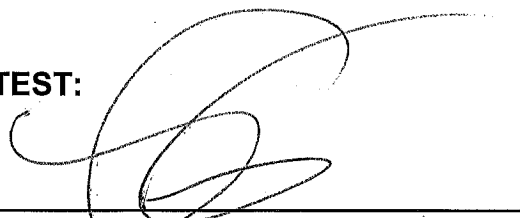
SECTION 6. CUSTODIAN OF RECORDS AND LOCATION OF DOCUMENTS. The certified EIR and the Addendum are on file and available for public review at the Town of Apple Valley's Town Hall, 14955 Dale Evans Parkway, Apple Valley, CA 92307. The custodian for these records is the Town's Director of Community Development.

APPROVED and **ADOPTED** by the Town Council of the Town of Apple Valley this 8th day of May 2018.



Art Bishop, Mayor

ATTEST:



La Vonda M-Pearson, Town Clerk

Town of Apple Valley
Resolution No. 2018-16

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF APPLE VALLEY

I, LA VONDA M-PEARSON, Town Clerk for the Town of Apple Valley, Apple Valley, California, do hereby certify that Resolution No. 2018-16, duly and regularly adopted by the Town Council at a meeting thereof held on the 8th day of May, 2018 by the following vote:

AYES: Council Members Emick, Nassif, Stanton, Mayor Pro Tem Cusack, Mayor Bishop.

NOES: None.

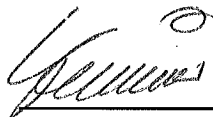
ABSTAIN: None.

ABSENT: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Apple Valley, California, this 9th day of May, 2018.

LA VONDA M-PEARSON, CMC
TOWN CLERK

By:



Yvonne Rivera, Deputy

(SEAL)

