PROJECT DESCRIPTION

1. **Project Title:** Hesperia Recycling Market Development Zone

2. **Lead Agency Name:** City of Hesperia and Hesperia Community Redevelopment Agency

   **Address:** 9700 Seventh Avenue, Hesperia, CA 92345.

3. **Contact Persons:** Lisette Sánchez-Mendoza, Assistant Planner (760) 947-1651.

4. **Project Location:** The Hesperia Recycling Market Development Zone (RMDZ) includes the entire incorporated area of the City of Hesperia. The RMDZ program would assist industrial properties generally located adjacent to the Interstate 15 (I-15), along Main Street, Hesperia Road, and south side of Bear Valley Road, the industrial corridor between Santa Fe Avenue and "I" Avenue (north of Main), and the Hesperia Airport and lands to the south of the airport. See Exhibit "A".

5. **Project Sponsor:** Same as Lead Agency

6. **General Plan Designations:** Rural Estate, Very Low, Low, Medium High, and High Residential Density; Commercial, Office-Professional, Industrial, Industrial/Commercial, Public, Open Space, Special Development, and Planned Mixed Use (Main Street and Freeway Corridor Specific Plan).

7. **Zoning:** Limited Agricultural, General Agricultural, Administrative/Professional Office, Neighborhood Commercial (C-2), General Commercial, Service Commercial, Floodway, Limited Manufacturing, General Manufacturing, Light Industrial, Restricted Manufacturing, and Public-Institutional, Single-family Residential (R-1), Multifamily Residential, Rural Residential. In the Main Street and Freeway Corridor Specific Plan, zones include Rural, Very Low, Low, Medium, and High Density Residential Zone, Mixed-Use, Regional Commercial, Auto Sales Commercial, Office Park, Office Commercial, Pedestrian Commercial, Neighborhood Commercial, Commercial Industrial Business Park, and General Industrial.

**Description of project:** The Recycling Market Development Zone (RMDZ) program combines recycling with economic development to fuel new businesses, expand existing ones, create jobs, and divert waste from landfills. The State of California allows 40 authorized zones to be designated as a Recycling Market Development Zone. The City's zone would cover approximately 75 square miles. The Recycling Market Development Zone program would run for 10 years beginning in 2009 and ending in 2019. The program provides attractive loans, technical assistance, and free product marketing to businesses that use waste material to manufacture their products. Businesses in the Recycling Market Development Zone are eligible for exclusive state incentives and programs including: potential assistance provided by local zone administrators and the California Integrated Waste Management Board. The RMDZ program provides direct loans to businesses and nonprofits that are located in a Recycling Market Development Zone. The purpose of these loans is to promote market development for waste materials.

Eligible projects must increase diversion of nonhazardous solid waste from California landfills and must also incorporate one of the three following points:

1. Result in a meaningful net reduction in the amount of solid waste created from the production of a product.

2. Produce a new product from a finished product that has served its useful life.

3. Manufacture with recycled materials or produce a recycled material that can be used as a raw material in manufacturing.
Although the Hesperia Recycling Market Development Zone includes the entire City of Hesperia, new development would occur primarily in the industrial zones including the Light Industrial, Restricted Manufacturing, Limited Manufacturing, General Manufacturing, Commercial Industrial Business Park, and General Industrial. The projected growth within the industrial area is anticipated to create one industrial manufacturer on land up to 5 acres per year through the ten years of the zone's lifespan. The City has approximately 3,085 acres of industrially zoned property. No new development is expected in residential areas. Although no development is anticipated within the commercial zone, the impact of any proposed development within this zone has already been considered within the Main Street and Freeway Corridor Specific Plan EIR and General Plan EIR.

The subsequent sections of this initial study include a discussion of potential impacts of Implementation of the Recycling Market Development Zone program.

9. Surrounding land uses and setting: Land Uses surrounding the Recycling Market Development Zone vary greatly, and include residential, commercial, industrial, and open space. Surrounding land uses and settings are similar to lands in the project area. The undeveloped areas include undisturbed native vegetation and some land is particularly covered with debris. The City of Victorville and Spring Valley Lake (County of San Bernardino) are located to the north. The City of Victorville is also located to the west and northwest. Additional land within the County of San Bernardino as well as Rancho Las Flores and Summit Valley Ranch are located to the south. The City is bounded by the Mojave River the east. The Town of Apple Valley and additional land within the County of San Bernardino are located on the east side of the Mojave River to the east. The Community of Oak Hills, also part of the County of San Bernardino, is located to the west and southwest.

10. Other public agency whose approval is required: California Integrated Waste Management Board.
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
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.

<table>
<thead>
<tr>
<th>Aesthetics</th>
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DETERMINATION: (Completed by the Lead Agency)
On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- X 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 revisions in the project have been made by or agreed to by the project proponent. A MITIGATED 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 "potentially significant impact" or "potentially significant unless mitigated" impact 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 the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the project, nothing further is required.

Signature
Lisette Sánchez-Mendoza, Assistant Planner, Hesperia Planning Division

Date
9/1/09

CITY OF HESPERIA
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 a 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 should be 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 must take account of the whole action involved, including off- as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With 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 must describe the mitigation measures, and briefly explain 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 used 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). In this case, a brief discussion should identify the following:
   a. Earlier Analysis Used. Identify and state where they are available for review.
   b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state 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 Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting information sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:
   a. The significance criteria or threshold, if any, used to evaluate each question; and
   b. The mitigation measure identified, if any, to reduce the impact to less than significance.
Comments: Although the Hesperia Recycling Market Development Zone includes the entire City of Hesperia, new development would occur primarily in the industrial zones including the Light Industrial, Restricted Manufacturing, Limited Manufacturing, General Manufacturing, Commercial Industrial Business Park, and General Industrial. The projected growth within the industrial area is anticipated to create industrial development up to 5 acres per year through the ten years of the zone’s lifespan. The City has approximately 3,085 acres of industrially zoned property. No new development is expected in residential areas. The impact of any new development within this zone has already been considered within the Main Street and Freeway Corridor Specific Plan EIR and General Plan EIR.

Development is subject to design standards in the Main Street and Freeway Corridor Specific Plan, and Title 16 zone district regulations of the Development Code (2, 3 & 4), which limit the building height and provide for minimum yard and lot coverage standards as implemented through the planning and building permit review process. Further, new development will be consistent with the goals and objectives of the General Plan. Consequently, development of the area will not degrade the existing visual character or quality of the area and its surroundings. These impacts were analyzed by the Hesperia General Plan’s Program Environmental Impact Report (PEIR) and Main Street and Freeway Corridor Specific Plan EIR. Therefore, development within the project area would have a less than significant impact upon aesthetics.

Development within the Hesperia Recycling Market Development Zone will increase lighting in and around the project area. Lighting impacts will be generated by on-site parking lot and facilities lighting, vehicle lighting, and landscaping and signage lighting. However, any light or glare produced would be subject to the City’s Development Code and Main Street and Freeway Corridor Specific Plan, which limits the amount of light produced at the boundary of the site (26). Even after all applicable mitigations have been applied, the General Plan and Main Street and Freeway Corridor Specific Plan EIRs determined lighting and glare impacts to be significant and unavoidable. Development of the project would not have an overall additional negative impact upon aesthetics that has not already been considered by these EIRs.

According to the Conservation Element of the Hesperia General Plan, the City has two historic structures. In 1915 Roy Walters constructed a store located on Hesperia Road and Juniper Street, which still stands. Another historic building is the old school house, built in 1891 located on Main Street near the railroad. As new development occurs throughout the Recycling Market Development Zone, the City will determine on the project-by-project basis whether an individual development may impact historical buildings. No scenic highways exist in the Recycling Market Development Zone. As a result, the Recycling Market Development Zone impacts upon scenic resources, historic buildings, or a scenic highway will be less than significant.
According the Main Street and Freeway Corridor Specific Plan, future development will alter the existing rural visual character, including open space with natural topography and vegetation, and sweeping vistas, with retail, office, industrial urban development. To protect the existing visual resources, the goal of the Urban Design Framework is to develop the Specific Plan area as a system of spaces, structures, and pathways rather than as linear strips of unrelated buildings and undefined streetscapes. The Urban Design Framework connects open space areas, including parks and schools, with a network of landscape corridors along Main Street, Sultana Street, and Live Oak Street. With incorporation of the goals, policies, and features of the Specific Plan, including the Urban Design Framework, the impact to aesthetics will be less than significant (2).

The land use plan within the General Plan and Specific Plan identifies large areas where future residential, commercial and industrial development will occur. The Hesperia General Plan’s Final EIR and the Main Street and Freeway Corridor Specific Plan EIR analyzed the impacts on aesthetics. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with cumulative impacts (43 & 44). Inasmuch as this project is within the limitations of the adopted land use plan, no additional impact beyond that identified within these EIRs would occur.

Comments: According to the U.S. Department of Agriculture, Soil Conservation Service (SCS) Soil Survey of San Bernardino County California Mojave River Area states that “Urban and built-up land and water areas cannot be considered prime farmland.” The project is located within an urbanized area which, according to the SCS, is not considered prime farmland.

The Hesperia Recycling Market Development Zone includes approximately 74 acres of prime farmland of which 26 acres are currently used for alfalfa farming, 41 acres of Farmland of Statewide Importance, and 78 acres of Unique Farmland. Although the Recycling Market Development Zone includes the entire City of Hesperia, new development would occur primarily in the industrial zones. No new development is expected in any prime farmland.

The Hesperia Recycling Market Development Zone includes residential properties zoned Limited Agriculture (A-1) and General Agriculture (A-2)(5). However, land zoned A-1 and A-2 are intended for single-family residences, and are allowed to have livestock and operate horticultural uses. These lands are not subject to a Williamson Act contract and not considered significant farmland. Therefore, the Recycling Market Development Zone will not have an impact upon agricultural resources.
Recycling Development

Market Zone

INITIAL STUDY

III. AIR QUALITY.

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan (6)?

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (6)?

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) (6)?

d) Expose sensitive receptors to substandard pollutant concentrations (1, 2, 3 & 5)?

e) Create objectionable odors affecting a substantial number of people (2)?

Comments: The build out of the Hesperia Recycling Market Development Zone is required to be consistent with the current General Plan land use designations. These land use designations have been, and will continue to be, the basis for air quality management planning undertaken by the Mojave Desert Air Quality Management District (MDAQMD). As a result, it is expected that the build out of the Recycling Market Development Zone will be consistent with the air quality plans in place at this time, or which may be developed during the life of the project. The Mohave Desert Air Basin’s air quality management plan utilized the City’s local planning documents to develop the measures which should be implemented to achieve the air quality attainment goals. Since the development that occurs in the Recycling Market Development Zone is allowed by local land use plans, it is considered compatible with air quality management plans (6).

Both short-term (construction) and long-term (operational) emissions associated with the development were considered. Short-term airborne emissions will occur during the construction phase related to demolition, site preparation, land clearance, grading, excavation, and building construction; which will result in fugitive dust emissions. Also, equipment emissions, associated with the use of construction equipment during site preparation and construction activities, will generate emissions. Construction activities generally do not have the potential to generate a substantial amount of odor. The primary source of odor associated with construction activities are generated from the combustion petroleum products by equipment. However, such odor is part of the ambient odor environment of urban areas. In addition, the contractor will be required to obtain all pertinent operating permits from the MDAQMD for any equipment requiring such permits.

The United States Environmental Protection Agency and the California Air Resources Board have designated portions of the District non-attainment for a variety of pollutants, and some of those designations have an associated classification. Please refer to Table 1 for a chart of these designations and classifications.
Long-term emissions refer to those air quality impacts that occur after construction has been completed and these impacts will continue over the operational life of the development. The long-term air quality impacts associated with this project is mainly associated with mobile emissions created by motor vehicles. New development in the Hesperia Recycling Market Development Zone must be consistent with the City’s General Plan and Main Street and Freeway Corridor Specific Plan. The environmental impact reports for the General Plan and Specific Plan considered the impacts of new development and if they would violate or contribute substantially to any air quality standard. It also discussed the development’s impact on a cumulatively net increase of all criteria pollutants for federal or state non-attainment areas (Table 1) under an applicable ambient air quality standard. It was determined that impacts were significant and unavoidable. Since development promoted by the project’s impacts are no greater than those previously analyzed and discussed, the impacts of air pollutants are considered no greater than those considered in the environmental impact reports for the General Plan and Specific Plan.

The MDAQMD has prepared and published a number of studies that have demonstrated the Mojave Desert Air Basin can be brought into attainment with state and federal for particulate matter and ozone, if the South Coast Air Basin achieves attainment under its adopted Air Quality Management Plan. The High Desert and most of the remainder of the Mojave Desert has been in compliance with the federal particulate standards for the past 15 years. The ability of MDAQMD to comply with ozone ambient air quality standards will depend upon the ability of SCAQMD to bring the ozone concentrations and precursor emissions into compliance with ambient air quality standards.

Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality. Sensitive receptors typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. These population groups are generally more sensitive to poor air quality. Impacts to sensitive receptors were previously analyzed and discussed in the environmental impact reports for the City’s General Plan and Main Street and Freeway Corridor Specific Plan. Mitigation measures adopted by the EIRs will continue to be implemented in the Recycling Market Development Zone. The impacts to sensitive receptors in the Recycling Market Development Zone are less than significant.

Assembly Bill 32, effective as of January 1, 2007, requires the California Air Resources Board (CARB) to develop regulations and market mechanisms that will ultimately reduce California’s greenhouse gas emissions to 1990 levels by 2020. CARB has yet to adopt mandatory monitoring and reporting rules for significant sources of greenhouse gases or adopt a plan indicating how emission reductions will be achieved from significant greenhouse gas sources via regulations, market mechanisms and other actions. CARB is required to establish rules and standards by January 1, 2010. In addition, Senate Bill 97 requires that all local agencies analyze the impact of greenhouse gases under CEQA and task the Office of Planning and Research (OPR) to develop CEQA guidelines “for the mitigation of greenhouse gas emissions.”
gas emissions or the effects of greenhouse gas emissions..." OPR has until July 1, 2009 to the State Resources Agency, which in turn has until January 1, 2010 to certify and adopt the regulations prepared by OPR. Similarly, CEQA provides no new guidance on significance criteria. Therefore, it is not possible to make a definitive determination on the significance of a project's greenhouse gas emissions.

The development created as result of implementation of the Recycling Market Development Zone will be consistent with the current General Plan and zoning. Development in the General Plan was considered as part of the General Plan EIR. Inasmuch as new development is within the limitations, which was been analyzed under the EIR, no additional impact upon air quality beyond that analyzed in the EIR would occur.

The land use plan within the General Plan and Specific Plan identifies large areas where future residential, commercial and industrial development will occur. The Hesperia General Plan's Final Environmental Impact Report and Main Street and Freeway Corridor Specific Plan EIR analyzed the impacts of air quality. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with cumulative impacts (43 & 44). Inasmuch as this project is consistent with the adopted land use plan, no additional impact beyond that identified within the General Plan and Main Street and Freeway Corridor Specific Plan EIRs would occur.

Comments: The Hesperia Recycling Market Development Zone includes vacant and developed lands. The General Plan and Main Street and Freeway Corridor Specific Plan EIR previously discussed the potential impacts of new development upon biological resources. This included candidate, sensitive, and special status species. It also discussed if new development would interfere or impede with fish and wildlife corridors, and potentially conflict with conservation plans. It discussed jurisdictional waters
and wetlands of the United States as defined by Section 401 and 404. It was determined that impacts to biological resources were less than significant (34). Therefore, project impacts to biological resources are less than significant.

As part of the land use application, the City requires that the project applicant to submit a biological report to determine if the site contains any state or federally listed endangered species pursuant legislation to protect the habitats of listed species as well as the species itself. If a listed endangered species is determined to be present, the proposed project may be revised to avoid or minimize effects to the species. The Hesperia Recycling Market Development Zone project area is not expected to support the Mohave Ground squirrel given the very low population levels of the species in the region. Due to the unpredictability of the presence of the burrowing owl, the City requires a pre-construction survey to be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.

The Hesperia Recycling Market Development Zone is located in areas listed as Category 0 and 3 habitat for the desert tortoise by the United States Bureau of Land Management (9). Class 3 habitat indicates that the probability of tortoise occurring is low, but that the area is still within the historic range. Class 0 habitat indicates that the area is considered outside of the historical range of the species and thus is not expected to occur. If development falls within Class 3, biological reports will be required for individual projects to determine if the tortoise is present.

A protected plant plan is also required whenever native plants exist on the property. This ensures that individual plants protected under the City's Native Plant Protection Ordinance (8) which are capable of being transplanted, will be protected in place or relocated. The protected plant plan will require that these trees be transplanted within the project site, to be used as part of its on-site landscaping, or transplanted at an off-site location as part of a City approved adoption program.

If the circumstances surrounding a particular species or biological resource during the life of the Hesperia Recycling Market Development Zone should cause biological resource impacts to be deemed significant in the future, subsequent environmental documentation will be prepared and reviewed by the appropriate state agencies and/or federal agencies with jurisdiction.

Comments: According to the Hesperia General Plan Conservation Element, the Hesperia Recycling Market Development Zone has a low potential for paleontological resources. Therefore, no impacts to paleontological resources exist. According to Figure CN-5 of the City's General Plan there are areas known or suspected of containing sensitive cultural resources. The environmental impact reports for the City’s General Plan and Main Street and Freeway Corridor Specific Plan discussed and analyzed impacts upon cultural resources. As a result, it was previously determined that impacts to cultural
resources were less than significant with mitigation. As new development occurs throughout the Hesperia Recycling Market Development Zone, the City will determine on a project-by-project basis whether an individual development will require a historical and archaeological monitor present during grading.

No known active cemeteries occur within the Hesperia Recycling Market Development Zone. As such, no buried remains are expected to be found. However, should such remains be identified during the development of any project, California law requires that all activities cease, and that the appropriate law enforcement authorities be contacted. Further, should the remains be believed to be Native American, consultation with appropriate tribal representatives is required. This existing state law assures that the potential impacts which could result from implementation of the Recycling Market Development Zone will be mitigated to less than significant levels.

Comments: According to Figure S-2 of the City of Hesperia General Plan, no active faults are known or suspected to occur within the Hesperia Recycling Market Development Zone. No Alquist-Priolo Special Studies Zones occur within the project area. As a function of obtaining a building final, new development will be built in compliance with the Hesperia Municipal Code and the Building Code (14), which ensures that the buildings will adequately resist the forces of an earthquake. Prior to issuance of a grading permit, a soil study is required to be provided, which shall be used to determine the load bearing capacity of the native soil. Should the load bearing capacity be determined to be inadequate, compaction or other means of improving the load bearing capacity shall be provided in accordance with all development codes to assure that all structures will not be negatively affected by the soil. Consequently, the impact upon geology and soils associated with the proposed development is considered less than significant.

For any development project disturbing more than one acre of land area, the applicant is required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to the start of ground disturbing activities. Issuance of these permits
require preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) which specifies the Best Management Practices (BMP) that will be implemented to prevent construction pollutants from contacting storm water. Obtaining the NPDES and implementing the SWPPP is required by the State Water Resources Control Board (WRCB) and the California Regional Water Quality Control Board (RWQCB). These are mandatory and NPDES and SWPPP have been deemed adequate by these agencies to mitigate potential impacts.

**Comments:** Development in the Hesperia Recycling Market Development Zone must comply with the City's General Plan and development standards (2 & 3). Further, the transport, storage and use of hazardous materials and wastes are controlled by state and local regulations and laws that have been deemed adequate to reduce the potential for risk of hazardous conditions associated with these materials to a less than significant level. Any development as result of the Hesperia Recycling Market Development Zone will be reviewed for consistency with the Hesperia Emergency Evacuation Plan (16). Consequently, there is no impact upon hazards and hazardous materials associated with the proposed Hesperia Recycling Market Development Zone.

The following are facilities within the Hesperia Recycling Market Development Zone identified on the County’s list of hazardous sites:

- 13105 W. Main Street, 92345 - Shell Service Station
- 15787 W. Main Street, 92345 - Goodyear Tire & Rubber
- 15853 Main Street, 92345 - Gas Station with Convenience Store
- 11612 Mariposa, 92345 - US Rentals
The Hesperia Airport is located within the Hesperia Recycling Market Development Zone. Implementation of the Hesperia Recycling Market Development Zone does not involve any alteration or enlargement of the Hesperia Airport. Any expansion of the facility is not feasible due to the steep topography to the south and existing development on all other sides. Any redevelopment of the airport or surrounding site is required to comply with the City’s General Plan, Municipal Code, and the Comprehensive Land Use Plan (CLUP) (15). No safety hazards to people or air operations associated with implementation of the project can be identified.

The Hesperia Recycling Market Development Zone is located within an urbanized area. All new structures will be constructed to the latest building standards including applicable fire codes. On February 3, 2009, the City adopted the Fire Hazard Severity Zone map prepared by the California Department of Forestry and Fire Protection (Cal-Fire) (28). Cal-Fire designated two small areas on the south side of the City in Rancho Las Flores and Summit Valley Ranch, as Very High Fire Severity Zones. Although the Hesperia Recycling Market Development Zone includes the entire City of Hesperia, new development would occur primarily in the industrial zones.
Comments: New development has the potential to change absorption rates and drainage patterns, as well as affect the amount of surface water runoff. All drainage created on-site beyond that which has occurred historically, would be detained within a drainage system in accordance with City of Hesperia Resolution 89-16. The City has also adopted the Master Plan of Drainage (MPD) to construct all necessary major and local drainage facilities in the City. Each development is subject to pay development impact fees (DIF), a portion of which is allocated for off-site drainage improvements. As part of the Capital Improvement Program, funds are used to construct storm drains consistent with the MPD.

The MPD includes the Oro Grande and Antelope Valley Washes, which drainage areas of the wash will remain unimproved. The Oro Grande Wash is located on both sides of the freeway. The Antelope Valley Wash is located on the southeast portion of the Hesperia Recycling Market Development Zone. At the bottom of the each wash is a drainage easement to prevent development from occurring. According to the FEMA Flood Insurance Rate Maps (FIRMs), properties located within the Antelope Valley Wash are within flood zone AE, which is in a floodplain. However, no development is allowed to occur as the land is zoned Floodway and designated, by the General Plan, as Open Space. The remaining areas of the Hesperia Recycling Market Development Zone are within flood zone X, which are outside the floodplain. Therefore, impacts to hydrology are less than significant.

As a condition of approval of new development, the developer is required to apply for the NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. The developer is also required to provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off collection during construction. The Mojave River is located along the east boundary of the Hesperia Recycling Market Development Zone. NPDES and SWPPP requirements assure impacts to the Mojave River are less than significant.

The project is located over 60 miles from the Pacific Ocean at elevations more than 2,500 feet above mean sea level. The project is not located within areas with any potential for impact from mudflow. No potential for inundation by seiche and tsunami will be associated with new development. Therefore, the impact upon hydrology and water quality associated with the Hesperia Recycling Market Development Zone is considered less than significant.

Comments: Although the Hesperia Recycling Market Development Zone includes the entire City of Hesperia, new development would occur primarily in the industrial zones including Light Industrial, Restricted Manufacturing, Limited Manufacturing, General Manufacturing, Commercial Industrial Business Park, and General Industrial. The projected growth within the industrial area is anticipated to create industrial development on up to 5 acres per year through the ten years of the zone’s lifespan.
The City has approximately 3,085 acres of industrially zoned property. No new development is expected in residential areas. The impact of any proposed development within this zone has already been considered within the Main Street and Freeway Corridor Specific Plan EIR and General Plan EIR.

The EIRs for the City's General Plan and the Main Street and Freeway Corridor Specific Plan were developed during periods of considerably greater economic activity and population growth. Development assumptions used in these EIRs are greater than current or projected activity in the near future, due to the current recession. Therefore, any increase as a result of Recycling Market Development Zone project activities or programs will not accelerate development above what was previously considered in these EIRs.

As part of reviewing development projects, the City's review includes approval of site plans, building plans, and environmental evaluations to comply with CEQA. These approvals will include conditions of approval for projects. It is concluded that compliance with the terms and requirements of the City's Development Code and Main Street and Freeway Corridor Specific Plan is adequate mitigation to reduce the potential for land use conflicts associated with implementation of the project to a less than significant level.

Approval of the Recycling Market Development Zone is consistent with Land Use Goal No. L. G. 10, which promotes zoning and land use policies which ensure maximum utilization of existing facilities and infrastructure. The Recycling Market Development Zone is also consistent with Land Use Goal No. L.G.13, which encourages the management of land use so that development occurs in an orderly and beneficial manner, sensitive to opportunities and constrains imposed by the City's environmental, infrastructure, social and economic resources.

The Recycling Market Development Zone does not contain any known habitat or natural community conservation plans. No disruption or division of the physical arrangement of the established community will occur. Consequently, the overall impact upon land use associated with the Recycling Market Development Zone is considered less than significant.

The RMDZ will not create any new industrial zones near residential areas. Although the existing industrial area located north of Main Avenue between the BNSF Railroad and "I" Avenue is situated in the vicinity of residential areas, this zone pattern was established in the 1970's. These residential neighborhoods exist east of "I" Avenue and on the opposite side of the railroad to the west. However, these impacts were already considered as part of the EIRs for the General Plan and Main Street and Freeway Corridor Specific Plan. In terms of environmental justice, the social and economic statuses of the residents living here are similar to those in other residential areas in Hesperia and will not change as a result of implementation of the RMDZ. Therefore, the issues associated environmental justices have been considered and are determined to be less than significant.

The Land Use Plan within the General Plan, as well as the Specific Plan, identifies large areas where future residential, commercial and industrial development will occur. The Hesperia General Plan's Final Environmental Impact Report and Main Street and Freeway Corridor Specific Plan EIR analyzed the impacts of Land Use and Planning. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with cumulative impacts (43). Inasmuch as this project is within the imitations of the adopted Land Use Plan, no additional impact beyond that identified within the General Plan and Main Street and Freeway Corridor Specific Plan EIRs would occur.
**XI. NOISE.** Would the project result in:

<table>
<thead>
<tr>
<th>Region</th>
<th>(24)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan (24)?</td>
<td>X</td>
</tr>
</tbody>
</table>

**Comments:** Construction noise levels associated with any future construction activities would be slightly higher than the existing ambient noise levels in the Hesperia Recycling Market Development Zone. Noise generated by construction equipment, including trucks, graders, backhoes, well drilling equipment, bull-dozers, concrete mixers and portable generators can reach high levels and is typically one of the sources for the highest potential noise impact of a project. However, the construction noise would subside once construction is completed. Development within the Hesperia Recycling Market Development Zone must adhere to the requirements of the City of Hesperia Noise Ordinance. Also, grading and construction activities are restricted to between 7:00 A.M. and 7:00 P.M., and prohibited on Sundays and federal holidays. Therefore, the short-term impact by construction activities is considered less than significant (2 & 3).
According to the City of Hesperia’s General Plan, the predominate noise sources are mobile sources which include motor vehicles and aircraft. Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. Noises associated with new developments will be from traffic caused by arriving vehicles (employees, shoppers, and deliveries). The highest noise levels are located along the Interstate 15 freeway, Highway 395, Union Pacific and Burlington Northern and Santa Fe railroad lines, and arterial roadways, including Main Street, Bear Valley Road, Hesperia Road, and “I” Avenue. Noise levels around these facilities are projected to exceed 65 CNEL. Standard design treatments, such as insulation and doubled-paned windows, are readily available to ensure appropriate interior noise levels in residences and other noise-sensitive land uses. With implementation of mitigation from the environmental impact reports for the General Plan and Main Street and Freeway Corridor Specific Plan, noise created by vehicular sources in the project area is less than significant.

The Hesperia Airport is located within the Hesperia Recycling Market Development Zone. Implementation of the Recycling Market Development Zone does not involve any alteration or expansion of the Hesperia Airport. Since no development is currently proposed, it is infeasible to determine if activities could generate significant or excessive groundborne vibration or groundborne noise. Although unlikely, it is also infeasible to determine if explosives or other construction activities which could generate excessive groundborne noise or vibration will result. No potential adverse noise impacts to humans from airport operations are forecast to occur from implementing the project. Therefore, the impacts by noise generated by development are less than significant.

Comments: Since development within the Recycling Market Development Zone must be consistent with the General Plan, its potential effect as a direct and indirect growth-inducing factor has been accounted for as part of the future residential development identified within the General Plan. Growth-inducing factors were also considered in the Main Street and Freeway Corridor Specific Plan EIR. Further, the Recycling Market Development Zone will not displace substantial number of housing or people and construction of replacement housing is not required. Therefore, the project’s impact on population and housing is less than significant.

The land use plan within the General Plan and Specific Plan identifies large areas where future residential, commercial and industrial development will occur. The Hesperia General Plan’s Final Environmental Impact Report and Main Street and Freeway Corridor EIR analyzed the impacts of Population and Housing. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with cumulative impacts (43 & 44). Inasmuch as this project is within the density limitations of the adopted land use plan, no additional impact beyond that identified within the General Plan and Main Street and Freeway Corridor Specific Plan EIRs would occur.
Comments: The Recycling Market Development Zone intends to promote development, which will result in an increase in public services. Development impact fees will be assessed at the time that building permits are issued for construction of any development (32). These fees are designed to ensure the appropriate levels of City resources necessary to serve any future development. Consequently, satisfactory levels of public services will be maintained. Therefore, the impact upon public services associated with development is considered less than significant.

Comments: Development in the Recycling Market Development Zone will generate a growth in population, which will increase demand on recreational facilities. However, the Hesperia Recreation and Park District implements its parks and recreation master plan through collection of park fees and other means, designed to offset the impacts of increased population on recreational facilities. As development in the project boundary is expected to be consistent with General Plan land use designations, it is expected that development in the Recycling Market Development Zone will have a less than significant impact on recreational facilities.
XV. TRANSPORTATION / TRAFFIC. Would the project:

<table>
<thead>
<tr>
<th>Question</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections) (2 &amp; 3)?</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (33)?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks (15)?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (2 &amp; 3)?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e) Result in inadequate emergency access (2 &amp; 3)?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Comments: The City of Hesperia General Plan Circulation Element is designed so the master-planned roadways operate at a Level of Service (LOS) of "D" for intersections and "C" for road segments (29). The LOS is a description related directly to a volume to capacity ratio of street segments and intersections. An LOS of C is equivalent to a volume to capacity ratio range of between 0.71 to 0.80. LOS F would have a 1.00 or greater volume to capacity ratio, which represents a street segment or intersection at or above it design capacity.

Build out of the Recycling Market Development Zone will result in significant increases in traffic throughout the area. However, the impacts will be no greater than those previously considered in the environmental impact reports for the General Plan and Main Street and Freeway Corridor Specific Plan. According the Main Street and Freeway Corridor Specific Plan, 17 intersections are projected to operate at unsatisfactory levels of service. Circulation improvements from the Nexus Study Arterial Project list in the Development Mitigation Nexus Study can be applied to the project study to improve level of service (40). With implementation of circulation improvements, impacts at these 17 intersections and freeways segments along the I-15 freeway within the study area will be reduced to a level below significance.

The City has established a Traffic Impact Mitigation Fee Program as part of the Development Impact Fee (DIF) to fund the construction of traffic improvements to maintain adequate levels of service. The Development Impact Fees are imposed on new development and collected as part of the building permit process. The timing of the improvements is established through the City's Capital Improvement Program (CIP). Periodically, the City conducts traffic counts and reviews traffic trends throughout the City. The City uses this data to determine the timing of necessary roadway improvements. The developer is required to pay all applicable City Development Impact Fees towards the improvements.
Development in the Recycling Market Development Zone is not expected to significantly increase air traffic or change air traffic patterns. Impacts overall are expected to be less than significant. Issues associated with design features, emergency access, parking and alternative transportation will be addressed with each individual project as it is developed. The City will implement its zoning ordinance requirements on these projects, and provide conditions of approval to assure that each project is operated in a safe and efficient manner. The creation of the Recycling Market Development Zone will have no effect on these standards and requirements, and therefore, no impact is expected.

Comments: Development within the Recycling Market Development Zone will occur consistent with General Plan land use designations. Most utility providers plan growth based at least in part on General Plan land use maps. The implementation of the Recycling Market Development Zone will promote development. However, development would not exceed demand that was previously considered in the environmental impact reports for the General Plan and Main Street or the Freeway Corridor Specific Plan.

Water will be supplied by the Hesperia Water District. The District relies upon groundwater allocations as administered and monitored by the Mojave Water Agency (MWA). Locally-produced groundwater, extracted from the Basin, is the District's sole source of supply. Development proposed in the Recycling Market Development Zone is reflected in the existing and anticipated water demands identified in the District's 2005 Urban Water Management Plan and the Water Master Plan.

Even in the event of water supply shortages, or water emergencies, the District and MWA have in place water shortage contingency plans which ensure provision of priority water services to all its existing and anticipated customers. The District can also rely upon additional groundwater production from its wells to meet increased demand, subject to the purchase of water with replacement fees. There are mandatory conservation measures as required by the State of California for all new development projects.
Development will cause an increase in the use of water. However, the increase will not exceed current levels of water production. The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment “to secure supplemental water as necessary to fully implement the provisions of this Judgment.” Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the District’s 2005 Urban Water Management Plan and the Water Master Plan. Furthermore, in a letter dated May 21, 1997 from the MWA’s legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin. Thus, the Judgment and physical solution adequately mitigates the additional water needs for the project. In addition, development considered under the City’s General Plan Program EIR has been accounted for in the UWMP. In addition, the MWA recommends utilization of interior water conservation measures such as low flow plumbing fixtures. The MWA further states that “(t)his factor (water demand) should be given careful consideration before making significant (underlined for emphasis) commitments to increased water use” (37).

As a condition of approval of developing projects, the developer is required to apply for the NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. As a condition of approval, the developer is required to provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off collection during construction.

In a cumulative sense, any project will increase groundwater overdraft due to new demand. In response to the use of low flow plumbing fixtures, those are already required region-wide by the State Appliance Efficiency Standards in Title 20, thus ensuring this project, as well as all others within the Mojave River Basin, will reduce the water demand of new facilities.

Section 15206 of the CEQA Guidelines identifies projects having regional significance as follows:

"(A) A proposed residential development of more than 500 dwelling units.

"(B) A proposed shopping center or business establishment employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space.

"(C) A proposed commercial office building employing more than 1,000 persons or encompassing more than 250,000 square feet of floor space.

"(D) A proposed hotel/motel development of more than 500 rooms.

"(E) A proposed industrial, manufacturing, or processing plant, or Commercial Park planned to house more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area."

The Recycling Market Development Zone will generate approximately 610 employment opportunities and 544,500 square feet of development will occur at the end of the zone’s lifespan in 2019. Overall, development of this size and scope was taken into account in the EIRs for the City’s General Plan and Main Street and Freeway Corridor Specific Plan. Therefore, no further discussion is required.
Comments: Development of the Hesperia Recycling Market Development Zone will have a less than significant effect upon the environment as impacts were previously considered in the environmental impact reports for the General Plan and Main Street and Freeway Corridor Specific Plan. Based upon the analysis in this initial study, a Negative Declaration may be adopted.

The following mitigation measures are recommended as a function of this project:

Mitigation measures discussed in this initial study are included in the Mitigation Monitoring and Reporting Plans and Program Environmental Impact Reports for the General Plan and Main Street and Freeway Corridor Specific Plan.
Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

(1) Aerial photos of the City of Hesperia dated May 2008
(2) Main Street and Freeway Corridor Specific Plan
(3) Hesperia Municipal Code
(4) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area, Page 27 and Map Sheet No. 31.
(5) Current Official City of Hesperia zoning and General Plan map.
(6) Personal communication with Alan De Salvio, Air Quality Specialist, Mojave Desert Air Quality Management District.
(7) 1988 United States Bureau of Land Management California Desert Conservation Area and 1991 City of Hesperia Conservation Element, Figure CN-4.
(9) 1991 City of Hesperia General Plan Conservation Element, Figure CN-5.
(10) Map of Known Active and Potentially Active Faults Near Hesperia, Figure S-1.
(12) 1991 City of Hesperia General Plan Safety Element, Figure S-3.
(13) 1991 City of Hesperia General Plan Safety Element, Page S-7 and Figure S-6.
(15) 1991 City of Hesperia Airport Comprehensive Land Use Plan, Figure 1-5 and pages 23-36.
(18) Environmental plans and policies of the San Bernardino County Department of Environmental Health Services, the Lahontan Regional Water Quality Control Board, the Mojave Desert Air Quality Management District, the Hesperia Water District, the Hesperia Unified School District, Southern California Edison, Southwest Gas and the Hesperia Fire Department.
(19) 1991 City of Hesperia General Plan Safety Element, Figure S-11.
(20) 1991 City of Hesperia General Plan Safety Element, Figure S-10.
(22) 1991 City of Hesperia General Plan Land Use Element, Page L-30 thru L-31.
(30) 1991 City of Hesperia General Plan Noise Element Technical Appendix, Table 1.
(31) City of Hesperia Water and Sewer Maps
(33) 2001 City of Hesperia General Plan Circulation Element, Pages C-8 through C-9.
(34) Biological Resource Assessment for the Main Street and Freeway Corridor Specific Plan dated May 2007
(36) 1993 Final Environmental Impact Report for the Hesperia Redevelopment Project, Pages 4-171 & 4-172.
(37) Mojave Water Agency letter dated March 27, 1996.
(38) California Integrated Waste Management Act (AB 939).
(39) Stan Hoffman’s Market Feasibility Analysis for the Main Street and Freeway Corridor Specific Plan dated August 2005
(40) Development Mitigation Nexus Study (Appendix K of CMP)
(41) Mojave Desert Air Quality Management District, Rule 403.2 Fugitive Dust Control for the Mojave Desert Planning Area, July 22, 2005
(42) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995
(43) City of Hesperia General Plan Program Environmental Impact Report (PEIR) dated June 1990
(44) Main Street and Freeway Corridor Specific Plan Environmental Impact Report dated April 2008
NOTICE IS HEREBY GIVEN that the City of Hesperia has prepared an Environmental Initial Study recommending adoption of a Negative Declaration for the following project:

1. Consideration of designating the City of Hesperia a Recycling Market Development Zone (RMDZ). The RMDZ is a program that allows existing and new businesses within the City to be eligible for exclusive state incentives and programs. The program will run for 10 years and is intended for businesses that use waste materials to manufacture new products. (ND-2009-09; Applicants: City of Hesperia & Hesperia Community Redevelopment Agency; Area: Citywide).

Copies of the application and environmental documents are on file with the Planning Department and are available for public inspection at 9700 Seventh Avenue, Hesperia.

Lead Agency Contact Person:  Dave Reno, Principal Planner (760) 947-1253
                             Fax: (760) 947-1221

Published the week of August 31, 2009

/s/ Eva Heter
Secretary to
the Planning Commission

Posted on August 27, 2009
NOTICE OF NEGATIVE DECLARATION ND-2009-09

Name or Title of Project: Recycling Market Development Zone

Location: The Recycling Market Development Zone consists of industrial properties generally located adjacent to the Interstate 15 (I-15), along Main Street, Hesperia Road, and south side of Bear Valley Road, the industrial area between Santa Fe Avenue and "I" Avenue (north of Main), and the Hesperia Airport and lands to the south of the airport.

Entity or Person(s) Undertaking Project: City of Hesperia and Hesperia Community Redevelopment Agency.

Description of Project: Designating the City of Hesperia a Recycling Market Development Zone (RMDZ). The RMDZ is a program that allows existing and new businesses with the City to be eligible for exclusive state incentives and programs. The program will run for 10 years and is intended for businesses that use waste materials to manufacture new products.

Information for the above-referenced project are available for public inspection in the Community Redevelopment Agency.

Pursuant to provisions of the California Environmental Quality Act, the above-referenced project has been determined not to have a significant effect upon the environment. An Environmental Impact Report will not be required.

Reasons to support this finding are included in the written Initial Study prepared by the City of Hesperia Planning Division.

This decision may be appealed by any aggrieved person, organization or agency. Appeals shall be filed before the effective date of the Negative Declaration listed above. The Notice of Appeal shall be in writing and shall be filed with the appropriate fee at the City of Hesperia’s public counter during normal business hours.

Date of Determination: 10-6-09

DAVE RENO, AICP, PRINCIPAL PLANNER

00141 (Rev. 8/28/09)
Name or Title of Project: Recycling Market Development Zone

Location: The Recycling Market Development Zone consists of commercial and industrial properties generally located adjacent to the Interstate 15 (I-15), along Main Street, Hesperia Road, and south side of Bear Valley Road, the industrial corridor between Santa Fe Avenue and "I" Avenue (north of Main), and the Hesperia Airport and lands to the south of the airport.

Entity or Person Undertaking Project: City of Hesperia and Hesperia Community Redevelopment Agency.

Description of Project: Designating the City of Hesperia a Recycling Market Development Zone (RMDZ). The RMDZ is a program that allows existing and new businesses within the City to be eligible for exclusive state incentives and programs. The program will run for 10 years and is intended for businesses that use waste materials to manufacture new products.

Statement of Findings: The City has reviewed the Initial Study for this proposed project and has found that there are no significant adverse environmental impacts to either the man-made or physical environmental setting with inclusion of the following mitigation measures and does hereby direct staff to file a Notice of Determination, pursuant to the California Environmental Quality Act (CEQA).

Mitigation Measures:

Mitigation measures discussed in this initial study are included in the Mitigation Monitoring and Reporting Plans and Program Environmental Impact Reports for the General Plan and Main Street and Freeway Corridor Specific Plan.

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 Hesperia Planning Department.


Adopted by the City Council: October 6, 2009.

Attest: ____________________________

DAVE RENO, AICP, PRINCIPAL PLANNER
RESOLUTION NO. 2009-049
RESOLUTION NO. HCRA 2009-21


WHEREAS, the intent of the Recycling Market Development Zone (RMDZ) program combines recycling with economic development to fuel new businesses, expand existing ones, create jobs, and divert waste from landfills. The program provides attractive loans, technical assistance, and free product marketing to businesses that use waste material to manufacture their products. Businesses in the Recycling Market Development Zone are eligible for potential assistance provided by the Planning Division and the California Integrated Waste Management Board (the "Project"); and

WHEREAS, the Hesperia Recycling Market Development Zone consists of the entire City. The projected growth within the industrial area is anticipated to create one industrial manufacturer on land up to 5 acres per year through the ten years of the zone's lifespan. No new development is expected in residential areas and all new development would occur primarily within approximately 3,085 acres of industrially zoned property; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Res. Code, § 21000 et seq.) and the State CEQA Guidelines (14 CCR § 15000 et seq.), the City Council of the City of Hesperia ("City Council" or "Council") and the Hesperia Community Redevelopment Agency of the City of Hesperia ("Community Redevelopment Agency" and "Agency") is the lead agency for the Project, as the public agency with general governmental powers; and

WHEREAS, the City of Hesperia, as lead agency, determined that a Mitigated Negative Declaration should be prepared pursuant to CEQA; and

WHEREAS, the Initial Study and Mitigated Negative Declaration were distributed for a 30-day public review period on September 4, 2009, with the comment period expiring on October 3, 2009; and

WHEREAS, the City Council and the Community Redevelopment Agency held a joint public hearing to consider the Project, Initial Study and Mitigated Negative Declaration, and staff recommendations, on October 6, 2009. Notice of this City Council and the Community Redevelopment Agency joint hearing was provided through publication the week of September 21, 2009; and

WHEREAS, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

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

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.
NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA CITY COUNCIL AND THE HESPERIA COMMUNITY REDEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The City Council and Community Redevelopment Agency hereby specifically find that all of the facts set forth in this Resolution are true and correct.

Section 2. Formation of the Hesperia Recycling Market Development Zone will not authorize or entitle any specific development at this time. All future developments within the proposed Hesperia RMDZ will comply with, and compliment the City's General Plan and all zoning, development and permitting regulations.

Section 3. Since new development as a result of implementation of the Hesperia RMDZ must be consistent with the City's General Plan and must comply with the Hesperia Municipal Code and Main Street and Freeway Corridor Specific Plan, the impact of development upon the environment have been previously analyzed. Consequently, the impacts upon the environment were previously considered by the Environmental Impact Reports (EIR) for the General Plan and Main Street and Freeway Corridor Specific Plan. Therefore, the project's initial study determined that the impacts of the Hesperia Recycling Market Development Zone on the physical environment are less than significant with mitigation.

Section 4. All mitigation measures discussed in the initial study for the project are included in the Mitigation Monitoring and Reporting Plans and Program Environmental Impact Reports for the General Plan and Main Street and Freeway Corridor Specific Plan.

Section 5. Based upon Negative Declaration ND-2009-09 and the Initial Study which supports the Mitigation Negative Declaration, City Council and Community Redevelopment Agency find that there is no substantial evidence that the Hesperia Recycling Market Development Zone will have a significant effect on the environment.

Section 6. The documents and material that constitute the final record of proceedings on which these findings have been based are located at the City of Hesperia City Hall. The custodian for these records is the City Clerk of the City of Hesperia.

Section 7. Based on the findings and conclusions set forth in this Resolution, this Council and Agency hereby approve the Initial Study and Mitigation Negative Declaration ND-2009-09.

Section 8. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED on this 6th day of October 2009.
Resolution No. 2009-049
Resolution No. HCRA 2009-21
Page 2
Recycling Market Development Zone

ATTEST:

Vicki C. Soderquist, CMG
City Clerk

Thurston Smith, Mayor
I, Vicki C. Soderquist, City Clerk of the City of Hesperia, California, do hereby certify that Resolution No. 2009-049 was duly adopted by the City Council of the City of Hesperia, California at a Regular Meeting thereof held on the 6th day of October 2009 by the following vote to wit:

AYES: Council Members Bosacki, Leonard, Pack, Mayor Pro Tem Vogler and Mayor Smith

NOES: None

ABSTAIN: None

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hesperia, California, this __________ day of ______________, 20__.  

Vicki C. Soderquist, MMC  
City Clerk
RESOLUTION NO. 2009-049
RESOLUTION NO. HGRA 2009-21


WHEREAS, the intent of the Recycling Market Development Zone (RMDZ) program combines recycling with economic development to fuel new businesses, expand existing ones, create jobs, and divert waste from landfills. The program provides attractive loans, technical assistance, and free product marketing to businesses that use waste material to manufacture their products. Businesses in the Recycling Market Development Zone are eligible for potential assistance provided by the Planning Division and the California Integrated Waste Management Board; and

WHEREAS, the Hesperia Recycling Market Development Zone consists of the entire City. The projected growth within the industrial area is anticipated to create one industrial manufacturer on land up to 5 acres per year through the ten years of the zone's lifespan. No new development is expected in residential areas and all new development would occur primarily within approximately 3,085 acres of industrially zoned property; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Res. Code, § 21000 et seq.) and the State CEQA Guidelines (14 CCR § 15000 et seq.), the City Council of the City of Hesperia ("City Council" or "Council") and the Hesperia Community Redevelopment Agency of the City of Hesperia ("Community Redevelopment Agency" and "Agency") is the lead agency for the Project, as the public agency with general governmental powers; and

WHEREAS, the City of Hesperia, as lead agency, determined that a Mitigated Negative Declaration should be prepared pursuant to CEQA; and

WHEREAS, the Initial Study and Mitigated Negative Declaration were distributed for a 30-day public review period on September 4, 2009, with the comment period expiring on October 3, 2009; and

WHEREAS, the City Council and the Community Redevelopment Agency held a joint public hearing to consider the Project, Initial Study and Mitigated Negative Declaration, and staff recommendations, on October 6, 2009. Notice of this City Council and the Community Redevelopment Agency joint hearing was provided through publication the week of September 21, 2009; and

WHEREAS, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

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

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.
NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA CITY COUNCIL AND THE HESPERIA COMMUNITY REDEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The City Council and Community Redevelopment Agency hereby specifically find that all of the facts set forth in this Resolution are true and correct.

Section 2. Formation of the Hesperia Recycling Market Development Zone will not authorize or entitle any specific development at this time. All future developments within the proposed Hesperia RMDZ will comply with, and compliment the City's General Plan and all zoning, development and permitting regulations.

Section 3. Since new development as a result of implementation of the Hesperia RMDZ must be consistent with the City's General Plan and must comply with the Hesperia Municipal Code and Main Street and Freeway Corridor Specific Plan, the impact of development upon the environment have been previously analyzed. Consequently, the impacts upon the environment were previously considered by the Environmental Impact Reports (EIR) for the General Plan and Main Street and Freeway Corridor Specific Plan. Therefore, the project's initial study determined that the impacts of the Hesperia Recycling Market Development Zone on the physical environment are less than significant with mitigation.

Section 4. All mitigation measures discussed in the initial study for the project are included in the Mitigation Monitoring and Reporting Plans and Program Environmental Impact Reports for the General Plan and Main Street and Freeway Corridor Specific Plan.

Section 5. Based upon Negative Declaration ND-2009-09 and the Initial Study which supports the Mitigation Negative Declaration, City Council and Community Redevelopment Agency find that there is no substantial evidence that the Hesperia Recycling Market Development Zone will have a significant effect on the environment.

Section 6. The documents and material that constitute the final record of proceedings on which these findings have been based are located at the City of Hesperia City Hall. The custodian for these records is the City Clerk of the City of Hesperia.

Section 7. Based on the findings and conclusions set forth in this Resolution, this Council and Agency hereby approve the Initial Study and Mitigation Negative Declaration ND-2009-09.

Section 8. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED on this 6th day of October 2009.
Resolution No. 2009-049
Resolution No. HCRA 2009-21
Page 2
Recycling Market Development Zone

ATTEST:

Vicki C. Soderquist, CMC
City Clerk

Thurston Smith, Mayor
STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
CITY OF HESPERIA

I, Vicki C. Soderquist, Secretary of the Hesperia Community Redevelopment Agency, Hesperia, California, do hereby certify that Resolution No. HCRA 2009-21 was duly adopted by the Agency members of the Hesperia Community Redevelopment Agency, Hesperia, California at a Regular Meeting thereof held on the 6th day of October 2009 by the following vote to wit:

AYES: Agency Members Bosacki, Leonard, Pack, Vice Chair Vogler and Chair Smith

NOES: None

ABSTAIN: None

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hesperia, California, this ______ day of ____________, 20__. 

Vicki C. Soderquist, MMC
Agency Secretary
Lisette Sanchez-Mendoza  
City of Hesperia  
9700 Seventh Avenue  
Hesperia, CA 92345

Subject: Recycling Market Development Zone  
SCH#: 2009091019

Dear Lisette Sanchez-Mendoza:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 7, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project’s ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Acting Director, State Clearinghouse

Enclosures  
cc: Resources Agency
SCH# 2009091019
Project Title Recycling Market Development Zone
Lead Agency Hesperia, City of

Type MND Mitigated Negative Declaration
Description Designating the City of Hesperia a Recycling Market Development Zone (RMDV). The RMDZ is a program that allows existing and new businesses within the City to be eligible for exclusive state incentives and programs. The program will run for 10 yrs and is intended for businesses that use waste materials to manufacture new products.

Lead Agency Contact
Name Lisette Sanchez-Mendoza
Agency City of Hesperia
Phone 760-947-1651
Address 9700 Seventh Avenue
City Hesperia
State CA Zip 92345

Project Location
County San Bernardino
City Hesperia
Region

Lat / Long

Cross Streets I-15 and Main St
Parcel No.

Township
Range
Section
Base

Proximity to:
Highways 15, 395
Airports Hesperia
Railways BNSF
Waterways California Aqueduct
Schools

Land Use A1, A2, AP, C-1, C-3, FW, I1, I2, M1, MR-EA, PCD, PUD, P-1, R1, R2, R3, RR, CIBP, GI, HDR, LDR,
MDR, MU, NC, OC, OP, PC, PIO...

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources;
Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Geologic/Seismic;
Growth Inducing; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks;
Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste;
Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 6; Office of Historic Preservation;
Department of Parks and Recreation; Department of Water Resources; California Highway Patrol;
Caltrans, District 8; Integrated Waste Management Board; Regional Water Quality Control Bd., Region
6 (Victorville); Department of Toxic Substances Control; Native American Heritage Commission

Date Received 09/08/2009 Start of Review 09/08/2009 End of Review 10/07/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.
Ms. Lisette Sanchez-Mendoza  

CITY OF HESPERIA  

9700 Seventh Avenue  
Hesperia, CA 92345  

Re: SCH#2009091019 CEQA Notice of Completion; proposed Mitigate Negative Declaration for the Recycling Market Development Zone located in the City of Hesperia: San Bernardino County, California

Dear Ms. Sanchez-Mendoza:

The Native American Heritage Commission (NAHC) is the state ‘trustee agency’ pursuant to Public Resources Code §21070 for the protection and preservation of California’s Native American Cultural Resources. The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amended in 2009) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a ‘significant effect’ requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as “a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.” In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the ‘area of potential effect (APE)’, and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural resources were not identified within one-half mile of the APEs... Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the nearest tribes and interested Native American individuals that the NAHC recommends as ‘consulting parties,’ for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or person be employed whenever a professional archaeologist is employed during the ‘Initial Study’ and in other phases of the environmental study.. Furthermore we suggest that you contact the California Historic Resources Information System (CHRS) at the Office of Historic Preservation (OHP) Coordinator’s office (at (916) 653-7278, for referral to the nearest OHP Information Center of which there are 11..

Consultation with tribes and interested Native American tribes and individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f]{text}), and NAGPRA (25 U.S.C. 3001-3013), as appropriate.

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a
project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of 'historic properties of religious and cultural significance' may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C, 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Again, lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

[Signature]

Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse
Appendix C

Notice of Completion & Environmental Document Transmittal
Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Present Land Use/Zoning/General Plan Designation:
A1, A2, AP, C-1, C-2, C-3, FW, I1, I2, M1, MR-EA, PCD, PUD-P-1, R1, R2, R3, RR, CIBP, GI, HDR, LDR, MDR, MU, NC, OC, OP, PC, PIO, R

Project Description: (please use a separate page if necessary)

Designating the City of Hesperia a Recycling Market Development Zone (RMDZ). The RMDZ is a program that allows existing and new businesses within the City to be eligible for exclusive state incentives and programs. The program will run for 10 years and is intended for businesses that use waste materials to manufacture new products.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Revised 2008
Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with "X".
If you have already sent your document to the agency please denote that with an "S".

Local Public Review Period (to be filled in by lead agency)

Starting Date September 4, 2009  Ending Date October 3, 2009

Lead Agency (Complete if applicable):  

Signature of Lead Agency Representative:  

NOTICE OF DETERMINATION

FROM: CITY OF HESPERIA
Community Development Dept.
9700 Seventh Avenue
Hesperia, CA 92345

TO: ☑ OFFICE OF PLANNING AND RESEARCH
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒ COUNTY CLERK OF THE BOARD OF SUPERVISORS
County of San Bernardino
385 N. Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415-0130

Documentary Handling Fee: $50.00
Receipt Number: 317180

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code

Project Title: Recycling Market Development Zone

State Clearinghouse Number (if submitted to Clearinghouse): 2009091019

Lead Agency Contact Person: Dave Reno, AICP, Principal Planner
Area Code/Telephone: (760) 947-1224

Project Location (include County): Citywide

Project Description: Designating the City of Hesperia a Recycling Market Development Zone (RMDZ). The RMDZ program combines recycling with economic development to fuel new businesses, expand existing ones, create jobs, and divert waste from landfills. The program allows businesses within the City, which use waste materials to manufacture new products, to be eligible for exclusive state incentives and programs. The Recycling Market Development Zone program will run for 10 years beginning in 2009.

This is to advise that the City of Hesperia and the Community Redevelopment Agency has approved the above-described project on October 6, 2009, and has made the following determinations.

1. The project [☐ will ☑ will not] has a significant effect on the environment.
2. ☑ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A Statement of Overriding Considerations [☐ was ☑ was not] adopted for this project.
5. Findings [ ☐ were ☒ were not] made pursuant to the provisions of CEQA.

This is to certify that the Initial Study with comments and responses and record of project approval is available to the General Public at the address indicated above for the City of Hesperia.

Signature: __________________________ Date: 10-6-09 Time: APIN

Date received for filing at OPR: __________________________