

XI.
STATEMENT OF OVERRIDING CONSIDERATIONS

“CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian.” (CEQA Guidelines, § 15021, subd. (d).)

CEQA allows lead agencies to approve projects that damage the environment if economic, social or other considerations make it infeasible to mitigate the significant effects of a project on the environment. (Pub. Resources Code § 21002.) To reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment, an agency must prepare a statement of overriding considerations.” (CEQA Guidelines, §§ 15021, subd. (d), 15093.)

A statement of overriding considerations is warranted when, in the case of a development project, adverse impacts that cannot feasibly be mitigated to a level of less than significant. The statement of overriding considerations must set forth the specific reasons why the agency found that the project’s “specific economic, legal, social, technological, or other benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, subd. (a), 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The Inland Empire North Logistics Center Apple Valley (Project) would result in significant and unavoidable impacts; therefore, this Statement of Overriding Considerations has been prepared.

A. SIGNIFICANT AND UNAVOIDABLE IMPACTS

Approval of the Project will result in significant adverse environmental effects in relation to air quality, and greenhouse gas emissions that cannot be avoided even with the adoption of all feasible mitigation measures.

B. FINDING OF OVERRIDING CONSIDERATIONS

The following statement identifies the reasons why, in the Town’s judgment, the benefits of the Project outweigh its unavoidable significant impacts.

The Town finds that each of the overriding considerations expressed as benefits and set forth below constitutes a separate and independent ground for such a finding. Each finding is considered individually sufficient to outweigh the Project’s significant effects. The substantial evidence supporting the various benefits can be found in the documents identified for inclusion in the Record of Proceedings.

The Town has considered the EIR, the public record of proceedings on the proposed Project and other written materials presented to and prepared by the Town, as well as verbal and written testimony received, and hereby determines that implementation of the Project would result in the following substantial public benefits:

1. The Project would provide much-needed jobs in the High Desert/Victor Valley region to help further the balancing of the jobs/housing ratio by developing warehouse space to fulfill the needs of the growing industrial sector in an area where demand currently outpaces the availability of such space. The limited availability of industrial facilities can result in delays in the time it takes for consumer products and goods to reach the public. The Project would provide a total of approximately 2,604,446 square-feet of distribution/warehouse uses with associated office spaces and loading areas. The Project would benefit the Town and the region by supporting the goods movement industry in decreasing lead times for delivery of consumer products and providing much needed employment opportunities. The addition of permanent jobs would contribute to indirect economic benefits when wages are spent on goods and services within the Town, which spending will also generate sales tax revenues for the Town's General Fund.
2. The Project encourages economic growth and industry diversity in the Town by providing warehouse/distribution facilities for businesses wishing to locate and invest in Apple Valley. The Project would increase annual property tax revenues by approximately \$5,547,470 annually in property tax revenue (of which the Town will receive approximately \$523,611 annually) as the Project would increase the property tax value and would also generate additional revenues through the collection of other taxes, licenses, and fees associated with business operation. Taxes and fee revenues generated by constructing and operating the Project would also increase the Town's General Fund by approximately \$605,704 annually in property taxes In lieu of motor vehicle licensing fee (MVLf), and approximately \$75,654 annually in off-site sales tax revenues. This results in an approximate total annual revenue of \$1,204,969 being generated by the Project for the Town. The Project would also support temporary construction jobs and approximately 1,736 permanent jobs. The generation of these jobs would result in both direct and indirect economic benefit to the community when wages are spent on goods and services within the Town, further increasing sales tax revenues for the General Fund. In addition to the fiscal revenue analysis, the Project is estimated to pay one-time Development Impact Fees to the Town in the amount of approximately \$2,417,447. Although not analyzed in the Fiscal Revenue Analysis (DPFG 2025), the Project could potentially generate on-site sales tax if the end user elects to use it as a fulfillment center. This would result in an additional source of revenues for the Town.
3. The Project is located in the northwestern part of the Town, which is within the High Desert/Victor Valley region of San Bernardino County. With its close proximity to existing major regional roadways and other similar infrastructure, the Project takes advantage of and enhances existing infrastructure which also helps reduce secondary environmental effects associated with construction and operation of the Project consistent with the Project objectives #3 and #4 (DEIR, p. 3-4 to 3-5). The Project site is located directly east of I-15, north of Falchion Road and south of Norco Street. The Project site and its immediate surroundings can be seen in Figure 3-3, Project Aerial. Regional access to the Project site is provided via I-15, which is located adjacent to the Project site's western boundary. An existing north/south I-15 interchange is located approximately 1-mile north of the Project site. Off-site improvements to roadways are located within the vicinity of the Project and would occur at Falchion Road between Outer Highway 15 and Apple Valley Road, Norco Street between Outer Highway 15 and Apple Valley Road, Outer Highway 15 between Falchion Road and Norco Street, and Apple Valley Road between Falchion Road and Norco Street. The Project would include various off-

site street improvements to adjacent roadways to ensure efficient off-site circulation, including extending the roadways, widening and improving roadways, and providing new frontage. The proximity of an existing north/south I-15 interchange located 1 mile north of the Project site means Project related truck traffic would not need to travel through residential portions of the Town.

4. The proposed Project would result in the development of a Project that is consistent with the development patterns envisioned in the Town's General Plan (GP) and is consistent with the general plan land use designation of Warehouse Distribution Regional Commercial Overlay C-R(I-N), consistent with Project objective #5 (DEIR, p. 3-5).
5. The proposed Project would use the Project's proximity to I-15 to provide needed warehouse space to businesses wishing to invest in the Town. These facilities take advantage of the area's proximity to regional transportation corridors, facilitating goods movement on a local, regional and national scale, consistent with Project objectives #3 and #4 (DEIR, p. 3-4 to 3-5). Development of the proposed Project in this area is consistent with the GP and underlying zoning for industrial uses furthering the Town's vision of creating a cohesive, high-quality business park environment to meet existing and growing demand for warehouse and logistic facilities consistent with Project objective #1 (DEIR, p. 3-4).

After weighing the economic, legal, social, technological, and other benefits of the Project against the significant unavoidable impacts of the Project identified in the EIR, the Town hereby determines that those benefits outweigh the risks and adverse environmental impacts of the Project, and further determines that the Project's significant unavoidable impacts are acceptable.

Accordingly, the Town adopts this Statement of Overriding Considerations, recognizing that significant unavoidable impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures, as discussed in the EIR and Mitigation Monitoring and Reporting Program (MMRP); (ii) rejected alternatives to the Project, as discussed in the EIR; and (iii) recognized the significant unavoidable impacts of the Project, the Town hereby finds that the benefits of the Project, as stated, are determined to be overriding considerations that warrant approval of the Project and outweigh and override its significant unavoidable air quality and greenhouse gas emissions impacts, and thereby justify the approval of the Inland Empire North Logistics Center Apple Valley Project.