

RESOLUTION NO. 2023-31
RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT MAKING FINDINGS OF FACT
AS A RESPONSIBLE AGENCY PURSUANT TO THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT IN CONNECTION WITH APPROVAL OF THE AGREEMENT FOR
POSSESSION AND USE WITH THE CITY OF EASTVALE

On Tuesday, March 14, 2023, on motion of Supervisor Baca Jr., and duly seconded by Supervisor Hagman and carried, the following Resolution is adopted by the Board of Supervisors of the San Bernardino County Flood Control District (District), State of California.

WHEREAS, the City of Eastvale (City) is undertaking the Limonite Gap Closure Capital Improvement Project (Project) to improve the connectivity for vehicles, bicycles, and pedestrians between the neighboring City of Chino to the west and Interstate 15 to the east; and

WHEREAS, the City proposes to improve Limonite Avenue, an east-west principal arterial, by extending the street with 0.6 miles of new roadway and bridge over the Cucamonga Creek. When completed, the extension will span from Archibald Avenue to 2,450 feet east of Hellman Avenue; and

WHEREAS, the District owns and controls the Cucamonga Creek Channel, a concrete-lined flood control corridor, that spans north-south and part of which extends into the City of Eastvale in Riverside County, and through the Project area; and

WHEREAS, the City's Project requires a permanent bridge easement over approximately 38,725 square feet of District-owned Assessor's Parcel Number 144-010-010; and

WHEREAS, the District and City desire to enter into an Agreement for Possession and Use (Agreement) to allow the City to submit its right-of-way certification package to California Department of Transportation (Caltrans), while the discussions regarding the permanent easement continue; and

WHEREAS, the Agreement provides that the District grant the City an irrevocable right to possession and use of the Property for the Project, but defers other matters related to the permanent bridge easement conveyance, so the appraisal discussions and acquisition agreement review can continue and, ultimately, agreeable terms and provisions for the permanent bridge easement conveyance will be completed; and

WHEREAS, by entering into the Agreement, the District waives its right to challenge the City's exercise of its authority to condemn the Property under Title 7 of the Code of Civil Procedure in the event the City seeks to acquire the Property by eminent domain ; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) and the State CEQA Guidelines (14 California Code of Regulations Section 15000 *et seq.*) (CEQA), an Initial Study/Mitigated Negative Declaration (MND), Mitigation Monitoring and Reporting Program (MMRP), and written environmental findings for the Project were prepared and adopted by the City as the CEQA Lead Agency on September 9, 2020; and

WHEREAS, the District has a more limited approval and implementing authority related to the Agreement required for the Project, and, therefore, serves only as a Responsible Agency

pursuant to CEQA; and

WHEREAS, the District, as the CEQA Responsible Agency, has verified that the City-adopted MND and MMRP adequately analyze the potential environmental impacts and concurs in the analysis and conclusions set forth in said MND and MMRP; and

WHEREAS, the District as a CEQA Responsible Agency must make certain findings pursuant to Section 15096(h) of the CEQA Guidelines in order to take action on the Agreement; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors (Board) of the San Bernardino County Flood Control District hereby find, determine and order as follows:

1. The above recitals constitute findings of the Board and are incorporated herein.
2. The MND and MMRP for the Project are, by this reference, incorporated into this Resolution as if fully set forth herein.
3. The District hereby certifies that, acting as the Responsible Agency for the portion of the Project before the Board for consideration, pursuant to Section 15096 of the CEQA Guidelines, it has independently reviewed and analyzed the MND, MMRP, and other information in the record and has considered the information contained therein, prior to acting upon or approving the portion of the Project before the Board for consideration.
4. Based on this review, the District finds that, as to those potential environmental impacts within the District's powers and authorities as Responsible Agency, that the MND and MMRP contain a complete, objective, and accurate reporting of the potential impacts and represents the independent judgment and analysis of the San Bernardino County Flood Control District as the Responsible Agency.
5. The District, in its capacity as Responsible Agency, considered the MND and MMRP prepared for the Project, and independently finds that the MND and MMRP are adequate for use by the District to take action on the Agreement. Furthermore, the District finds that no significant adverse impacts will occur as a result of the Agreement and that no further CEQA analysis is required.
6. The District designates the District's offices at 825 E. Third Street, Room 123, San Bernardino CA 92415-0835 as the custodian of documents and records of proceedings on which this decision is based.
7. The Board authorizes and directs that a Notice of Determination shall be filed with the Clerk of the Board of Supervisors within five (5) County business days of the date of the adoption of this Resolution.
8. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the Board of Supervisors of the San Bernardino County Flood Control District, by the following vote:

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

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STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of the San Bernardino County Flood Control District, County of San Bernardino, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of Tuesday March 14, 2023. #64 LA

LYNNA MONELL

Clerk of the Board of Supervisors

By

