

RESOLUTION NO. 2024- 154

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT RESCINDING RESOLUTION 2020-221 AND DECLARING THAT APPROXIMATELY 1,253 ACRES OF LAND, LOCATED WITHIN THE ETIWANDA HEIGHTS NEIGHBORHOOD AND CONSERVATION PLAN AREA IN THE CITY OF RANCHO CUCAMONGA, IS NO LONGER NECESSARY TO BE RETAINED FOR THE USES AND PURPOSES OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT AND DECLARING THE LAND IS EXEMPT SURPLUS LAND PURSUANT TO GOVERNMENT CODE SECTION 54221(F)(1)(N) OF THE SURPLUS LAND ACT.

On Tuesday, October 22, 2024, on motion of Supervisor Baca, Jr., duly seconded by Supervisor Armendarez and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, acting as the governing body of the San Bernardino County Flood Control District.

WHEREAS, the San Bernardino County Flood Control District (District) is a flood control district as recognized by California law and is organized and exercising those powers granted to it under Chapter 73 of the Statutes of 1939 (Chapter 43 of the Water Code Appendix) and other applicable law; and

WHEREAS, the District is the owner in fee simple of that certain real property located north of Interstate 210, east of Deer Creek Channel and west of Day Creek Channel in the City of Rancho Cucamonga, comprising approximately 1,253 acres, and commonly referenced as those Assessor Parcels Numbers listed in Exhibit "A" attached hereto and made a part of hereof ("Property"); and

WHEREAS, the District has evaluated the Property for its potential to be used for flood protection in the region; and

WHEREAS, on December 15, 2020 (Item No. 76), the Board adopted Resolution 2020-221 declaring that the Property is no longer necessary for the uses and purposes for which it was acquired and is "surplus land" pursuant to Government Code section 54221(b)(1) of the California Surplus Land Act (Government Code section 54220, et seq.); and

WHEREAS, in accordance with the Surplus Land Act, the Real Estate Services Department, on behalf of the District, thereafter released Notices of Availability (NOA) for the Property and proceeded with extended good faith negotiations, with a responder to the NOA, over a period of more than two years; however, no deal was able to be completed and the parties ended negotiations. By letter dated, August 30, 2023, the State of California Department of Housing and Community Development (HCD) determined that the District met all the requirements under the Surplus Land Act for the purposes of disposing of the Property and permitted the District to proceed with the sale of the Property; and

WHEREAS, in 2024, District staff were verbally informed by HCD staff that, in general, District property may qualify as exempt surplus land under Government Code section 54221(f)(1)(N). This section provides that real property that is used by a district for an agency's use is considered exempt surplus land under the Surplus Land Act. Agency's use may include the disposition of the District property for the generation of revenue if the revenue will directly further the express purpose of the District's work or operations. Also, the Board must take action in a public meeting declaring that the use of the Property meets this requirement; and

WHEREAS, the Surplus Land Act requires local agencies such as the District to declare any real property it owns as either “surplus land” or “exempt surplus land” prior to disposition of the real property; and

WHEREAS, the Surplus Land Act defines “exempt surplus land” as any land that is described under any subdivision of Section 54221(f)(1) of the Surplus Land Act; and

WHEREAS, under Section 54221(f)(1)(N) of the Surplus Land Act, real property that is used by a local agency for an “agency’s use” as defined by Section 54221(c) of the Surplus Land Act is exempt surplus land; and

WHEREAS, Section 54221(c)(2)(B)(i) of the Surplus Land Act provides that in the case of a local agency that is a district whose primary mission or purpose is not supplying the public with a transportation system, “agency’s use” may include disposition “for the sole purpose of investment or generation of revenue” provided that the district’s governing body takes action in a public meeting declaring that the use will “[d]irectly further the express purpose of agency work or operations”; and

WHEREAS, the disposition of the Property will be for the purpose of generating revenue that will directly further the express purpose of the District’s work and operations, including the development, maintenance, and operation of the District’s flood control and water conservation improvements; and

WHEREAS, none of the characteristics listed under Government Code section 54221(f)(2) apply to the Property, as the Property is not within a coastal zone, is not adjacent to a historical unit of the State Parks System, is not listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places, and is not within the Lake Tahoe region.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the San Bernardino County Flood Control District finds, declares, and orders as follows:

Section 1. Recitals. The facts set forth in the Recitals to this Resolution are true and correct and are a substantive part of this Resolution.

Section 2. Rescind Resolution 2020-221. The Board rescinds Resolution 2020-221, which was adopted on December 15, 2020.

Section 3. Declaration of the Property as Exempt Surplus Land. Pursuant to County Policy 12-17, Water Code Appendix Section 43-6, and Government Code section 54221(f)(1)(N) of the Surplus Land Act, the Board finds and determines that the Property described and identified in **Exhibit A** and shown in **Exhibit B**, is no longer necessary for the uses and purposes for which it was acquired and is “exempt surplus land” as the Property will be disposed of by the District for the generation of revenue that will directly further the express purpose of the District’s work or operations, including the development, maintenance, and operation of the District’s flood control and water conservation improvements.

Section 4. Determination Pursuant to Government Code section 54221(f)(2). None of the characteristics listed under Government Code section 54221(f)(2) apply to the Property, as the Property is not within a coastal zone, is not adjacent to a historical unit of the State Parks System, is not listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places, and is not within the Lake Tahoe region.

Section 5. Certification. The Clerk of the Board will certify to the adoption of this Resolution and will send a copy of this Resolution to the State of California Department of Housing and Community Development in accordance with Sections 104(c) and 400(e) of the Surplus Land Act Guidelines.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of San Bernardino County, State of California, acting as the governing body of the San Bernardino County Flood Control District, by the following vote:

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

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Dawn Rowe

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

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of the San Bernardino, 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, October 22, 2024. Item #61 JLL

LYNNA MONELL
Clerk of the Board of Supervisors

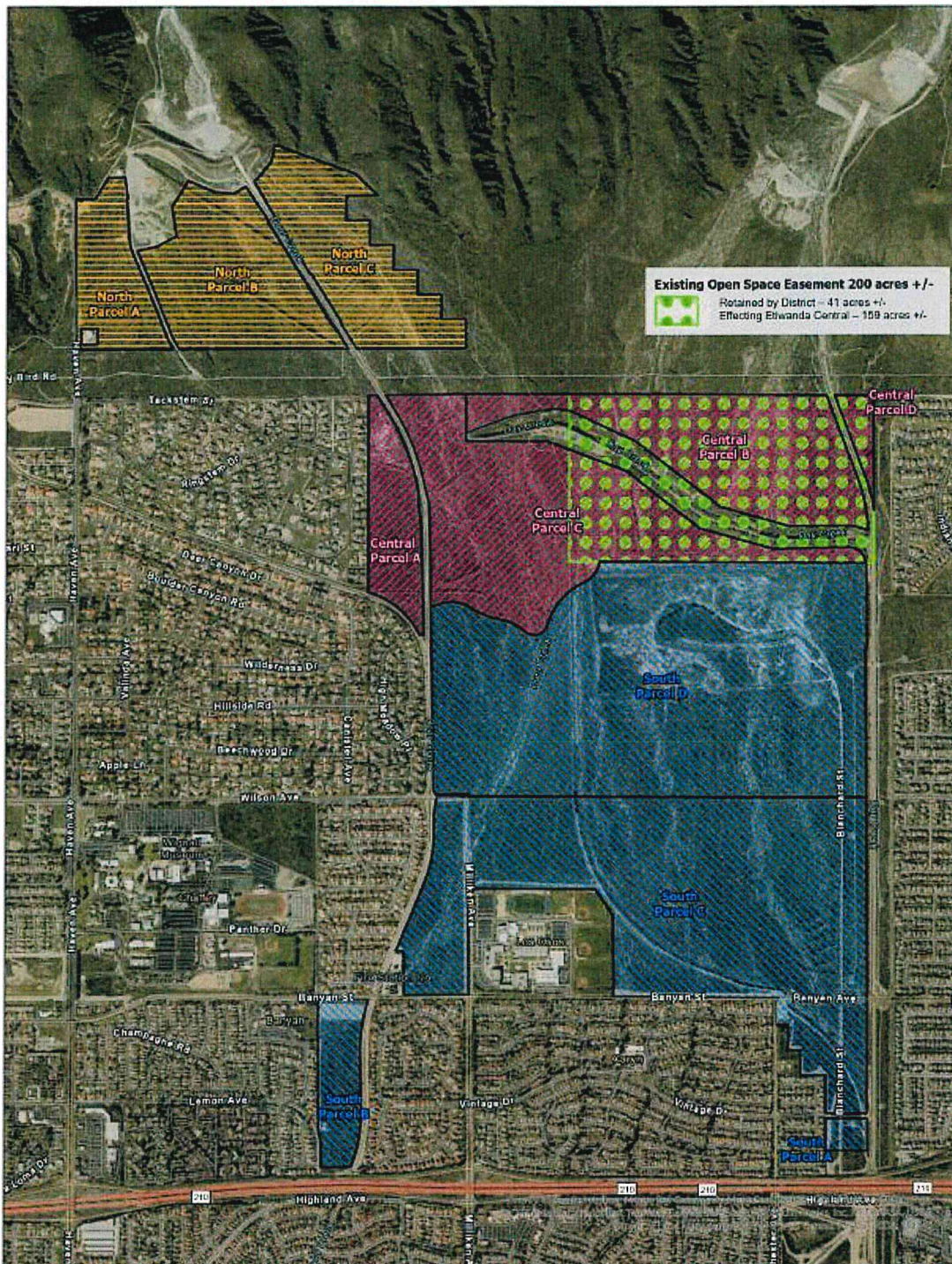
By  Deputy



Exhibit A

Neighborhood Area Surplus Parcels		Etiwanda Heights Preserve		Deer Creek Canyon Preserve Surplus	
0201-272-15 (por.)		1087-071-01		0201-033-37 (por.)	
0201-272-16 (por.)		1087-071-02		0201-281-19 (por.)	
0201-272-17 (por.)		1087-071-03			
0201-272-18 (por.)		1087-071-04			
0201-191-27 (por.)		1087-071-05			
0225-091-06		1087-071-06			
0225-091-05		1087-071-07 (por.)			
0225-092-01 (por.)		1087-071-08 (por.)			
0225-152-07 (por.)		1087-071-09			
0225-152-08 (por.)		1087-071-10			
0225-152-09 (por.)		1087-071-11			
0225-152-10 (por.)		1087-071-12 (por.)			
0225-152-11 (por.)		1087-071-13 (por.)			
1087-071-20 (por.)		1087-071-14 (por.)			
1087-071-19		1087-071-18 (por.)			
1087-071-18 (por.)		1074-351-01 (por.)			
1074-351-06 (por.)		1074-351-06 (por.)			
1087-071-14 (por.)					
1087-071-13 (por.)					
1087-071-12 (por.)					
1087-071-07 (por.)					

Exhibit B Map



Etiwanda Heights Total Project area 1252.18 Acres +/-

<p> Etiwanda North 200.92 Acres +/-</p> <p>Parcel A - 41.53 acres +/- Parcel B - 85.35 acres +/- Parcel C - 74.04 acres +/-</p>	<p> Etiwanda Central 320.32 acres +/-</p> <p>Parcel A - 37 acres +/- Parcel B - 109.93 acres +/- Parcel C - 165.27 acres +/- Parcel D - 8.12 acres +/-</p>	<p> Etiwanda South 730.94 acres +/-</p> <p>Parcel A - 5.29 acres +/- Parcel B - 27.73 acres +/- Parcel C - 325.66 acres +/- Parcel D - 372.26 acres +/-</p>
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