

RESOLUTION NO. 2021-151

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT MAKING CERTAIN RESPONSIBLE AGENCY FINDINGS IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THE SURPLUS LAND ACT AND DECLARING THE FEE SIMPLE INTEREST IN DISTRICT PROPERTY (ASSESSOR PARCEL NO. 0226-075-36), CONSISTING OF APPROXIMATELY 10.1 ACRES, IS NO LONGER NECESSARY FOR THE USES AND PURPOSES OF THE DISTRICT AND CONVEYANCE OF THE REAL PROPERTY INTERESTS IS IN THE PUBLIC INTEREST AND WILL HAVE NO IMPACT NOR INTERFERE WITH FLOOD PROTECTION IN THE REGION; AND AUTHORIZING THE CONVEYANCE OF SAID FEE INTEREST TO EPC HOLDINGS 883, LLC; EPC HOLDINGS 994, LLC; ROSEVILLE INVESTMENTS, LLC; AMERICA SUPERIOR LAND, LLC; AND RMD INLAND INVESTORS, LLC IN EXCHANGE FOR THE RE-ALIGNMENT AND IMPROVEMENT OF HAWKER CRAWFORD CHANNEL

On Tuesday August 10, 2021, on motion of Supervisor Baca Jr., and duly seconded by Supervisor Rowe and carried, the following Resolution is adopted by the Board of Supervisors of the San Bernardino County Flood Control District (District), County of San Bernardino, State of California.

WHEREAS, the District owns the real property forming part of the Hawker Crawford Channel [Assessor Parcel No. (APN) 0226-075-36] and is part of a regional flood control system; and

WHEREAS, EPC Holdings 883, LLC; EPC Holdings 994, LLC; Roseville Investments, LLC; America Superior Land, LLC; and RMD Inland Investors, LLC (collectively, "Land Owner") is the owner/developer of various parcels of land located within the City of Fontana (City) that make up the project commonly known as Monarch Hills (Project) for which Land Owner processed various entitlements through the City under Master Case Number 16-012, including General Plan Amendment (GPA) No 16-001, Zone Change (ZCA) No. 16-001, Conditional Use Permit (CUP) No. 18-011 for a Planned Unit Development, Tentative Tract Map (TTM) No. 16-003 (TM 20010), Design Review (DR) No.16-007 for site and architectural review of 233 proposed lots in both Residential Planned Community (R-PC) and proposed Medium Density (R-2) zones, TTM No. 16-025 (TM 20069) and DRP No. 16-025 for 129 detached condos, TTM No. 16-026 (TM 20070) and DRP No. 16-026 for 127 attached condos, and Development Agreement No. 16-001, which were approved by the City Council on February 16, 2019; and

WHEREAS, District and Land Owner intend that portions of Hawker Crawford Channel be relocated from their current locations as submitted for review to the District under File 1-806/2.04 and Permit No. P-12019118; and

WHEREAS, prior to and upon acceptance by the District of certain improvements to the realigned Hawker Crawford Channel flood control facilities, to be constructed by Land Owner, District and Land Owner intend to exchange fee ownership to certain parcels to conform to the new flood control channel alignment; and

WHEREAS, the Parties acknowledge that there will be a shortfall in total appraised value of the land transferred from Land Owner to District caused by the fact that the existing Hawker Crawford Channel is larger in area than the proposed Hawker Crawford Channel re-alignment, and that said shortfall will be compensated for by the flood control improvements that Land Owner will make to the Hawker Crawford Channel (Hawker Crawford Channel Improvements); and

WHEREAS, the Parties acknowledge that the value of the Hawker Crawford Channel Improvements that Land Owner will construct greatly exceeds the shortfall in the appraised value of the property exchange shortfall discussed in the preceding Recitals; and

WHEREAS, the Parties propose entering into a Memorandum of Understanding (MOU) under which Land Owner shall, as consideration for the property to be transferred by the District, construct the Hawker Crawford Channel Improvements, funded through a City-created Community Facilities District, for which District, Land Owner, and the City shall enter into a Joint Community Facilities Agreement; 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), a Final Environmental Impact Report (State Clearing House Number 2016101065) (Project EIR), for the Project was adopted by the City Council (Resolution No. 2019-031) as the Lead Agency, on February 26, 2019, certifying the Project EIR as adequate and complete. A Notice of Determination was filed with the County of San Bernardino County Clerk of the Board and the Office of Planning and Research on February 28, 2019; and

WHEREAS, the District has a more limited approval and implementing authority related to the conveyance of property required to relocate the Hawker Crawford Channel and the proposed MOU, and, therefore, serves only as a Responsible Agency pursuant to CEQA; and

WHEREAS, the District, as the Responsible Agency, has verified that the City-adopted Project EIR adequately analyze the potential environmental impacts and concurs in the analysis and conclusions set forth in said EIR; 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 conveyance of the property and the approval of the MOU; and

WHEREAS, the District determined that the Hawker Crawford Channel Improvements are in the public interest and the property interest conveyed will not substantially conflict or interfere with the use of the land by the District and will have no impact nor interfere with flood protection in the region; and

WHEREAS, the property will be conveyed to the Land Owner in accordance with Water Code Appendix Section 43-6 and County Policy 12-17; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors 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 EIR for the Project is, 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 Project pursuant to Section 15096 of the CEQA Guidelines, it has independently reviewed and analyzed the EIR, 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 EIR contains 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 EIR prepared for the Project, and independently finds that the EIR is adequate for use by the District to take action on the grant of property and execution of the MOU. Furthermore, the District finds

that no significant adverse impacts will occur as a result of the grant of property and execution of the MOU 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 conveyance of the District-owned land [APN 0226-075-36] has been reviewed pursuant to the Surplus Land Act, and the District-owned land [APN 0226-075-36] has been determined to be "exempt surplus land" as defined in Government Code Section 54221(f)(1)(C), because it is being conveyed by the District for another property necessary for the District's use upon the relocation of the Hawker Crawford Channel.
8. The District declares that conveyance of property in District-owned land [APN 0226-075-36] situated within the City of Fontana and totaling approximately 10.1 acres is in the public interest and will not substantially conflict or interfere with the use of the land by the District and will have no impact nor interfere with flood protection in the region, and authorizes the conveyance of said property interests to the Land Owner to enable the development of the Project and construction of the Hawker Crawford Channel Improvements, in accordance with the Water Code Appendix Section 43-6, and County Policy 12-17.

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.), Janice Rutherford, 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 August 10, 2021. #38 LA

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy

