

RESOLUTION NO. 2025-203

RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY CONCERNING THE ACQUISITION OF VACANT LAND IN THE CITY OF SAN BERNARDINO AND THE CONVEYANCE OF A RESERVED EASEMENT FOR A WATER PIPELINE TO RIVERSIDE HIGHLAND WATER COMPANY, A CALIFORNIA CORPORATION, WHICH IS IN THE PUBLIC INTEREST AND WILL NOT SUBSTANTIALLY CONFLICT OR INTERFERE WITH SAN BERNARDINO COUNTY'S PRESENT OR FUTURE USE OF THE LAND FOR PUBLIC PURPOSES

On Tuesday, September 23, 2025, on motion of Supervisor Baca, Jr., duly seconded by Supervisor Hagman, and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County:

WHEREAS, the Board of Supervisors (Board) of San Bernardino County (County) has identified a vacant land parcel consisting of approximately 8.3 acres, located west of Sunwest Court and south of the Santa Ana River in the City of San Bernardino, and commonly identified as Assessor's Parcel Number 0141-372-44-0000 (the "Property"), as a preferred site for consideration for the potential future use and development of one or more public projects, the details and scope of which are unknown at this time and subject to environmental review and other planning factors; and

WHEREAS, contemporaneous with the adoption of this resolution, the Board is authorizing the County to enter into a Purchase and Sale Agreement and Joint Escrow Instructions to acquire the Property from Riverside Highland Water Company (RHWC), a California corporation; and

WHEREAS, RHWC operates and maintains an existing water pipeline within a portion of the Property and, as part of the acquisition, the County will grant a reserved easement to RHWC for the continued operation, maintenance, and repair of the pipeline; and

WHEREAS, the Board finds that the conveyance of the reserved easement to RHWC is in the public interest, and that the easement rights reserved to RHWC will not substantially conflict or interfere with the County's present or future use of the Property for public purposes; and

WHEREAS, the California Environmental Quality Act (Public Resources Code § 21000 et seq., "CEQA") and the regulations implementing it (Cal. Code Regs., tit. 14 § 15000 et seq., the "CEQA Guidelines") require public agencies to determine whether an action may have a significant environmental impact prior to approving a project; and

WHEREAS, CEQA Guidelines Section 15004(b)(2)(A) allows a public agency to designate a preferred site for a potential public project and to enter into a land acquisition agreement provided that the agency conditions its future use of the site on CEQA compliance and has not yet approved any specific development project; and

WHEREAS, the County has not approved any specific development plans for the Property and any future use will be subject to separate CEQA review at the appropriate time; and

WHEREAS, the Board finds the conveyance of the reserved easement to RHWC is an exempt project under CEQA Guidelines Sections 15301 - Class 1 Existing Facilities of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, and/or 15304 - Class 4 Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of San Bernardino County hereby finds, determines, and declares as follows:

SECTION 1.

The above recitals, including the findings, are true and correct and are a substantive part of this Resolution.

SECTION 2.

All future use and development of the Property for public projects shall be conditioned upon full compliance with CEQA.

SECTION 3.

The acquisition of the Property shall not constitute a commitment by the County to any specific public project or development. Rather, the Property is designated as a preferred site for potential future use and development, subject to CEQA compliance.

SECTION 4.

The acquisition of the Property does not constitute a "project" under CEQA because there are no specific development plans in existence that would allow for meaningful environmental review at this time; alternatively, the acquisition is exempt from CEQA pursuant to CEQA Guidelines Section 15004(b)(2)(A), as the Property is being acquired for consideration as a potential future site for one or more public projects, subject to CEQA compliance.

SECTION 5.

The conveyance of the reserved easement is exempt from CEQA pursuant to CEQA Guidelines Sections 15301 - Class 1 Existing Facilities of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, and/or 15304 – Class 4 Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees.

SECTION 6.

The Board hereby authorizes the reservation and conveyance of a non-exclusive easement to Riverside Highland Water Company, over the area described in the Purchase and Sale Agreement, for the continued operation and maintenance of its existing water pipeline. The Board finds that such conveyance is in the public interest, and that the easement interests conveyed will not substantially conflict or interfere with the present or future use of the Property by San Bernardino County.

SECTION 7.

The Director of the County Real Estate Services Department is directed to file and post the Notice of Exemption as required under the California Environmental Quality Act.

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County 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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