

RESOLUTION NO. 2023-166

RESOLUTION CONCERNING THE ACQUISITION OF VACANT LAND IN YUCCA VALLEY

On Tuesday, September 12, 2023, on motion of Director Baca, Jr., duly seconded by Director Hagman and carried, the following resolution is adopted by the Board of Directors of the San Bernardino County Fire Protection District.

WHEREAS, the Board of Directors of the San Bernardino County Fire Protection District (District) has identified vacant land of approximately 3.16 acres located at the southwest corner of Twentynine Palms Highway and Trojan Lane in the Town of Yucca Valley, commonly identified as Assessor Parcel Number 0587-361-10 (“Property”), as a preferred site for consideration for the potential future use and development of a fire station, the details and scope of which are unknown at this time, subject to environmental review and other financing and market factors; and

WHEREAS, contemporaneous with the adoption of this resolution, the Board will enter into a Purchase and Sale Agreement and Joint Escrow Instructions (“Agreement”) to acquire the Property as a preferred site for consideration for a potential future use and development of a fire station, subject to environmental review and other financing and market factors; 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 ascertain whether a project may have a significant environmental impact, and thus whether to prepare an Environmental Impact Report, before it approves a project; and

WHEREAS, CEQA provides an exception to the general rule prohibiting a local agency from committing to a project before conducting environmental review for purposes of land acquisitions for public projects (CEQA Guidelines § 15004, subd. (b)(2)(A)); and

WHEREAS, CEQA Guidelines allow a public agency to designate a preferred site of a public project for CEQA review and enter into a land acquisition agreement if it has conditioned its future use of the site on CEQA compliance, and so long as it has not already approved proceeding with the use of the site for facilities which would require CEQA review (CEQA Guidelines § 15004, subd. (b)(2)(A)).

NOW, THEREFORE, BE IT RESOLVED, that the Board determines, finds and declares as follows:

SECTION 1. All future uses and development of the Property for a fire station or other public project shall be conditioned upon CEQA compliance.

SECTION 2. The acquisition of the Property shall not constitute a commitment of the District to a fire station or other public project as a whole or to any particular features. Instead, the Property has been designated as a preferred site for consideration for a potential future use and development of a fire station at the Property, subject to CEQA compliance.

SECTION 3. The acquisition of the Property is not a project as defined by CEQA because there are no specific development plans in existence for the future use and development of a fire station or other public project at the Property that would allow environmental review to be meaningful at this time, or, alternatively, the acquisition is exempt from CEQA pursuant to Section 15004, subd. (b)(2)(A) of the CEQA Guidelines because the acquisition is for the Property to be a preferred site for consideration for a potential future use and development, if any, of a fire station, subject to CEQA compliance.

PASSED AND ADOPTED by the Board of Directors of the San Bernardino County Fire Protection District by the following vote:

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

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

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STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY)

I, **LYNNA MONELL**, Secretary of the Board of Directors of the San Bernardino County Fire Protection District hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Directors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of September 12, 2023. Item #73 JLL

LYNNA MONELL
Secretary of the Board of Directors

By _____
Deputy