

RESOLUTION NO. 2023-218

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT MAKING FINDINGS IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND DECLARING THE EASEMENT INTEREST HELD BY THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT IN APPROXIMATELY 76,470 SQUARE FEET OF VACANT LAND OWNED BY LENNAR HOMES OF CALIFORNIA, LLC ON A PORTION OF ASSESSOR'S PARCEL NUMBER 0264-842-03, IN THE CITY OF RIALTO, IS NO LONGER NECESSARY TO BE RETAINED FOR THE USES AND PURPOSES OF THE DISTRICT AND THE QUITCLAIM OF SAID EASEMENT INTEREST IS IN THE PUBLIC INTEREST AND WILL NOT CONFLICT OR INTERFERE WITH FLOOD CONTROL OPERATIONS IN THE REGION, AND AUTHORIZING THE RELINQUISHMENT AND SALE OF SAID DISTRICT EASEMENT INTEREST TO LENNAR HOMES OF CALIFORNIA, LLC, AT FAIR MARKET VALUE, IN ACCORDANCE WITH WATER CODE APPENDIX SECTION 43-6 AND COUNTY POLICY 12-17.

On Tuesday, December 19, 2023, on motion of Supervisor Hagman, duly seconded by Supervisor Cook and carried, the following resolution is adopted by the Board of Supervisors of the San Bernardino County Flood Control District, State of California.

WHEREAS, the San Bernardino County Flood Control District (District) owns a 76,470 square foot easement (Easement) in a portion of Assessor's Parcel Number (APN) 0264-842-03 in the City of Rialto (City); and

WHEREAS, Lennar Homes of California, LLC (Developer) owns APN 0264-842-03 (Developer Property); and

WHEREAS, Developer desires to complete a residential subdivision development project referred to as River Ranch (Project) over the Developer Property; and

WHEREAS, the District's existing Easement is in conflict with the Developer's proposed Project; and

WHEREAS, Developer requested the District to relinquish the Easement for a purchase price of \$65,000, an amount determined by the Real Estate Services Department to be consistent with fair market value, plus the District's reimbursable administrative costs, estimated to be \$25,300; and

WHEREAS, the District has reviewed this request and determined it can accommodate the relinquishment and sale of the Easement to the Developer, as the District's Easement is no longer necessary to be retained for the uses and purposes of the District, and that the quitclaim of said Easement is in the public interest and would not conflict or interfere with regional flood control operations; and

WHEREAS, the Real Estate Services Department reviewed the appraisal of the Easement, submitted by the Developer, and determined the purchase price to be consistent with fair market value; and

WHEREAS, the District intends to quitclaim said Easement to the Developer pursuant to and in accordance with Water Code Appendix Section 43-6, upon payment of \$65,000 plus the District's reimbursable administrative costs, estimated to be \$25,300; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the State California Environmental Quality Act Guidelines (14 California Code of Regulations Section 15000 et seq.) (CEQA), a Final Environmental Impact Report (State Clearing House Number 2009061113) (Project EIR), for the Project was adopted by the Rialto City

Council (Resolution No. 5862) as the Lead Agency, on July 13, 2010, certifying the Project EIR as adequate and complete. A Notice of Determination was filed with the San Bernardino County Clerk of the Board of Supervisors and the State Office of Planning and Research on September 12, 2019, and a Notice of Determination for the relinquishment and sale of easement was filed with the San Bernardino County Clerk of the Board of Supervisors on July 28, 2023; and

WHEREAS, the relinquishment and sale of the easement and the Agreement can reasonably be considered as part of the Project; and

WHEREAS, the District has a more limited approval and implementing authority related to the Project, 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 the CEQA Responsible Agency, made CEQA Responsible Agency findings pursuant to Section 15096(h) of the CEQA Guidelines in order to take action on the relinquishment and sale of easement and the approval of the Agreement; and

WHEREAS, the Board of Supervisors has considered the staff report presented at its meeting of December 19, 2023, relating to the relinquishment of the Easement to the Developer; and

NOW, THEREFORE, the Board of Supervisors of the San Bernardino County Flood Control District hereby finds, declares, and resolves as follows:

SECTION 1. The above recitals, including the findings, are true and correct and are a substantive part of this Resolution.

SECTION 2. The Board of Supervisors of the San Bernardino County Flood Control District hereby declares that the Easement is no longer necessary to be retained for the uses and purposes of the District.

SECTION 3. The relinquishment of the Easement to the Developer is in the public interest and will not conflict or interfere with flood control operations in the region.

SECTION 4. The Board of Supervisors of the San Bernardino County Flood Control District authorizes the relinquishment and sale of said Easement to the Developer at fair market value appraised to be \$65,000, in accordance with Water Code Appendix Section 43-6 and County Policy 12-17.

SECTION 5. The above recitals constitute findings of the Board and are incorporated herein.

SECTION 6. The EIR for the Project is, by reference, incorporated into this Resolution as it is fully set forth herein.

SECTION 7. 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.

SECTION 8. 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.

SECTION 9. 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 relinquishment and sale of easement and execution of the Agreement. Furthermore, the District finds that no significant adverse impacts will occur as a result of the relinquishment and sale of easement and execution of the Agreement and that no further CEQA analysis is required.

SECTION 10. 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.

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.
SAN BERNARDINO COUNTY)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of the San Bernardino County Flood Control District, 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 December 19, 2023. #110 CCM

LYNNA MONELL
Clerk of the Board of Supervisors

By _____

