RESOLUTION NO. 2023-76

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 DECLARING THE EASEMENT INTERESTS HELD BY THE SAN BERNARDINO COUNTY CLOOD CONTROL DISTRICT IN APPROXIMATELY 54,565 SQUARE FEET OF VACANT LAND OWNED BY LENNAR HOMES OF CALIFORNIA, LLC [PORTION OF ASSESSOR'S PARCEL NUMBER 0264-792-07, 0264-792-08, 0264-792-20, 0264-792-21, 0264-792-41, 0264-492-42, 0264-792-49, 0264-792-50, 0264-792-51, 0264-793-26, 0264-793-27, 0264-793-28, 0264-112-30, 0264-112-31, 0264-112-46, 0264-112-51 and 0264-112-52, WITHIN TRACT 20092 M.B. 362/21-41, TRACT 20204 M.B 364/7-12, AND TRACT 20205 M.B. 362/71-77], IN THE CITY OF RIALTO, ARE NO LONGER NECESSARY TO BE RETAINED FOR THE USES AND PURPOSES OF THE DISTRICT AND THE QUITCLAIM OF SAID EASEMENT INTERESTS IS IN THE PUBLIC INTEREST AND WOULD NOT CONFLICT OR INTERFERE WITH FLOOD CONTROL OPERATIONS IN THE REGION, AND AUTHORIZING THE QUITCLAIM OF SAID DISTRICT EASEMENT INTERESTS TO LENNAR HOMES OF CALIFORNIA, LLC, AND AUTHORIZING IN EXCHANGE FOR SAID DISTRICT EASEMENT INTERESTS THE ACCEPTANCE OF TWO REPLACEMENT EASEMENT INTERESTS FROM LENNAR HOMES OF CALIFORNIA, LLC, CONSISTING OF APPROXIMATELY 41,444 SQUARE FEET WITH DIFFERENT CONFIGURATIONS, FOR ACCESS PURPOSES, PURSUANT TO WATER CODE APPENDIX SECTION 43-6.

On Tuesday, May 23, 2023, on motion of Supervisor Baca, Jr., duly seconded by Supervisor Hagman 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 and uses two access easements in certain real property owned by Lennar Homes of California, LLC (Developer), located on portions of Assessor's Parcel Number (APN) 0264-792-07, 0264-792-08, 0264-792-20, 0264-792-21, 0264-792-41, 0264-492-42, 0264-792-49, 0264-792-50, 0264-792-51, 0264-793-26, 0264-793-27, 0264-793-28, 0264-112-30, 0264-112-31, 0264-112-46, 0264-112-51 and 0264-112-52, within Tract 20092 M.B. 362/21-41, Tract 20204 M.B. 364/7-12, and Tract 20205 M.B. 362/71-77 (Developer Property), in the City of Rialto (City); and

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

WHEREAS, the District's existing access easements are in conflict with the Developer's proposed Project; and

WHEREAS, Developer requested the District to quitclaim the two access easements in exchange for two replacement easements located in the same general location of the Developer Property; and

WHEREAS, the District has reviewed this request and determined it can accommodate the easement exchange with the Developer, as the two District access easements are no longer necessary to be retained for the uses and purposes of the District, and that the quitclaim of said two District access easements in exchange for two replacements easements is in the public interests and would not conflict or interfere with regional flood control operations; and

WHEREAS, the Real Estate Services Department reviewed the proposed easement exchange and determined the value of the District's easements are equivalent to the value and utility of the Developer's proposed replacement easements; and

WHEREAS, the District intends to quitclaim said District's access easements to the Developer pursuant to and in accordance with Water Code Appendix section 43-6, upon grant of the replacement easements from the Developer to the District; and

WHEREAS, Developer has agreed to reimburse the District for all administrative costs associated with this land exchange; and

WHEREAS, the District and the Developer propose to enter into a proposed Easement Exchange Agreement (Agreement) to memorialize the terms of the easement exchange; 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 easement exchange was filed with the San Bernardino County Clerk of the Board of Supervisors on February 21, 2023; and

WHEREAS, the easement exchange and 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 a CEQA Responsible Agency must make certain findings pursuant to Section 15096(h) of the CEQA Guidelines in order to take action on the easement exchange and the approval of the Agreement; and

WHEREAS, the Board of Supervisors has considered the staff report presented at its meeting of March 28, 2023, relating to land exchange between the District and Developer.

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 District's easement interests in a portion of the Developer Property are no longer necessary to be retained for the uses and purposes of the District.

SECTION 3. The quitclaim of two District access easements to the Developer in exchange for two replacement easements 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 quitclaim of said District easement interests to the Developer, and the acceptance of two replacement easements from the Developer, in accordance with Water Code Appendix section 43-6.

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 easement exchange and execution of the Agreement. Furthermore, the District finds that no significant adverse impacts will occur as a result of the easement exchange 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: Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Col. Paul cook (Ret.)

* * * * *

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 May 23, 2023. Item #101 JLL

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy

SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT CALIFORNIA