

RESOLUTION NO. 2020-110

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, DECLARING THAT THE CONVEYANCE OF 3.23 ACRES (APN 0303-181-19) OF FLOOD CONTROL DISTRICT PROPERTY LOCATED IN THE CITY OF YUCAIPA IS IN THE PUBLIC INTEREST, THE INTEREST IN THE PROPERTY CONVEYED IS NO LONGER NECESSARY FOR THE USES AND PURPOSES OF THE DISTRICT, AND AUTHORIZING THE CONVEYANCE OF THE LAND TO THE CITY OF YUCAIPA, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA

On Tuesday June 23, 2020, on motion of Supervisor Gonzales, duly seconded by Supervisor Lovingood and carried, the following resolution is adopted by the County of San Bernardino Board of Supervisors, acting in its capacity as the governing board (Board) of the San Bernardino County Flood Control District (District), County of San Bernardino, State of California.

WHEREAS, the District owns fee title to an approximately 43 acres of land (APN 0303-181-19) along the Wilson Creek Flood Control Channel near Oak Glen Road in the City of Yucaipa (City); and

WHEREAS, the District maintains the Wilson Creek Channel as part of its regional flood control system; and

WHEREAS, On June 4, 2013 (Item No. 76), the Board of Supervisors (Board) approved Memorandum of Understanding No. 13-378 (MOU) between the District and the City for development of the Wilson III Basin Project (Project), which consists of the development of a detention basin and channel to be located at the confluence of Wilson Creek and Oak Glen Creek in the City; and

WHEREAS, the City owns the parcel adjacent to the District's Property, (APN 0303-181-08) that is currently used as a City Maintenance Yard and has designated a 3.23-acre portion of the District's Property (Property) for development of an expanded City Maintenance Yard as part of the Oak Glen Creek Specific Plan (City Project); and

WHEREAS, the City requested fee title to the Property to complete the site for the Project; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) (CEQA), an Environmental Impact Report (EIR) for the City Project was prepared and adopted by the City as the CEQA Lead Agency on February 26, 2018 and

WHEREAS, the City, as CEQA Lead Agency, adopted the EIR and the related Mitigation Monitoring and Reporting Program Plan (MMRP), and adopted written environmental findings; and

WHEREAS, the District, as the Responsible Agency, has verified that the City-adopted EIR and MMRP 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

WHEREAS, the District has reviewed the request from the City and determined that the conveyance of said Property is in the public interest and will not substantially conflict or interfere with flood protection in the region; and

WHEREAS, the Property is situated outside the physical boundaries of the Wilson Creek Channel, and the District's interest in the Property is no longer necessary to be retained for the specific uses and purposes of the District and is surplus to the needs of the District; and

WHEREAS, the Santolucito Dore Group Inc. completed an appraisal of the Property on behalf of the Real Estate Services Department and determined the fair market value to be \$290,000 which was reviewed and revised to \$84,715 to offset the anticipated costs required to prepare the site for development; and

WHEREAS, the City has agreed to accept the fee simple title to the Property as well as all associated liability and maintenance responsibility; and

WHEREAS, the District will convey the fee simple title of the Property to the City in accordance with the San Bernardino County Flood Control Act, California Water Code Appendix, Chapter 43, Section 43-6, Government Code Section 25365, and County Policy 12-17 upon payment by the City of \$84,715 to the District; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the San Bernardino County Flood Control District hereby finds, determines, and orders as follows:

1. The above recitals constitute findings of the Board and are incorporated herein.
2. The EIR and MMRP for the City Project are, 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 City Project pursuant to Section 15096 of the CEQA Guidelines, it has independently reviewed and analyzed the EIR, together with the MMRP, and other information in the record and has considered the information contained therein, prior to acting upon or approving the portion of the City 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 Responsible Agency.
5. The District, in its capacity as Responsible Agency, considered the EIR together with the MMRP prepared for the Project, and independently finds that the EIR is adequate for use by the District to take action on the conveyance of the Property. Furthermore, the District finds that no significant adverse impacts will occur as a result of the conveyance and that no further CEQA analysis is required.
6. The District designates the District's offices at 825 East Third Street, Room 123, San Bernardino, California 92415-0835 as the custodian of documents and records of proceedings on which this decision is based
7. The District declares that the conveyance of fee simple title to the Property is in the public interest and is no longer necessary for the uses and purposes of the District and it is authorized to convey said fee simple title to the City of Yucaipa in accordance with the San Bernardino County Flood Control Act, California Water Code Appendix, Chapter 43, Section 43-6 and County Policy 12-17, and Government Code Section 25365 upon payment by the City of \$84,715 to the District.

PASSED AND ADOPTED by the Board of Supervisors of the San Bernardino County Flood Control District, State of California, by the following vote:

AYES: SUPERVISORS: Robert A. Lovingood, Janice Rutherford, Dawn Rowe,
Curt Hagman, Josie Gonzales

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

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, 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 June 23, 2020. #114 LA

LYNNA MONELL
Clerk of the Board of Supervisors

By _____ Deputy

