Positions Added

Change Order

П

4/5 Vote

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: Economic Development Agency and Department of Waste Resources

SUBMITTAL DATE: January 13, 2016

≰SUBJECT: Resolution No. 2016-017, Notice of Intention to Adopt a Resolution of Necessity for the Lamb *Canyon Landfill Land Acquisition Project, CEQA Exempt, District 5, [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

- 1. Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15061(b)(3) (General Rule for Exemption) and categorically exempt pursuant to Section 15301 (Existing Facilities);
- 2. Adopt Resolution No. 2016-017, Notice of Intention to Adopt a Resolution of Necessity for the Lamb Canyon Landfill Proposed Land Acquisition Project;

(Continued)

Hans Kernkamp

General Manager- Chief Engineer Department of Waste Resources

Assistant County Executive Officer/EDA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	0	ngoing Cost:	(per Exec. Office)
COST	\$	0 \$	0 \$	0	\$	0 Consent □ Policy
NET COUNTY COST	\$ C) \$	0 \$	0	\$ 0	0 Consent - Policy
SOURCE OF FUNDS:					Budget Adjustment	: No
					For Fiscal Year:	2015/16
C.E.O. RECOMME	NDATION:		APPRO	OVE		

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and is set for public hearing on March 1, 2016 at 9:00 a.m. or as soon as possible thereafter.

Ayes:

Jeffries, Tavaglione, Washington, Benoit and Ashley

Nays: Absent: None None

Date:

January 26, 2016

XC:

EDA, Recorder

Prev. Agn. Ref.:

District: 5

Agenda Number:

Kecia Harper-Ihem

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

Economic Development Agency and Riverside County Department of Waste Resources

FORM 11: Resolution No. 2016-017, Notice of Intention to Adopt a Resolution of Necessity for the Lamb

Canyon Landfill Land Acquisition Project, CEQA Exempt, District 5, [\$0]

DATE: January 13, 2016

PAGE: 2 of 3

RECOMMENDED MOTION: (Continued)

- 3. Set a public hearing on March 1, 2016, for Resolution No. 2016-018, Authorizing Resolution of Necessity Regarding the Lamb Canyon Landfill Land Acquisition Project; and
- 4. Direct the Clerk of the Board to send the required notice to the property owner as required per Section 1245.235 of the Code of Civil Procedure.

BACKGROUND: Summary

The Lamb Canyon Landfill (LCL) is a County-owned public facility located in the County of Riverside south of the City of Beaumont (Exhibit A), and is operated by the Riverside County Department of Waste Resources (RCDWR). RCDWR desires to obtain ownership of two parcels owned by Southern California Edison (SCE), which borders the LCL at the north and southwest ends of the property. County desires to offer certain real property interests it owns as the consideration for acquiring the described fee interests in real property from SCE. The first parcel measures approximately 16 acres, Assessor's Parcel Number 421-200-025, which bisects the LCL property at the southwest corner of the property (Southwest Parcel). The second parcel measures approximately 11 acres, comprising two contiguous Assessor's Parcel Numbers 421-190-012 and 421-190-014, and is located immediately north of the LCL Property (North Parcel).

In addition, currently SCE holds an easement interest of real property over and upon approximately twenty-three acres of land within the LCL Property (Existing SCE Easement). The existing SCE Easement is bordered from the north and south by the North Parcel and the Southwest Parcel respectively as depicted on Exhibit A.

To gain consistency and continuity of ownership of real property interests, the proposed project would grant the County of Riverside, on behalf of RCDWR, fee interest ownership of all three parcels and as consideration County would provide SCE with easement interests over the same three parcels. RCDWR staff has determined that this acquisition would help facilitate and further the purposes and operations of property. It was further concluded that the County's acquisition of SCE's land will not interfere with the current landfill area.

The acquisition of the north and southwest parcels by RCDWR will facilitate several aspects of the ongoing landfill operations at the LCL, including but not limited to, site access, surface drainage, site security facility maintenance, environmental monitoring, and dirt management. However, at this time, no future development is planned by RCDWR within these two parcels, which are expected to be maintained at their current condition with minor alteration to address issues such as environmental monitoring and access to remote areas within the LCL property.

The subject Notice of Intention would schedule a hearing on March 1,2016, for the proposed Resolution No. 2016-018 (Authorizing Resolution of Necessity Regarding the Lamb Canyon Landfill Land Acquisition). The scheduling of a Resolution of Necessity hearing on March 1, 2016 is needed in order to permit the LCL Proposed Land Acquisition Project to move forward.

The County is authorized to acquire property by eminent domain pursuant to various statutes, including Government Code Section 25350.5.

Resolution No. 2016-017 has been reviewed and approved by County Counsel as to legal form.

(Continued)

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

Economic Development Agency and Riverside County Department of Waste Resources

FORM 11: Resolution No. 2016-017, Notice of Intention to Adopt a Resolution of Necessity for the Lamb

Canyon Landfill Land Acquisition Project, CEQA Exempt, District 5, [\$0]

DATE: January 13, 2016

PAGE: 3 of 3

BACKGROUND:

Summary (Continued)

California Environmental Quality Act (CEQA) Findings

The proposed project has been determined as exempt from CEQA pursuant to the State CEQA Guidelines Section 15061(b)(3) (General Rule for Exemption), and categorically exempt from CEQA pursuant to Section 15301 Existing Facilities. The Project contemplated in this Form 11 involves the initiation of a real estate transaction process authorized under law to the County ultimately resulting in the County's acquisition of fee title to land, as well as the granting and relinquishment of certain easement interests from the County to SCE as consideration for the County's acquisition. Land acquisition and consolidation of easement interests would not result in a significant environmental impact for it merely involves the initiation of a process to acquire real property resulting in transfer of title to real property and does not prompt any new or significant changes to the physical condition of the property nor does it result in any new development. The current uses of the property will be the same.

While the Property may be subject to site maintenance activities, which include, but are not limited to environmental monitoring, access, surface drainage improvements, site security, and dirt management, these are common maintenance activities/improvements for an existing public facility/public utility transmission corridor, and do not represent an expansion of approved uses. The Project would not have a direct, indirect, or cumulatively significant effect on the environment. As such, a Notice of Exemption (NOE) will be filed with the County Clerk upon Project approval.

Impact on Citizens and Businesses

The proposed project (land acquisition and consolidation of easement interests) is beneficial as it will allow the County to more effectively and efficiently manage its operations within its LCL property.

SUPPLEMENTAL:

Additional Fiscal Information

The following summarizes the funding necessary for the acquisition of the portion of the properties referenced above:

Acquisition	\$91,000
County Appraisal	12,000
EDA/FM Real Property Staff Time	10,500
Total Estimated Acquisition Costs	\$113,500

All costs associated with the acquisition of this property are fully funded by RCDWR's Enterprise Funds and these costs will be included in a separate Form 11, along with the Authorizing Resolution of Necessity motion. No net county costs will be incurred as a result of this transaction.

Attachments:

Exhibit A - Map
Resolution No. 2016-017
Legal Descriptions and Plat Maps
Notice of Exemption

- URINI APPROVED COUNTY COUNSEL

Resolution No. 2016-017

Notice of Intention to Adopt a Resolution of Necessity Regarding the Lamb Canyon Land Acquisition Project

WHEREAS, the portion of real properties that are the subject of this Notice (collectively the "Subject Properties") are located in the City of Beaumont, County of Riverside, State of California; 16411 Lamb Canyon Road, Beaumont, California; are legally described and pictorially depicted on the documents attached hereto as Exhibit "A" and Exhibit "B" (and incorporated herein by this reference);

WHEREAS, each one of the Subject Properties are listed below;

Assessor's Parcel Numbers
421-190-012
421-190-014
421-200-025

WHEREAS, the proposed project that is the subject of this Notice (the "Proposed Project") is to acquire land for the ongoing landfill operations at the Lamb Canyon Landfill;

WHEREAS, the Project will grant Riverside County Department of Waste Resources ownership of all three parcels and would provide Southern California Edison with an easement interest for the same three parcels;

WHEREAS, the statutes that authorize the County of Riverside to acquire the Subject Property Interests by eminent domain include Article 1, Section 19 of the California Constitution; Section 25350.5 of the Government Code; Section 760 of the Streets and Highways Code; and Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.110, 1240.410, 1240.510, and 1240.610 of the Code of Civil Procedure.

Now, therefore, **BE IT RESOLVED AND ORDERED** as follows by the Board of Supervisors of Riverside County, State of California, in regular session assembled on January 26, 2016.

- 1. YOU ARE HEREBY NOTIFIED that this Board (at its public meeting on March 1, 2016, at 9¢00 a.m. in the meeting room of the Board of Supervisors located on the 1st floor of the County Administrative Center, 4080 Lemon Street, Riverside, California) may decide to adopt a Resolution of Necessity that would authorize the County of Riverside to acquire the Subject Property Interests by eminent domain (and that would find and determine each of the following matters):
- (a) That the public interests and necessity require the Proposed Project;
- (b) That the Proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) That the Subject Property Interests are necessary for the Proposed Project;
- (d) That the offers required by Section 7267.2 of the Government Code have been made to the owner of record of the Subject Properties;
- (e) That, to the extent that the Subject Properties are already devoted to a public use, the use of the Proposed Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure Section 1240.510) or the use of the Proposed Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure Section 1240.610);
- (f) That acquisition of the Subject Property Interests will promote the interests of the County of Riverside.
- 2. If (within 15 days from the mailing of this Notice) you file a written request to appear at the public meeting and be heard on the matters described above in 1(a),

26

27

28

1(b), 1(c), 1(d), 1(e), 1(f), (or any one or more of them), you will have a right to appear at that meeting and be heard on those matters.

- 3. All such written requests to appear and be heard must be filed with the Clerk of the Riverside County Board of Supervisors.
- 4. Your written request to appear and be heard must be filed within the fifteen (15) day time period. Failure to file such a timely written request will result in a waiver of your right to appear and be heard.
- 5. Questions regarding the amount of compensation to be paid will not be a part of the public meeting and the Board will not consider such questions in determining whether a Resolution of Necessity should be adopted.
- 6. The Clerk of the Board of Supervisors shall cause a copy of this Notice to be sent by first-class mail to each person whose property may be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll (including the roll of state-assessed property).

ROLL CALL:

Ayes:

Jeffries, Tavaglione, Washington, Benoit and Ashley

Nays:

None

Absent:

t: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

KECIA HARPER-IHEM, Glerk of said Board

Deni

eput

LGH:ra/011316/050WA/17.956 S:\Real Property\TYPING\Docs-17.500 to 17.999\17.956.doc

SOUTHERN CALIFORNIA EDISON LAND ACQUISITION

Lamb Canyon Landfill





Legend



5,485 Feet

IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. B

REPORT PRINTED ON... 8/6/2015 11:29:46 AM

© Riverside County TLMA GIS

Notes

District 5 APN 421-190-012 421-190-014 421-200-025

Attachment 1 Exhibit A – LCL Site Map

(This page left intentionally blank)

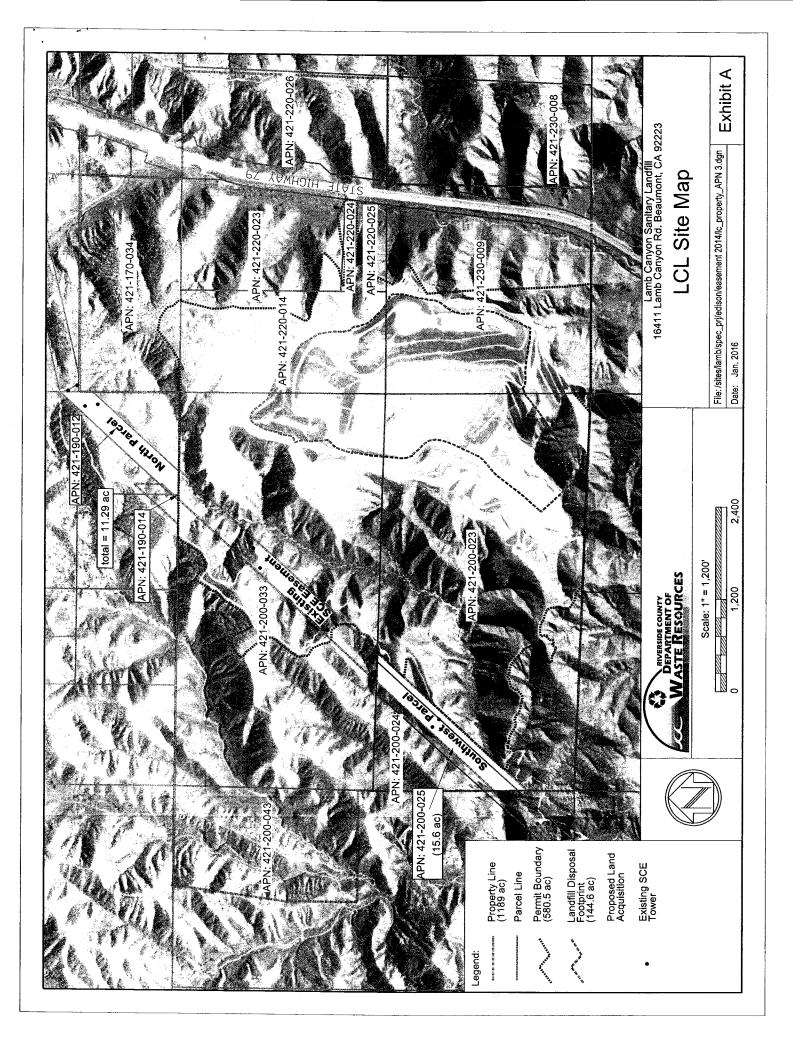


Exhibit A

Page 1 of 2

SCE Property Acquisition

All that portion of that particular 290.00-foot wide strip of land as described in Instrument No. 1974-123261 recorded September 24, 1974 records of Riverside County, and delineated on Record of Survey Book 130, Pages 91 through 95, inclusive, records of Riverside County, State of California.

Containing 15.62 acres more or less.

LAND 3

WILLIAM R. HOFFERBER JR.

Land Surveyor No. 7360

Signed For: Riverside County Flood Control and Water Conservation District

Date: 08 MAY, 2014

Exhibit A

Page 2 of 2

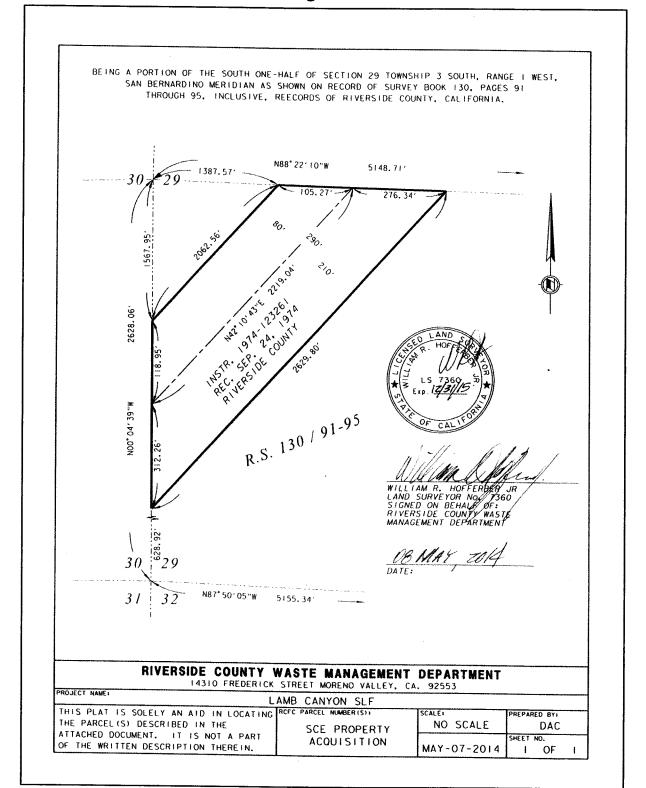


Exhibit B

Page 1 of 2

Lambs Canyon Sanitary Land Fill Parcel 2

Being a portion of the Southeast Quarter of Section 20, Township 3 South, Range 1 West, San Bernardino Base and Meridian as shown on Record of Survey Book 58, Pages 71 through 74, inclusive, records of Riverside County, California, described as follows:

All that portion of land described in Instrument Number 55231, dated June 12, 1970 and Instrument Number 115918, dated November 18, 1970, records of Riverside County, California, lying Southeasterly and Southerly of the following described line:

Commencing at the Southeast corner of said Section;

Thence North 89° 22' 22" West 1811.15 feet along the southerly line of said Section to the Point of Beginning;

Thence North 39° 49' 48" East 1466.64 feet;

Thence North 65° 54' 00" East 391.59 feet;

OF CALIFO

Thence South 89° 46' 12" East 507.10 feet to the Easterly line of said Section 20.

DAVID L. STONE

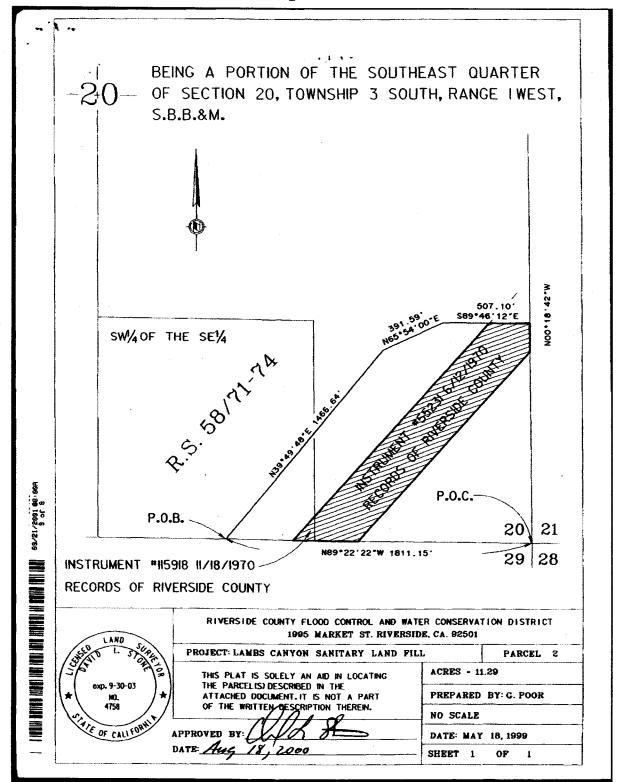
Land Surveyor No. 4758

Signed For: Riverside County Flood Control and Water Conservation District

Date: Aug 18, 2000

Exhibit B

Page 2 of 2



Hans W. Kernkamp, General Manager-Chief Engineer

NOTICE OF EXEMPTION

DATE:

January 12, 2016

TO:

County Clerk, County of Riverside

PROJECT CASE NO/TITLE:

NOE 16-1: Proposed Acquisition of real property fee interests by the County from Southern California Edison (SCE) and granting and relinquishing certain easement

interests in real property by the County to SCE.

PROJECT LOCATION:

Lamb Canyon Landfill (LCL), located at 16411 Lamb Canyon Road, Beaumont, CA 92223 (APNs: 421-200-025, 421-190-012, and 421-190-014 - See attached Exhibit A)

PROJECT DESCRIPTION:

County of Riverside (County) acquisition of fee title to three parcels owned by SCE (Property), bordering the LCL at the north and southwest ends of the landfill property, and relinquishing certain easement interests in real property by the County to SCE.

PROJECT SPONSOR:

Riverside County Department of Waste Resources

(RCDWR)

The Project is exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The Project will not result in any specific or general exceptions to the use of categorical exemptions as detailed under State CEQA Guidelines section 15300.2. The project will not cause any impacts to scenic resources, historic resources, or unique sensitive environments. Further, no unusual circumstances or potential cumulative impacts would occur that may reasonably create a direct or reasonably foreseeable indirect physical environmental impact.

EXEMPT STATUS:

	Ministerial
	Declared Emergency
	Emergency Project
	Statutory Exemption:
\boxtimes	Categorical Exemption
X	Other Exemption:

Section 15301, Existing Facilities

Section 15061(b)(3), General Rule Exemption

REASONS FOR EXEMPTION:

Section 15061(b)(3) - General Rule Exemption

The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

NOE 16-1 Acquisition of SCE Properties January 12, 2016 Page 2

This project is exempt under Section 15061(b)(3) because:

The activity involves acquisition of fee title to land, as well as the granting and relinquishment of certain easement interests from the County to SCE. The County will acquire record title to the subject Property while SCE will continue to maintain their existing facilities through consolidation of new and existing easement interests. The Property may be subject to standard site maintenance activities by the RCDWR involving environmental monitoring, access, surface drainage, site security, and dirt management; however, no future development is planned at this time by RCDWR within the Property. Acquisition of the Property will ensure consistency and continuity of ownership/easement interests within the larger 1,189 acre LCL property. Based upon the entire record, the land acquisition and consolidation of easement interests would not result in a significant environmental impact for it merely involves the transfer of title to real property and does not prompt any new or significant changes to the physical condition of the property. Therefore, the project meets the scope and intent of the Common Sense Exemption.

Section 15301 Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

This project is exempt under Section 15301 because:

The Project involves the County's acquisition of fee title to the Property, while allowing SCE continued access for maintenance of existing electrical facilities through granting and relinquishing certain easement interests provided to SCE over and upon the Property. Once acquired, the Property may be subject to site maintenance activities typical at the LCL, an existing public facility, as well as within SCE's transmission corridor, an existing public utility transmission corridor. Such activities include, but are not limited to, environmental monitoring, access, surface drainage, site security, and dirt management. No expansion of approved uses at the existing public facility or public utility transmission corridor will occur as a result of this project. Therefore, the project as proposed meets the scope and intent of the Class 1 Categorical Exemption.

FINDINGS:

- 1) The Lamb Canyon Landfill (LCL) is an active and fully permitted Class III municipal solid waste facility, owned and operated by the RCDWR. The landfill opened in 1970 and operates under Solid Waste Facility Permit (SWFP) No. 33-AA-0007.
- 2) SCE transmission facilities in the subject parcels at the LCL are part of the SCE Devers-Palo Verde transmission corridor.
- 3) SCE is the owner of approximately sixteen (16) acres adjacent to and within the southwest portion of the LCL property (Southwest Parcel). SCE also owns approximately eleven (11) acres adjacent to and north of the LCL property (North Parcels) consisting of a County easement for landfill purposes (see attached Exhibit A).
- 4) APN 421-200-025, measures approximately 16 acres and bisects the LCL property at the southwest corner of the property (Southwest Parcel).

NOE 16-1 Acquisition of SCE Properties January 12, 2016 Page 3

- 5) APNs 421-190-012 and 421-190-014, measure approximately 11 acres combined and are located immediately north of the LCL Property.
- 6) SCE holds easement interests on approximately twenty-three (23) acres of County-owned land within the LCL, adjacent to the SCE-owned properties.
- 7) The County holds easement interests on approximately 11 acres of SCE owned parcels (North Parcels), adjacent to the LCL.
- 8) The County proposes to acquire the "Southwest Parcel" and the "North Parcels" from SCE. In turn, the County will provide easement interests to SCE over the same parcels. The existing SCE easements will be dissolved and replaced with a single easement, effectively consolidating SCE's easement interests within the LCL into one easement.
- 9) The County's acquisition of SCE's property will not interfere with current or future SCE operations or land use, while it will benefit the County by facilitating several aspects of the ongoing landfill operations at the LCL including, but not limited to: site access, surface drainage, site security, facility maintenance, environmental monitoring, and dirt management.
- 10) The proposed project is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), and categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301.
- 11) It can be seen with certainty that there is no possibility that this project would have a significant effect on the environment; therefore, the activity is not subject to CEQA.

If there are any questions regarding the above matter, please contact the project sponsor at (951) 486-3200.

Hans Kernkamp, General Manager - Chief Engineer Riverside County Department of Waste Resources

Ву:	M
	Ryan Ross
Title:	Principal Planner
Date:	January 12, 2016

Doc 170676v4

