

DATE FILED & POSTED

Posted On: 5-14-24

Removed On: 6-20-24

Receipt No: 36-05142024  
-354

NOTICE OF EXEMPTION

**TO:** San Bernardino County Clerk of the Board of Supervisors  
385 N Arrowhead Ave # 2,  
San Bernardino, CA 92415

**FROM:** Victor Elementary School District  
12219 2nd Ave.,  
Victorville, CA 92395

**PROJECT TITLE:** Purchase of real property located in Victorville, California,  
and identified by Assessor Parcel Numbers 3092-421-06  
and 3092-421-07.

**PROJECT LOCATIONS:** Assessor Parcel Numbers: 3092-421-06 and 3092-421-07.

**DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:**

The Project consists of the District purchasing a parcel of vacant property from Valley Villas 110, LLC, a California limited liability company, in accordance with the terms of a Purchase and Sale Agreement.

**NAME OF PUBLIC AGENCY APPROVING PROJECT:** Victor Elementary School District

**NAME OF PERSON OR AGENCY CARRYING OUT PROJECT:** Victor Elementary School District

**EXEMPT STATUS:** The District has determined that the Project is exempt from CEQA pursuant to Title 14 of Cal. Code Regs. §§ 15061(b)(3) and 15004(b)(2)(a).

**REASON PROJECT IS EXEMPT:**

Pursuant to Cal. Code Regs., tit. 14, § 15004(b)(2)(a), a school district, as a public agency, may designate a preferred site for CEQA review and may enter into a land acquisition agreement when it has conditioned future use of the site on CEQA compliance. The District has designated the Property as a preferred site for CEQA review, and any future use of the Property by the District shall be conditioned on compliance with any applicable CEQA requirements.

Pursuant to California Code of Regulations, Title 14, section 15061, the District has considered whether the purchase of the Property may have a significant effect on the environment and has concluded, through its own independent review and analysis, that the purchase of the Property will not have a significant impact on the environment. Additionally, the cumulative impact of successive projects of the same type in this same place are not significant, there is no reasonable possibility that the purchase will have a significant effect on the environment due to unusual circumstances, the purchase will not result in damage to scenic resources, the Property is not a

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hazardous waste site, and the purchase will not cause a substantial adverse change in the significance of a historical resource.

Finally, the catch-all commonsense exemption (Cal. Code Regs., tit. 14, § 15061(b)(3) applies where it can be seen with certainty that a Project will not have a significant effect on the environment. Here, the proposed Property is being purchased by the school district from Valley Villas 110, LLC. This purchase involves only the transfer of title. The transfer of title will not change the nature or intensity of the current use of the Property. Therefore, it can be said with certainty that the Project will not have a significant effect on the environment.

Thus, under Title 14 of the California Code of Regulations, sections 15061(b)(3), and 15004(b)(2)(a), the Project is exempt.

**CONTACT PERSON:**

**Joe Pont, Director of Facilities, Maintenance & Grounds, and Transportation**

Victor Elementary School District  
12219 2nd Ave.,  
Victorville, CA 92395  
Phone: 760-245-1691

Signature: \_\_\_\_\_

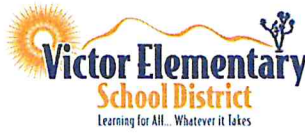


Date: 5-13-24

The Notice of Exemption has been filed by the public agency approving the Project.

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**Agenda Item Details**

Meeting Feb 14, 2024 - Regular Board Meeting, 6:00 p.m.

Category 10. Action Items

Subject 10.9 Adoption of Resolution No. 24-05 for the Purchase and Sale Agreement of Parcel Numbers: 3092-421-06 and 3092-421-07 (Mr. Pont)

Access Public

Type Action

Recommended Action The recommended action is to adopt resolution 24-05 to approve the Purchase and Sale Agreement for the Valley Villas 110, LLC property, adopt a CEQA Notice of Exemption, and authorize staff and legal counsel to take any and all necessary actions to complete the transaction.

**Public Content**

The Victor Elementary School District is quickly becoming impacted due to growth, and the need for future district development is imminent. Administration is requesting the board's permission to purchase real property and authorize staff to take related actions.

[24-05 Resolution and NOE Approving Purchase of Nisqualli Property\(6847228.1\).pdf \(546 KB\)](#)

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**Administrative Content**

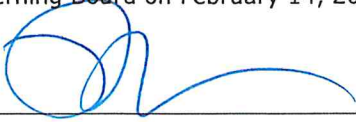
**Executive Content**

**Motion & Voting**

The recommended action is to adopt resolution 24-05 to approve the Purchase and Sale Agreement for the Valley Villas 110, LLC property, adopt a CEQA Notice of Exemption, and authorize staff and legal counsel to take any and all necessary actions to complete the transaction.

Motion by Allen Williams, second by Clayton Moore.  
 Final Resolution: Motion Carries  
 Aye: Clayton Moore, Allen Williams, Gary Elder, Sue Brannon

I, Lori Clark, Superintendent and Secretary to the Governing Board of the Victor Elementary School District of San Bernardino County, do hereby certify that the above is a true and correct copy of the motion duly made, adopted and entered on the official minutes of the Governing Board on February 14, 2024.

Date: 2-15-24 Signed: 

**VICTOR ELEMENTARY SCHOOL DISTRICT  
RESOLUTION NO. 24-05**

**APPROVING A REAL PROPERTY PURCHASE AND SALE AGREEMENT AND  
FINDING THE PROJECT EXEMPT FROM CEQA  
(NISQUALLI PROPERTY)**

**WHEREAS**, pursuant to Education Code Sections 17340 et seq., the Board of Trustees (“Board”) of the Victor Elementary School District (“District”) is authorized to acquire property through purchase, lease, or exchange; and

**WHEREAS**, the District seeks acquisition of certain real property in the City of Victorville, County of San Bernardino, State of California; and

**WHEREAS**, the real property to be acquired is located at APN 3092-421-06 and 3092-421-07 (“Nisqualli Property”), more particularly described in the Purchase and Sale Agreement (“PSA”), attached hereto as **Exhibit A**, presented at this meeting and considered by this Board; and

**WHEREAS**, the owner of the Nisqualli Property has agreed to sell the Nisqualli Property to the District on the terms and conditions set forth in the PSA;

**WHEREAS**, the Board analyzed the purchase of the Nisqualli Property in accordance with the requirements of the California Environmental Quality Act as set forth in the California Public Resources Code section 21000, *et seq.* and the State CEQA Guidelines, and the Board has found that the purchase of the Nisqualli Property is exempt from CEQA and will therefore file a Notice of Exemption with the County Clerk;

**WHEREAS**, pursuant to California Code of Regulations, Title 14, section 15061, the District has considered whether the purchase of the Nisqualli Property may have a significant effect on the environment and has concluded, through its own independent review and analysis, that the purchase of the Property will not have a significant impact on the environment;

**WHEREAS**, pursuant to California Code of Regulations, Title 14, section 15004(b)(2)(a), a school district, as a public agency, may designate a preferred site for CEQA review and may enter into a land acquisition agreement when it has conditioned future use of the site on CEQA compliance; and

**WHEREAS**, it is in the best interests of the District to acquire the Nisqualli Property; and

**WHEREAS**, upon approval of this Resolution, the Superintendent of the District, or her designee, will be authorized to enter into the PSA pursuant to the provisions set forth therein;

**NOW, THEREFORE**, the Board of the Victor Elementary School District hereby resolve, determine and order as follows:

1. The foregoing recitals are hereby adopted as true and correct.

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2. The PSA between the District and Valley Villas 110, LLC (“Seller”) is approved. The District reserves the right to amend or modify the PSA terms based on input from District staff and/or District’s legal counsel.
3. The District Superintendent, staff, and consultants are directed and authorized to take all steps necessary to purchase the Nisqualli Property in accordance with the PSA.
4. The District Superintendent, or designee thereof, is authorized and directed to execute the PSA, any amendments and accompanying documents, and to take all further action necessary to effectuate the intent of this Resolution.
5. The District’s real estate legal counsel, Fagen Friedman & Fulfroft, LLP, is authorized and directed to prepare, review and approve all appropriate documents, opinions and instructions as necessary to carry out the terms and provisions of the PSA approved by this authorizing Resolution.
6. The acquisition of the Nisqualli Property falls within the catch-all common sense exemption set forth in Code of Regulations, Title 14, section 15061 because the purchase involves merely the transfer of title and thus it can be seen with certainty that the purchase will not have a significant effect on the environment.
7. The purchase of the Nisqualli Property will not result in damage to scenic resources, the Nisqualli Property is not a hazardous waste site, and the purchase will not cause a substantial adverse change in the significance of a historical resource.
8. The Nisqualli Property is hereby designated as a preferred site for CEQA review, and any future use of the Nisqualli Property by the District shall be conditioned on compliance with any applicable CEQA requirements.
9. The District’s Superintendent or designee thereof is directed to file the Notice of Exemption from CEQA with the County Clerk, attached hereto as **Exhibit B**.

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The foregoing Resolution was **PASSED AND ADOPTED** by the Board of Trustees of Victor Elementary School District in the County of San Bernardino, State of California at a meeting of the Board on February 14, 2024 by the following vote:

AYES: 4      NOES: 0      ABSTAIN: 0      ABSENT: 1

ATTEST:

  
 \_\_\_\_\_  
 Vice President of the Board of Trustees of  
 Victor Elementary School District  
  
  
 \_\_\_\_\_  
 Clerk of the Board of Trustees of Victor  
 Elementary School District

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