

RESOLUTION NO. 2372-08

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
CERTIFYING A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
FOR THE EASTSIDE ROAD STORAGE PROJECT**

WHEREAS, the Town of Windsor proposes to build the Eastside Road Storage Project (“Project”) consisting of an approximately 215 million gallon recycled water storage pond, an onsite pump station, and approximately ½ mile of pipeline to connect to the Town’s existing recycled water distribution system; and

WHEREAS, the Project is located on approximately 28 acres of a 168-acre Town-owned parcel along Eastside Road, northeast of its intersection with Trenton-Healdsburg Road (APN 066-230-067). Another approximately 82 acres of the parcel will be a permanent biological preserve mitigation area; and

WHEREAS, the Project is a component of the Water Reclamation Master Plan for Treatment, Storage and Disposal (“Master Plan”), adopted by the Town Council on March 7, 2001 through Resolution 1006-01. The Master Plan includes a combination of discharge to Mark West Creek, water treatment plant capacity upgrades, pond storage, disposal by irrigation, and participation in the City of Santa Rosa Geysers Project; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”), in 2001 the Town prepared an Environmental Impact Report (“EIR”) to identify the potentially significant impacts of the Master Plan (SCH No. 99112034). The Master Plan was identified and analyzed as Alternative 4X in the Master Plan EIR; the Project was identified and analyzed as the Pond T component of Alternative 4X. The Town Council certified the Master Plan EIR on February 7, 2001 through Resolution 995-01. As part of the Master Plan approval, the Town Council adopted findings regarding mitigation measures and alternatives, adopted a statement of overriding considerations for significant impacts that could not be avoided, and adopted a mitigation monitoring program; and

WHEREAS, on August 1, 2007 and based on preliminary analysis, the Town Council approved Resolution 2109-07 identifying a preferred configuration for a medium sized pond of approximately 215 million gallons on Site T, directing that a Supplemental EIR to the Master Plan EIR be prepared, and further directing that portions of the Town-owned parcel be pursued as potential mitigation for oak woodland and other impacts as noted; and

WHEREAS, the Town circulated a Notice of Preparation dated November 1, 2007 to affected public agencies, property owners within 1000’ of the Project parcel, and other interested organizations and persons for consultation on the scope of the Supplemental EIR. The Town Council also held a public scoping meeting on November 28, 2007; and

WHEREAS, based on the Town's preliminary analyses and on public comments on the Notice of Preparation, and pursuant to CEQA section 21166 and CEQA Guidelines sections 15162 and 15163, the Town prepared a Draft Supplemental EIR dated May 2008 (SCH No. 2007112013) that reflected the independent judgment of the Town as to the potential supplemental environmental impacts of the Project. The Draft Supplemental EIR was circulated for the required 45-day public review period, from May 22, 2008 through July 7, 2008. During the public review period, the Town Council also held a noticed public hearing on June 18, 2008 to accept oral comments on the Draft Supplemental EIR; and

WHEREAS, the Town prepared a Final Supplemental EIR dated September 2008 containing written responses to all comments received during the public review period, which responses provide the Town's good faith, reasoned analysis of the environmental issues raised by the comments; and

WHEREAS, the Draft and Final Supplemental EIR documents reflect the Town's independent judgment and analysis on the potential for supplemental environmental impacts and constitute the "Supplemental EIR" for the Eastside Road Storage Project; and

WHEREAS, the Town Council considered a staff report dated October 15, 2008 analyzing the Supplemental EIR and the Project, and also considered the Supplemental EIR, the Master Plan EIR, and all written and oral testimony at a public hearing on October 15, 2008 at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Supplemental EIR identified significant impacts, most of which can be substantially reduced through mitigation measures; therefore, any Project approval must include mitigation findings pursuant to CEQA section 21080 and CEQA Guidelines section 15091; and

WHEREAS, some of the significant impacts in the Supplemental EIR remain significant even after mitigation; therefore, any Project approval must include findings regarding alternatives pursuant to CEQA section 21002, and must include a statement of overriding considerations pursuant to CEQA Guidelines section 15093. Pursuant to *Communities for a Better Environment v. California Resources Agency* 103 Cal.App.4th 98 (2002), the statement of overriding considerations must also address any significant and unavoidable impacts from the 2001 Master Plan approval that are applicable to the Project; and

WHEREAS, any Project approval must include a mitigation monitoring and reporting program for significant impacts identified in the Supplemental EIR pursuant to CEQA section 21081.6 and CEQA Guidelines section 15097; and

WHEREAS, pursuant to the supplemental EIR provisions of CEQA section 21166 and CEQA Guidelines sections 15162 and 15163, any implementing project, such as the Eastside Road Storage Project, is required to comply with all previously adopted

mitigation measures from the 2001 Master Plan approval, as applicable, except for the following, as specified in the Supplemental EIR.

SEIR Mitigation Measure(s)	replaces	MPEIR Mitigation Measure(s)
3.2-1a-d		4.4.1a-k
3.2-3a-b and 3.2-4		4.4.2b
3.2-6		4.4.3 as to bats
3.4-1		4.10.1b
3.5-1		4.1.2a
3.6-1		4.7.1
3.6-2		4.7.2a-b
3.9-1a-b		4.9.1a
; and		

WHEREAS, the following documents referenced in these recitals are incorporated into this resolution by reference and are available for review in the Engineer's Office during normal business hours.

- a. Resolution 1006-01
- b. Resolution 995-01
- c. Master Plan EIR (SCH No. 99112034)
- d. Resolution 2109-07
- e. Supplemental EIR (SCH No. 2007112013, Draft and Final SEIR documents)
- f. October 15, 2008 staff report.

NOW, THEREFORE, BE IT RESOLVED as follows.

- A. Recitals. The foregoing recitals are true and correct and made a part of this resolution.
- B. Supplemental EIR certified. The Town Council hereby certifies as follows.
 1. The Supplemental EIR has been completed in compliance with CEQA, the State CEQA Guidelines, and the Town of Windsor Environmental Guidelines.
 2. The Supplemental EIR was presented to the Town Council, who reviewed and considered the information therein prior to taking action on the Eastside Road Storage Project.
 3. The Supplemental EIR reflects the Town's independent judgment and analysis as to the potential environmental impacts of approving and implementing the Eastside Road Storage Project.

PASSED, APPROVED AND ADOPTED this 15th day of October 2008, by the following vote:

**AYES: COUNCILMEMBERS GOBLE, PARKER, SALMON AND
MAYOR FUDGE**
NOES: NONE
ABSTAIN: NONE
ABSENT: COUNCILMEMBER ALLEN


DEBORA FUDGE, MAYOR

ATTEST:


MARIA DE LA O, TOWN CLERK