

RESOLUTION NO. 21-25

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SOQUEL CREEK WATER DISTRICT
ADOPTING AN ADDENDUM TO THE PREVIOUSLY CERTIFIED EIR, AND APPROVING
CLARIFICATIONS TO THE TREATMENT PROCESSES AND FACILITY LAYOUT MODIFICATIONS**

WHEREAS, as part of the District's Pure Water Soquel: Groundwater Replenishment and Seawater Intrusion Prevention Project ("Project"), the District had identified the southwest corner of the Soquel Avenue-Chanticleer Avenue intersection ("Chanticleer Site") to locate the Advanced Water Purification Facility ("AWPF") with or without Tertiary Treatment at the Santa Cruz Wastewater Treatment Facility; and

WHEREAS, the District previously certified the Final Environmental Impact Report ("EIR") with Resolution No. 18-30 and adopted a Mitigation Monitoring and Reporting Program, adopted a Statement of Overriding Considerations and approved the Project on December 18, 2018 with Resolution 18-31 pursuant to the California Environmental Quality Act ("CEQA"); and

WHEREAS, subsequent to certification of the EIR and approval of the Project, the District Board approved and adopted an Addendum to the EIR with Resolution No. 20-25 that included an adjacent property next to the Chanticleer site and several refinements to the water treatment processes and facility layouts and presented updated environmental analysis relative to the environmental impacts of the Project that were disclosed in the certified 2018 EIR; and

WHEREAS, as part of the continued project design development, the District has clarified the treatment process and facility layout refinements to the Tertiary Treatment System at the Santa Cruz Wastewater Treatment Facility and the Advanced Water Purification System at the Chanticleer Site; and

WHEREAS, pursuant to State CEQA Guidelines section 15164(a), a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in State CEQA Guidelines section 15162 calling for preparation of a subsequent EIR have occurred; and

WHEREAS, the District has prepared a 2021 Addendum to the EIR to the previously certified Project in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 and State CEQA Guidelines section 15162 which analyses the environmental impacts of the clarified treatment processes and facility layout refinements; and

WHEREAS, the District has determined that none of the circumstances identified in State CEQA Guidelines section 15162 have arisen, and that an Addendum to the EIR is appropriate; and

WHEREAS, pursuant to State CEQA Guidelines section 15164(c), the Addendum is not required to be circulated for public review; and

WHEREAS, the District nonetheless has publicly noticed and agendized its consideration of the Addendum and the proposed modifications of the Project; and

WHEREAS, the District Board of Directors has independently reviewed and considered the Addendum, together with the previously certified EIR and other documents in the record before it; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

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NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the SOQUEL CREEK WATER DISTRICT:

SECTION 1. The Board of Directors has reviewed and considered the information contained in the Addendum, EIR, and all supporting documentation, copies of which are on file at the District's office and are incorporated by reference as though set forth fully herein. Based on this review, the District finds that the Addendum contains a complete, objective, and accurate reporting of the potential impacts of the modifications to the Project, and that these findings reflect the independent judgment and analysis of the District.

SECTION 2. The District finds that the Addendum has been completed in compliance with CEQA. The District further finds that any comments received regarding the clarifications to the Project have been examined and determined to not modify the significant conclusions of the EIR. The District further finds that no additional feasible mitigation measures within the District's authority are necessary to reduce the environmental impacts of the clarifications to the Project, because all impacts of the clarifications to the Project are either less than significant, will be mitigated to a level of less than significant through compliance with the existing mitigation, or remain significant and unavoidable even with the imposition all of feasible mitigation. Finally, based on the substantial evidence set forth in the record, including but not limited to the Addendum, the District finds that none of the conditions triggering the need for subsequent environmental review have occurred. Specifically, the District finds that no subsequent environmental review is required pursuant to State CEQA Guidelines section 15162 because:

- a. No substantial changes are proposed by the clarifications to the Project which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- b. No substantial changes have occurred with respect to the circumstances under which the clarifications to the Project are being undertaken which will require major revisions of the EIR due to the involvement of new significant, environmental effects or a substantial increase in the severity of previously identified significant effects; and
- c. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, shows that: (i) either the clarifications to the Project will have one or more new significant effects; (ii) significant effects of clarifications to the Project examined in the EIR will be substantially more severe; (iii) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the clarifications to the Project, but the District declined to adopt the measure or alternative; or (iv) mitigation measures or alternatives which are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment of the clarifications to the Project, but the District declines to adopt the measure or alternative.

SECTION 3. The District hereby approves and adopts the Addendum to the EIR prepared for the Project, and confirms that all the mitigation measures previously imposed as part of the District's December 18, 2018 approvals remain fully applicable to the clarifications to the Project.

SECTION 4. The District hereby approves the clarifications to the Project.

SECTION 5. The District directs staff to file a Notice of Determination with the County Clerk's Office within five (5) working days of adoption of this Resolution.

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SECTION 6. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The District declares that the District would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 7. The documents and materials that constitute the record of proceedings on which this Resolution and the above findings have been based are located at the offices of the District. The custodian for these records is the General Manager.

ADOPTED, SIGNED AND APPROVED by the Board of Directors of the SOQUEL CREEK WATER DISTRICT this 5th day of October 2021, by the following vote:

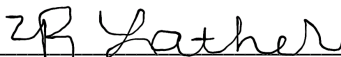
AYES: Directors Lather, LaHue, Daniels and Christensen

NOES: None

ABSENT: Director Jaffe

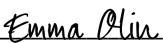
ABSTAIN: None

APPROVED:



Rachél Lather, President
Board of Directors
Soquel Creek Water District

ATTEST:



Emma Olin, Board Clerk