

RESOLUTION NO. 20-07

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE RAINBOW MUNICIPAL WATER DISTRICT
FOR CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE
MEADOWOOD MASTER PLANNED COMMUNITY AND SUBSEQUENT ADDENDUM**

WHEREAS, the County of San Diego prepared an environmental impact report ("EIR"), State Clearinghouse Number 2004051028, pursuant to the California Environmental Quality Act, Public Resources Codes Sections 21000 et seq. ("CEQA") and the State CEQA Guidelines, title 14 California Code of Regulations, Sections 1500 et seq. ("CEQA Guidelines"), for the Meadowood Master Planned Community ("Project").

WHEREAS, the County of San Diego certified the Project EIR and adopted CEQA findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program on January 11, 2012.

WHEREAS, the EIR consists of the EIR evaluating the Project and a reasonable range of alternatives, the summary of changes to the Draft EIR, a List of Persons, Organizations, and Public Agencies commenting on the DEIR, Comment Letters, and Responses to Comments on the Draft EIR and a series of 27 volumes containing Technical Appendices to the EIR;

WHEREAS, The EIR identifies RMWD as a potential responsible agency with respect to the provision of potable water and sewer service to the Project;

WHEREAS, on October 15, 2019, the County of San Diego adopted an Addendum to the EIR for the Purposes of Consideration of Meadowood Major Grading and Improvement Plans and Site Plan Minor Deviations ("2019 Addendum");

WHEREAS, on April 6, 2020, a further Addendum to the EIR was prepared for the Meadowood Water Pipeline Infrastructure Project: Rice Canyon Transmission Pipeline ("2020 Addendum");

WHEREAS, the Board of Directors of the Rainbow Municipal Water District ("RMWD") has reviewed and considered the environmental effects of the Project as shown in the EIR, the 2019 Addendum, and the 2020 Addendum;

WHEREAS, Public Resources Code section 21002.1, subdivision (d), provides that before taking action on a project, a responsible agency must consider the environmental effects identified in the EIR of the activities that it is required to approve or carry out.

WHEREAS, California Code of Regulations, title 14, sections 15041, subdivision (b) and 15096, subdivision (g)(1) provide that when deciding whether to approve a project, a responsible agency must also consider whether to adopt mitigation measures or alternatives, but only for the significant impacts, if any, of the activities it is approving.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Rainbow Municipal Water District:

1. Has independently reviewed and considered the EIR and the 2019 Addendum, as described above.
2. Has independently reviewed and considered the 2020 Addendum, attached hereto as Exhibit A, and hereby adopts the 2020 Addendum; and

Hereby adopts the Findings in their entirety as set forth in Exhibit B attached hereto.

PASSED AND ADOPTED at a meeting of the Board of Directors of the Rainbow Municipal Water District held on the 28th day of April 2020 by the following vote, to wit:

AYES: Directors Gasca, Hamilton, and Rindfleisch
NOES: None
ABSENT: Directors Brazier and Mack
ABSTAIN: None


Hayden Hamilton, Board Vice President

ATTEST:


Dawn M. Washburn, Board Secretary

EXHIBIT A

EXHIBIT B

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF THE RAINBOW MUNICIPAL WATER DISTRICT

I. CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE MEADOWOOD MASTER PLANNED COMMUNITY AND SUBSEQUENT ADDENDUM.

Pursuant to the California Environmental Quality Act, Public Resources Codes Sections 21000 et seq. (CEQA) and the State CEQA Guidelines, title 14 California Code of Regulations, Sections 1500 et seq. (CEQA Guidelines), the Board of Directors of the Rainbow Municipal Water District (“RMWD”) has considered the Final Environmental Impact Report (FEIR), State Clearinghouse Number 2004051028, which was certified by the County of San Diego on January 11, 2012 for the Meadowood Master Planned Community Project (“Project”), an Addendum to the FEIR prepared by the County of San Diego for the Purposes of Consideration of Meadowood Major grading and Improvement Plans and Site Plan Minor Deviations, dated October 15, 2019, and the Addendum to the FEIR prepared for the Meadowood Water Pipeline Infrastructure Project: Rice Canyon Transmission Pipeline, dated April 6, 2020.

The FEIR consists of:

The FEIR evaluating the Proposed Project and a reasonable range of alternatives, the summary of changes to the Draft EIR, a List of Persons, Organizations, and Public Agencies commenting on the DEIR, Comment Letters, and Responses to Comments on the Draft EIR;

A series of 27 volumes containing Technical Appendices to the FEIR;

Addendum to the FEIR prepared by the County of San Diego for the Purposes of Consideration of Meadowood Major grading and Improvement Plans and Site Plan Minor Deviations, dated October 15, 2019; and

Addendum to the FEIR prepared for the Meadowood Water Pipeline Infrastructure Project: Rice Canyon Transmission Pipeline, dated April 6, 2020.

The FEIR identifies RMWD as a responsible agency, under CEQA Guidelines section 15381, with respect to the provision of potable water and sewer service to the Project.

In its capacity as a responsible agency, the RMWD Board of Directors certifies that it has reviewed and considered the environmental effects of the Project as shown in the FEIR and subsequent addendums, and has determined to take the following actions:

1. Adopt the CEQA Findings in connection with the Annexation Agreement among Rainbow Municipal Water District and Pardee Homes and Agreement for Out of Agency Service between Valley Center Municipal Water District and RMWD;
2. Adopt Addendum to the FEIR prepared for the Meadowood Water Pipeline Infrastructure Project: Rice Canyon Transmission Pipeline, dated April 6, 2020.
3. Approve the Annexation Agreement among Rainbow Municipal Water District and Pardee Homes; and
4. Approve Agreement for Out of Agency Service between Valley Center Municipal Water District and RMWD.

II. BACKGROUND: ENVIRONMENTAL REVIEW PROCESS.

The County of San Diego, in its role as lead agency pursuant to CEQA, certified an Environmental Impact Report for the Meadowood Project (Project) on January 11, 2012. The Project proposes the development of a residential community of up to 844 units with an overall density of 2.3 dwelling units per acre (du/ac/). Residential density within the planning areas ranged from 2.7 du/ac for the single-family units, to 13.5 du/ac for a portion of the multi-family units. Higher density planning areas were clustered in the flatter, western portions of the property, adjacent to the more urban uses proposed in the Campus Park and Campus Park West projects. Single-family residences were proposed in the higher elevations below the surrounding agricultural orchards and open space to the west.

Development of the Meadowood Project was anticipated to be phased over several years and would be coordinated with the availability of water, sewer, fire protection, and school services.

The water service infrastructure proposed as part of the Project was to consist of two 2.5 million-gallon circular steel water storage tanks, located on the southern portion of the eastern ridgeline of the Project site. On-site water infrastructure improvements were to include access roads, water storage tanks, and a recycled water tank. The preferred aqueduct connection analyzed in the FEIR would have required a 22,000 foot-long pipeline located west of the Second Aqueduct system of the San Diego County Water Authority, within right-of-way of Reche Road, Stewart Canyon Road, and Pankey Road/Horse Ranch Creek Road. This alignment was the preferred alignment at the time of FEIR certification based on capacity availability and right-of-way availability for the pipeline.

The FEIR included an assessment of potential water service and infrastructure for two potential water service providers: Valley Center Municipal Water District/San Luis Ray Municipal Water District and RMWD.

The FEIR assumed and analyzed the impacts of the following infrastructure in the event that water service were to be provided by RMWD:

- A 12-inch-diameter water supply pipeline connected to the existing RMWD water system;
- 5 million gallons of potable on-site tank storage;
- Off-site pressure reducing station, if necessary; and
- On-site pressure reducing stations.

The RMWD facilities thus consisted of new transmission pipelines connecting to existing transmission pipelines, and included the above-referenced water storage tanks. Service supplied by the RMWD would not require new connections to the first or second aqueducts. Instead, water would be supplied to the development from existing RMWD facilities, including existing aqueduct connections.

The FEIR recycled water use for the Project and assessed impacts based on the construction recycled water production and distribution facilities for irrigation of common area landscaping, slopes, parks, school fields, as the primary method for irrigation of retained groves.

The FEIR further assumed that that wastewater would be treated to recycled water quality standards at the on-site wastewater treatment plant (WWTP), which was planned to be located at the southern end of Planning Area 1, adjacent to SR-76. The recycled water infrastructure was to consist of a conveyance pump station located at the WWTP site, a transmission pipeline, a recycled water storage tank, and recycled water distribution pipelines.

On October 15, 2019, the County of San Diego adopted an Addendum to the FEIR for Purposes of Consideration of Meadowood Major Grading and Improvement Plans and Site Plan Minor Deviations ("2019 Addendum"). Among the modifications analyzed in the 2019 Addendum were modifications of the lot layout and circulation within the approved Project footprint in addition to the construction of an off-site storm drain access road and storm drainpipe outside of the Project footprint; the redistribution of dwelling units within Planning Areas 1, 3, 4, and 5; and the removal of the WWTP.

The 2019 Addendum assumed that potable water would be delivered to the site from Valley Center Municipal Water District, that no WWTP would be constructed on-site, and that wastewater would be delivered to local water district-operated wastewater treatment plants and 100 percent of wastewater would be recycled and reused by the respective districts. Recycled water would no longer be used as an irrigation water supply source for the Project and common area landscape areas would require potable water use for irrigation. The 2019 Addendum concluded that the Project modifications would result in no new significant or more severe environmental impacts to utilities or service systems because, regardless of the wastewater supplier selected, 100 percent of the Project's wastewater would be reused or recycled by the respective water district. The reuse of the Project's wastewater, while not being reused on-site as identified in the original Project, would be consistent with the original plan to reuse 100 percent of the Project's wastewater. The 2019 Addendum further documented that while potable water would be required for on-site irrigation, new regulatory requirements and additional Project design changes would achieve a 52 percent reduction in irrigation demand as compared to the originally approved Project, and that the remaining Project water demand would be the same as originally assumed in the FEIR.

Pardee Homes has prepared Addendum to the FEIR prepared for the Meadowood Water Pipeline Infrastructure Project: Rice Canyon Transmission Pipeline, dated April 6, 2020 (2020 Addendum). The 2020 Addendum identifies RMWD as the preferred water and sewer service provided to the Project. With RMWD as the service provider, the Project would construct 4,500 linear feet of off-site water line improvements not analyzed in the FEIR. The proposed RMWD water line would connect to water line facilities located within the Project development footprint.

The new 18" underground pipeline is proposed to be 4,500 linear feet in length and to be located within a RMWD easement. Public Resources Code section 21080.21, provides:

"[CEQA] does not apply to any project of less than one mile in length within a public street or highway or any other public right-of-way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline. For purposes of this section, "pipeline" includes subsurface facilities but does not include any surface facility related to the operation of the underground facility."

Accordingly, CEQA does not require an environmental analysis of the pipeline.

The 2020 Addendum nevertheless documents that all impacts associated with the provision of water and sewer service to the Project by RWMD were adequately evaluated in the FEIR, and would not result in any new or more severe impacts than were disclosed in the FEIR.

III. FINDINGS REGARDING PROJECT ENVIRONMENTAL REVIEW.

Public Resources Code section 21002.1, subdivision (d), provides that before taking action on a project, a responsible agency must consider the environmental effects identified in the FEIR of the activities that it is required to approve or carry out. When deciding whether to approve a project, a responsible agency must also consider whether to adopt mitigation measures or alternatives, but only for the significant impacts, if any, of the activities it is approving. (State CEQA Guidelines, §§ 15041, subd. (b), 15096, subd. (g)(1).)

The following findings are hereby adopted by the RMWD Board of Directors, as required by Public Resources Code sections 21081, 21081.5, 21002.1 and CEQA Guidelines section 15096, subdivision (h).

RMWD's action on the Project is limited to the provision of water and sewer service to the Project. The FEIR shows that the Project's impacts to utilities will be less than significant without mitigation. In particular, the Annexation Agreement and the Out-of-Agency Service Agreement (collectively, "the Agreements") were contemplated in the FEIR, which acknowledges that the provision of water and sewer service to the Project would require modification of the existing Sphere of Influence boundaries of the water districts in the Project. The FEIR and the 2019 Addendum document that adequate water supplies are available to serve the Project. The provision of water service to the Project by RMWD would require the construction of additional water infrastructure. The facilities necessary to connect the Project to RMWD were analyzed in the FEIR, the 2019 Addendum and the 2020 Addendum, and their impacts determined to be less than significant without mitigation. Accordingly, CEQA does not require the adoption of a Mitigation Monitoring and Reporting Program by RMWD.

II. ADDITIONAL FINDINGS: PUBLIC RESOURCES CODE SECTION 21166 AND CEQA GUIDELINES SECTION 15162

The RMWD Board of Directors further finds that the environmental impacts of the Agreements were evaluated in the FEIR and that under CEQA Guidelines section 15162 there would be no new impacts and no new mitigation measures are required. Therefore, further evaluation and documentation under CEQA are not required. The Agreements are a subsequent activity within the scope of the FEIR. None of the conditions or circumstances that would require preparation of subsequent or supplemental environmental review pursuant to Public Resources Code section 21166 and CEQA Guidelines section 15162 exists in connection with the Project.

III. RECORD OF PROCEEDINGS

Various documents and other materials constitute the record of proceedings upon which the RMWD Board of Directors bases its findings and decision contained herein. The custodian for these documents and materials is the Executive Assistant/Board Secretary.

IV. APPROVALS

The RMWD Board of Directors hereby takes the following actions:

A. The RMWD Board of Directors has reviewed and considered the FEIR, as described in Section I above.

B. The RMWD Board of Directors has independent reviewed and considered the 2020 Addendum.

C. The RMWD Board of Directors hereby adopts the 2020 Addendum.

D. The RMWD Board of Directors hereby adopts the Findings in their entirety as set forth in Section III, above.

E. Having independently reviewed and considered the FEIR, adopted the 2020 Addendum, and adopted the Findings, the RMWD Board of Directors hereby approves the Annexation Agreement among Rainbow Municipal Water District and Pardee Homes.

F. Having independently reviewed and considered the FEIR, adopted the 2020 Addendum, and adopted the Findings, the RMWD Board of Directors hereby approves the Agreement for Out of Agency Service between Valley Center Municipal Water District and RMWD.