

## EXHIBIT "A" – NOTICES AND APPEAL FORMS

### **Right to Appeal:**

Any person receiving a notice of noncompliance, an invoice for costs, or any person who is subject to any adverse determination made pursuant to this article (except those already proceeding in civil court and/or appeals of administrative citations), may appeal the matter by filing a written request accompanied by a filing fee for an Administrative Hearing with the office of the Clerk of the Board, located at 481 Fourth St., 1st Floor, Hollister, CA 95023. The failure to timely appeal a decision, in writing, shall bar and waive all further appeals and result in the decision or action in question becoming final and non-appealable.

### **Request for Hardship Waiver:**

If due to unique circumstances, a specific requirement of this article would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar - property or classes of water users, then the person may apply for a waiver by submitting an application for a waiver along with supporting documentation demonstrating the need for waiver. Applications are available at the Public Works Department, 2301 Technology Parkway, Hollister, CA 95023.

### **VIOLATIONS OF APPLICABLE CODES:**

#### **SAN BENITO COUNTY CODE:**

#### **CHAPTER 15 ARTICLE V. COUNTY SERVICE AREA NO. 31 WATER CONSERVATION ORDINANCE**

#### **§15.05245 DEFINITIONS:**

**CUMULATIVE MONTHLY AGRICULTURAL ALLOTMENT.** The sum of the monthly agricultural water allotments, as may be established by the County Board of Supervisors by resolution or ordinance, for a given parcel within CSA 31 from the beginning of the water year, to the month for which the CUMULATIVE MONTHLY AGRICULTURAL ALLOTMENT is calculated.

**MONTHLY AGRICULTURAL WATER ALLOTMENT.** The amount of non-potable water supplied by CSA 31 to a given parcel within CSA 31 for a month, as may be established by the Board of Supervisors by resolution or ordinance.

**WATER WASTE.** Any use of water in violation of the water use restrictions set forth herein.

**WILLFUL VIOLATION.** Any violation of this article which is intentional, deliberate or occurs with the responsible party's knowledge of the violation. It shall also include any violation which occurs after the water customer has been informed that a water violation exists.

#### **§15.05.250 CONSERVATION MEASURES - AGRICULTURAL WATER SUPPLY: ALLOTMENTS.**

(A)(4) If a yearly agricultural allotment is established by the San Benito County Board of Supervisors, when the yearly allotment for a parcel is reached, the agricultural water supply to the parcel will be turned off and locked until the beginning of the next water year. In the alternative, a water restricting device may be installed by the county.

(B)(4) When the monthly allotments described in this section is mandatory, as established by resolution or ordinance of the Board of Supervisors, due to the failure of a well, pipeline, or water delivery system, or the amount of the annual allocation of water from the San Benito County Water District, no person shall use or allow to be used on a parcel agricultural water/non-potable supplied by CSA 31 in excess of the parcel's cumulative monthly water agricultural allotment.

#### **§ 15.05.252 ENFORCEMENT.**

(A) Discontinue service/water flow device. After providing due process, the county, in its sole discretion, may discontinue service or place a flow restricting device on the meters or water supply lines of consumers who violate provisions of this article.

#### **§ 15.05.257 DISCONNECTION FROM WATER SERVICE.**

Upon the third or subsequent violation(s) of this article by an owner, or in the event of water use in excess of the annual agricultural allotment, the Director may order disconnection of water service on either a temporary or permanent basis. Prior to any disconnection, the customer shall be provided a "water usage violation notice/notice of disconnection" at least three business days prior to service being disconnected.

**APPEAL FORM UNDER ARTICLE V OF CHAPTER 15.05**  
**COUNTY SERVICE AREA NO. 31 WATER CONSERVATION ORDINANCE**

1. **Date:** \_\_\_\_\_
2. **Name, Address, Phone Number and Email Address of Appellant**
3. **Name, Address, Phone Number and Email Address of Property Owner (if different than Appellant)**
4. **Action being appealed:**
5. **Date of Action being appealed from:**
6. **ALLEGED ERROR: State all grounds upon which your appeal is based, including a description of the issues, any evidence supporting the claim, and the resolution which you are seeking. (Additional pages may be attached as necessary.)** *Any grounds not set forth in the written appeal shall be deemed waived and the appellant shall thereafter be precluded from raising them. Therefore, Appellant should be specific as to all alleged errors and provide as much detail and supporting documentation as possible. By signing this form, appellant indicates that appellant understands and agrees that the failure to state a basis of error constitutes a waiver of that ground and will prohibit the appellant from later raising that particular basis of error.*

**Signature of Appellant(s):** \_\_\_\_\_

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**COUNTY SERVICE AREA NO. 31 WATER CONSERVATION ORDINANCE  
HARDSHIP WAIVER  
This Application is pursuant to Ordinance 927**

*If due to unique circumstances*, a specific requirement of this article would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water users, then the person may apply for a waiver to the requirements as provided in this section.

*Application for a waiver* must be accompanied by photographs, maps, drawings, or other pertinent information as applicable, including a written statement of the applicant.

*A waiver* may be granted or conditionally granted only upon written finding of the existence of facts demonstrating an undue hardship.

*The County Administrative Officer*, or designee, will exercise approval and act upon any completed application after submittal and may approve, conditionally approve, or deny the variance.

*The Board of Directors* of the Stonegate Homeowners Association shall review this application and make a recommendation to the County Administrative Officer regarding the requested variance.

*The applicant* requesting the variance will be promptly notified in writing of the action taken.

*The decision* of the County Administrative Officer, or designee, is final, and not subject to appeal.

*At the time* a waiver is approved, it shall state the duration that it will apply to the subject property. If not stated, the length of the waiver shall be to the conclusion of the water year. The hardship waiver is nontransferable.

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
(Last) (First)

Phone# \_\_\_\_\_ Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(Street) (City) (Zip)

Address for Waiver: \_\_\_\_\_

Resolution Sought: \_\_\_\_\_

Description of Evidence Supporting Claim: \_\_\_\_\_

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