

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

RESOLUTION NO. 2024- 50

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO FINDING THAT ADOPTION OF AN ORDINANCE ESTABLISHING A WATER CONSERVATION PROGRAM FOR THE AREA SERVED BY COUNTY SERVICE AREA NO. 31 FOR THE 2024-2025 WATER YEAR IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, the Bureau of Reclamation of the United States Department of the Interior has continued a reduced allocation of water to the San Benito County Water District from the Central Valley Project; and

WHEREAS, the water allocated to the San Benito County Water District is used in part to meet the demands and requirements of water consumers in County Service Area 31 (CSA 31), Stonegate Subdivision, located on Airline Highway, in San Benito County; and

WHEREAS, as a result of the reduced water supply over historical water allocations, and the possibility of future reductions, the Board of Supervisors finds that CSA 31 (Stonegate) is at risk of having inadequate water supply for regular domestic use, emergency domestic use, and fire protection; and

WHEREAS, additionally, the domestic well drilled by CSA 31 does not have sufficient production capabilities to supply unlimited water to the residents within CSA 31 as draw down of the domestic well has occurred, the well has limited capacity in the number of gallons per minute that it produces, and the reduced usage is necessary so that adequate recharge can occur and water quality can be maintained; and

WHEREAS, to ensure adequate water is available at all times for fire protection and domestic use, the Board of Supervisors finds it necessary to encourage and enforce water conservation by adopting a Water Conservation Ordinance establishing water allotments within CSA 31 for Fiscal Year 2024-2025; and

WHEREAS, in accordance with Section 375 of the California Water Code, the Board of Supervisors held a duly noticed public hearing at its regularly scheduled meeting of April 30, 2024, regarding the Board's consideration of a Water Conservation Ordinance establishing water allotments within CSA 31 for Fiscal Year 2024-2025; and

WHEREAS, at the public hearing, the Board of Supervisors heard and received all oral and written testimony and evidence that was made, presented, or filed, and all persons present at the hearing were given ample opportunity to hear and be heard with respect to any matter related to the Water Conservation Ordinance; and

WHEREAS, the regulations set forth in the Water Conservation Ordinance are reasonable, necessary, and proper to protect the water supply for human consumption, sanitation and fire protection during the duration of water shortages; and

WHEREAS, the regulations in the Water Conservation Ordinance provide an effective and

immediately available means of conserving water and will help protect the existence of an adequate water supply for CSA 31, including fire suppression, if needed; and

WHEREAS, adoption by the County of San Benito of the Water Conservation Ordinance ensures that there will be sufficient water in this subdivision to curb any fire or wildfire, if one occurred; and

WHEREAS, having adequate water to stop a fire if it occurs, helps preserve and protect natural areas, habitat for protected and endangered species, and individual animals and plants from harm resulting from wildfires; and

WHEREAS, adoption of a Water Conservation Ordinance would not result in any foreseeable impact or effect upon the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of San Benito, State of California, hereby finds as follows:

- 1) The above recitals are all true and correct;
- 2) The State of California has been experiencing one the driest drought periods ever recorded;
- 3) Reports indicate that 93.7% of the state has been in severe drought and 40.3% has been in extreme drought in recent years;
- 4) The website drought.gov indicates that in San Benito County, February 2022 was the second driest February in the past 128 years;
- 5) In San Benito County, 100% of San Benito County has been classified as in “Severe Drought Status” in recent years, the map of which is attached hereto and incorporated herein by reference as Exhibit “A”;
- 6) Severe Drought status is characterized with a longer fire season, with high burn intensity, dry fuels, and a large fire spatial extent;
- 7) That the drought condition has been a reoccurring issue, year after year, with multiple fires occurring throughout the State during the State’s fire season;
- 8) Throughout many areas of the State, including San Benito County, and specifically in CSA 31, there have been significant amounts of dry vegetation, which can result in aggressive wildland fires;
- 9) Due to chronically dry conditions in recent years, it is also expected that without a Water Conservation Ordinance, CSA 31 might have insufficient water resources to address a fire or wildfire occurring in that area;
- 10) Fire in the unincorporated area of the County can be detrimental to the environment, reduce air quality, reduce animal habitats, and can injure or kill individual animals;

- 11) Adoption of the Water Conservation Ordinance ensures that there will be a sufficient water reserve for fire suppression purposes within CSA 31;
- 12) Adoption of the Water Conservation Ordinance within CSA 31, in the unincorporated County, is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15061(b)(3), 15307, 15308, and 15378, for the following reasons:
 - (a) Under CEQA Guidelines Section 15061(b)(3), CEQA review is not required because there is no possibility that the Water Conservation Ordinance may have a significant effect upon the environment.
 - (b) Under CEQA Guidelines Sections 15307 and 15308 the proposed Water Conservation Ordinance constitutes regulations involving procedures for protection of the environment that do not involve construction activities or relaxation of standards allowing environmental degradation.
 - (c) Under CEQA Guidelines Section 15378, the proposed Water Conservation Ordinance is not a project under CEQA because it will not cause a "direct physical change in the environment," or a "reasonably foreseeable indirect physical change in the environment" because it is limiting in nature and does not authorize any specific development activity or promote new construction or growth.
- 13) These findings represent the independent judgment of the staff and Board of Supervisors of the County of San Benito.

BE IT FURTHER RESOLVED that County staff shall prepare and post a Notice of Exemption with the County Clerk within five (5) days of the adoption of this Resolution.

PASSED AND ADOPTED by the San Benito County Board of Supervisors, State of California, at the meeting of said Board held on April 30, 2024, by the following vote:

AYES: 5 SUPERVISORS Curro, Sotelo, Zanger, Kosmicki, Gonzales
 NOES: 0 SUPERVISORS None
 ABSTAIN: 0 SUPERVISORS None
 ABSENT: 0 SUPERVISORS None

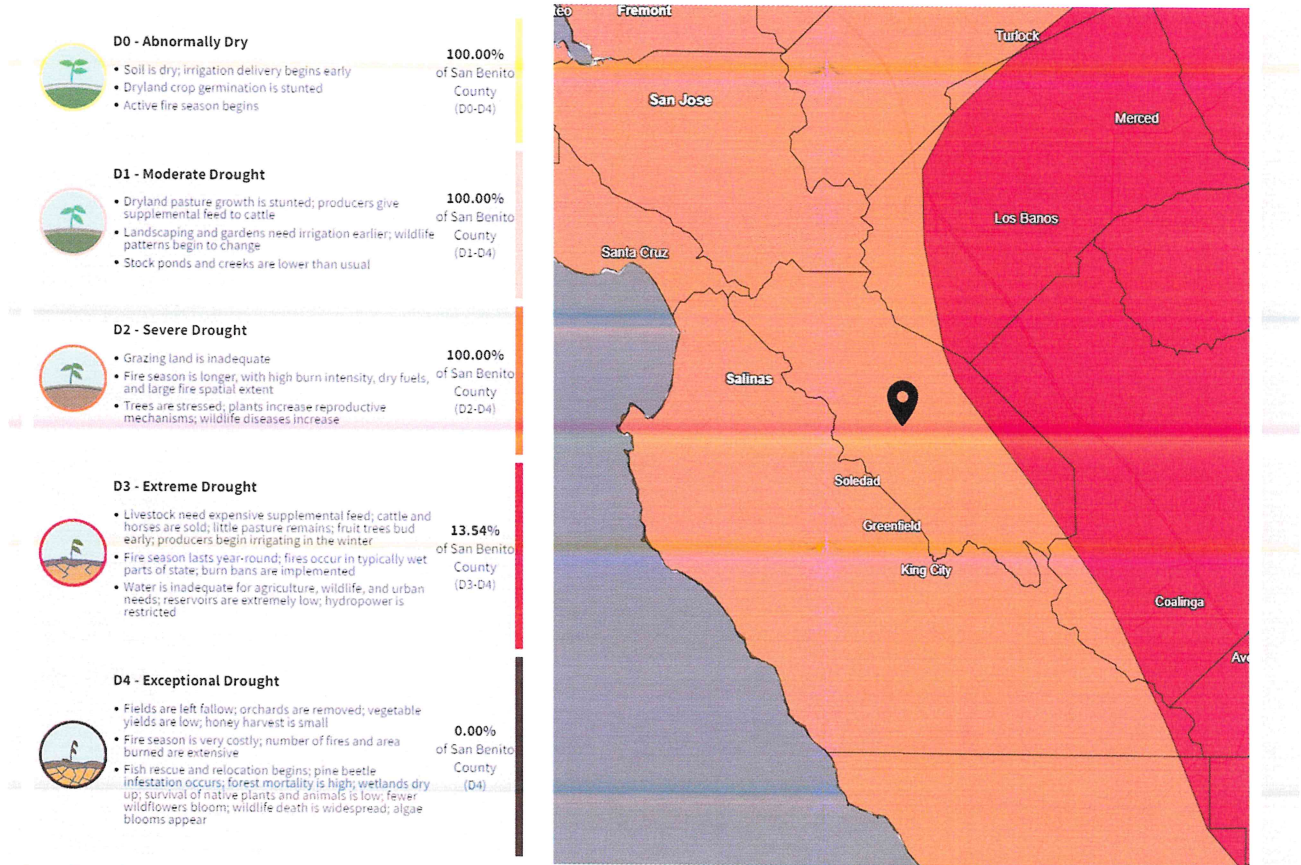
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Angela Curro
 BY: _____
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 Angela Curro, Chair

APPROVED AS TO LEGAL FORM:
 San Benito County Counsel's Office
Shirley L. Murphy 4/16/24
 Shirley L. Murphy, Deputy County Counsel

ATTEST:
 DocuSigned by:
Vanessa Delgado

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 Vanessa Delgado, Clerk of the Board

EXHIBIT "A"



[San Benito County Conditions | Drought.gov](http://SanBenitoCountyConditions|Drought.gov)