

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

RESOLUTION NO. 2022-

**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 2022-2023 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;

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 maintained;

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 program; and

WHEREAS, the regulations set forth herein 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 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 this 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 such an 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, finds as follows:

- 1) The State of California is experiencing one the driest drought periods ever recorded;
- 2) Recent reports indicate that 93.7% of the state in severe drought and 40.3% is in extreme drought;
- 3) The website drought.gov indicates that in San Benito County, February 2022 was the 2nd driest February in the past 128 years;
- 4) In San Benito County, 100% of San Benito County has been classified as in the “Severe Drought Status”, the map of which is attached in Exhibit “A”;
- 5) The Severe Drought status is characterized with a longer fire season, with high burn intensity, dry fuels, and a large fire spatial extent;
- 6) That the drought condition is expected to continue for at least the next several months, but has been a reoccurring issue, year after year, with multiple fires occurring throughout the State during the State’s fire season;
- 7) Throughout many areas of the State, including San Benito County, and specifically in CSA 31, there are significant amounts of dry vegetation, which can result in aggressive wildland fires;
- 8) Due to the dry conditions today and during this dry season, 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;
- 9) Fire in the unincorporated area of the County can be detrimental to the environment, reduce air quality, reduce animal habitats, and can injury or kill individual animals;
- 10) Adoption of this water conservation ordinance ensures that there will be a sufficient water reserve for fire suppression purposes within CSA 31;
- 11) Adoption of this water conservation ordinance within CSA 31, in the unincorporated county is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines 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 this Ordinance may have a significant effect upon the environment.

(b) Under CEQA Guidelines Section 15307 and 15308 the proposed amendments are 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 amendments are not a project under CEQA because they will not cause a "direct physical change in the environment," or a "reasonably foreseeable indirect physical change in the environment" because they are limiting in nature and do not authorize any specific development activity or promote new construction or growth.

12) 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 12, 2022, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSTAIN: SUPERVISORS
ABSENT: SUPERVISORS

BY: _____
Bea Gonzales
Chair of San Benito County Board of Supervisors

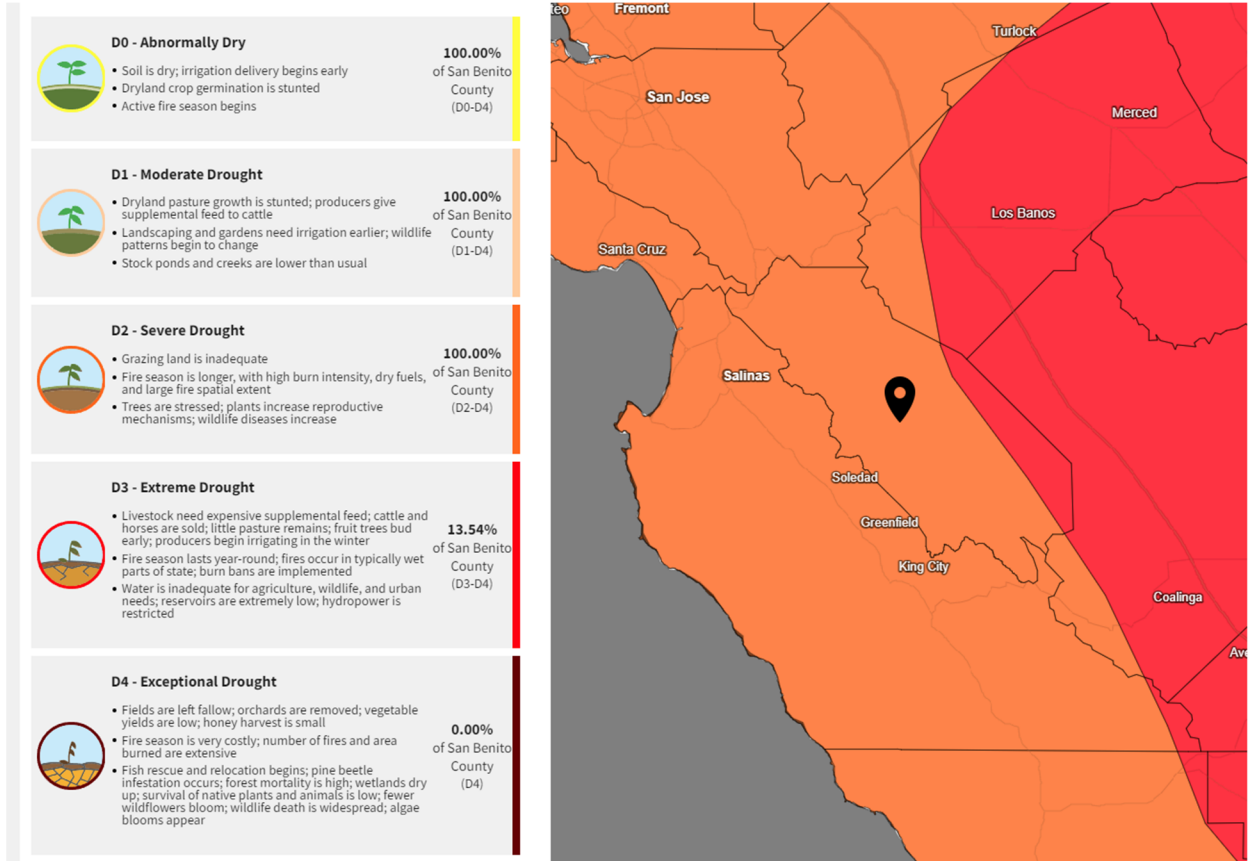
APPROVED AS TO LEGAL FORM:

ATTEST:

s/ Barbara Thompson
Barbara Thompson, County Counsel

Jennifer Frechette, Clerk of the Board

EXHIBIT “A”



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