



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Dom Zanger
District No. 1
Vice-Chair

Kollin Kosmicki
District No. 2
Chair

Mindy Sotelo
District No. 3

Angela Curro
District No. 4

Ignacio Velazquez
District No. 5

Item Number: 2.1

MEETING DATE: 04/08/2025

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Linda Young

DEPT HEAD/DIRECTOR: Steve Loupe

SUBJECT:

RESOURCE MANAGEMENT AGENCY- S. LOUPE, PUBLIC WORKS ADMINISTRATOR

(To Be Heard at 9:30 a.m. or soon thereafter as the matter may be heard)

Hold a Public Hearing, adopt Resolution making CEQA findings, finding that adoption of the proposed Ordinance Establishing Water Allotments within County Service Area No. 31 (Stonegate) for the 2025-2026 Water Year is exempt from CEQA, Accept introduction and waive further reading of the proposed Ordinance, adopt an Ordinance Establishing Water Allotments within County Service Area No. 31 (Stonegate) for the 2025-2026 Water Year and taking other, and retroactively approve the publication of 1/4 page display ad that was published prior to today's hearing, and authorize publication of a display ad after publication in lieu of publication of the ordinance itself or a summary thereof.

SBC FILE NUMBER: 105.3

RESOLUTION NO: 2025-17

ORDINANCE NO: 1080

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

On July 8, 2014, the Board of Supervisors adopted Ordinance No. 927, establishing a Water Conservation Program for CSA 31, and adopting the annual water allocations for Water Year 2014-2015. Every year since, the Board of Supervisors has adopted an annual Water Conservation Ordinance (Ordinance Nos. 935, 946, 957, 970, 980, 1009, 1018, 1028, 1041, 1055, and 1064), amending Ordinance No. 927, based on the annual allocations of blue valve water provided to CSA 31 and the

condition of the domestic water well.

Due to the limited allotment of Blue Valve Water from the San Benito County Water District, the proposed Ordinance will establish mandatory water allocations for the 2025-2026 water year (April 8, 2025-February 28, 2026). These allocations are set forth in Exhibit C-1 of the proposed Ordinance intended to set new allocations for the new water year.

As background, this subdivision was developed with only one source of water- "blue valve" water. This became problematic because the subdivision had only one source of water which could be subject to interruption or line breakage, with no redundancy in the system to provide water in those situations.

The homeowners within CSA 31 have taken significant steps over the years to improve the water availability. CSA 31 homeowners approved a supplemental CSA fee to fund the domestic water well which was drilled approximately 10 years ago. However, the domestic well does not provide water for all agricultural needs, and further must be used even for domestic use in a reasonable manner to prevent excessive draw down. Therefore, there has been a need to impose both an agricultural and domestic water conservation ordinance for the last several years.

The homeowners within CSA 31 have been very active in monitoring the water situation within CSA 31 and continue to work with the County on this issue.

CEQA FINDINGS and DISPLAY PUBLICATION

Environmental Review: As further described in the proposed Resolution, the proposed Ordinance does not constitute a project subject to the requirements of environmental review under the California Environmental Quality Act (CEQA) (California Public Resources Code section 21084 et seq.), because the proposed ordinance is not a "project" as defined as "...an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment..." (Pub. Res. Code §21065.) and is not a project as defined by §15378 (b) as it is (1) general policy and procedure making, (2) does not involve commitment to any specific project, (3) is not growth inducing, and (4) will not result in a direct or indirect physical impact/change(s) on the environment. The proposed ordinance adds enforcement mechanisms to conserve water and to allocate the finite water supply within CSA31.

However, if the proposed Ordinance was considered to be a project under CEQA's definition, it would nevertheless be deemed exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states that "[a] project is exempt from CEQA if... [t]he activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." There is no possibility that the proposed Ordinance will result in a significant effect on the environment. It will have the effect of limiting rather than authorizing the use of water supplies and

resources. Furthermore, the proposed Ordinance and actions taken hereafter pursuant to it are exempt from CEQA pursuant to the CEQA Guidelines Sections 15307 and 15308, since it makes and implements policies and procedures to ensure that water resources are conserved by reducing water consumption.

Display Ad Publication:

County Counsel has determined that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance, and therefore, directed that a display ad be published prior to the hearing.

RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:

Yes

CONTRACT NEEDED FOR THIS ITEM:

No

RFP AND BID HISTORY:

NA

LAST CONTRACT AMOUNT OR N/A:

NA

CONTRACT HISTORY (Describe all amendments and previous contracts):

NA

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

No

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

BUDGETED:

N/A

BUDGET ADJUSTMENT NEEDED:

N/A

SOURCE OF FUNDING:

N/A

UNFUNDED MANDATE:

N/A

SBC BUDGET LINE ITEM NUMBER:

NA

CURRENT FY COST:

NA

STAFF RECOMMENDATION:

After staff reads the title of the Ordinance for the record: "An Ordinance of the County of San Benito Establishing a Water Conservation Program for the Area served by County Service Area No. 31 for the 2025-2026 Water Year"

It is recommended that the Board of Supervisors:

1. Hold a Public Hearing on the proposed Water Conservation Ordinance;
2. Adopt a Resolution making the CEQA findings, finding that adoption of the proposed Ordinance is exempt from CEQA;
3. Accept introduction and waive further reading of the proposed Ordinance;
4. Adopt an Ordinance amending water allocation requirements for County Service Area No. 31 for the 2025-2026 Water Year; and
5. Retroactively approve the publication of 1/4 page display ad that was published prior to today's hearing, and authorize publication of a display ad after publication in lieu of publication of the ordinance itself or a summary thereof.

ATTACHMENTS:

[Board Resolution - CSA 31 Water Allotments FY 25-26 - CEQA Exemptions](#)
[Ordinance - CSA 31 Water Allotments FY 25-26 - with Exhibits A through C-1](#)
[CSA 31 \(Stonegate\) 25.26 Water Notice Publication](#)