

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE RESCINDING THE DECLARATION OF A STAGE 1 WATER SHORTAGE EMERGENCY AND RELATED WATER CONSERVATION MEASURES AND RESTRICTIONS

WHEREAS, on October 12, 2021, the City Council adopted Resolution 5119 declaring a Stage 1 Water Shortage Emergency in accordance with California Water Code Section 350 et. seq, and Arroyo Grande Municipal Code (AGMC) Section 13.07.030; and

WHEREAS, Chapter 13.07 of the AGMC provides for stages of action that will be undertaken in response to water supply shortages and related triggering conditions, consistent with the City of Arroyo Grande's Urban Water Management Plan and for the imposition of regulations and restrictions, including, but not limited to, requirements to reduce consumption of water, that are necessary in order to protect the health, safety and welfare of the community; and

WHEREAS, triggering conditions for a Stage 1 Water Shortage Emergency under AGMC Section 13.07.030(A) may include, but are not limited to, a determination that the water level at Lake Lopez is at or below fifteen thousand (15,000) acre-feet, if there has been six quarterly continuous events of sentry well level readings below the deep well index trigger level of seven and one-half feet, and/or of the State Water Resources Control Board has imposed mandatory restrictions in water use by the City; and

WHEREAS, the City of Arroyo Grande has a limited water supply that consists of two sources: Lake Lopez and groundwater. The San Luis Obispo County Flood Control and Water Conservation District has developed the Lake Lopez Low Reservoir Response Plan (LRRP), which provides for a series of management procedures that are to be followed the reservoir level drops below 20,000 acre-fee, which includes reduced municipal water delivers; and

WHEREAS, on July 8, 2021, Governor Gavin Newsom issued a Proclamation of a State of Emergency, pursuant to the California Emergency Services Act, due to extreme drought in certain counties in the State, including San Luis Obispo County; on July 13, 2021, the San Luis Obispo County Board of Supervisors declared a local drought emergency; and on August 24, 2021, the Board of Supervisors initiated the LRRP for Lake Lopez. Under the LRRP, the City is subjected to a 10% reduction in Lopez deliveries, which equates to 216,000 gallons per day; and

WHEREAS, on July 14, 2021, the United States Drought Monitor showed San Luis Obispo County in an extreme drought; and

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WHEREAS, on September 22, 2021, Lopez Lake was at 15,426 acre-feet of storage and was expected to fall below the triggering threshold of 15,000 acre-feet by approximately October 14, 2021; and

WHEREAS, on July 21, 2022, the Zone III Advisory Board approved the Technical Advisory Committee's recommendation to reduce contract deliveries by 20% prior to Lopez Lake reaching 10,000 acre-feet. As a result, the City began reducing the flow of deliveries on July 26, 2022 to 1.7 million gallons per day; and

WHEREAS, on January 4, 2023, Governor Newsom issued a Proclamation of a State of Emergency relating to severe winter storms and a series of atmospheric river systems that struck California beginning December 27, 2022, bringing high winds, substantial precipitation, and river, stream, and urban flooding; and

WHEREAS, an additional atmospheric river system struck the Central Coast beginning on March 9, 2023. On March 10, 2023, the Emergency Services Director for the County of San Luis Obispo issued a Proclamation of a Local Emergency related to severe winter storms and a series of atmospheric rivers systems that struck California beginning on December 27, 2022, and have been ongoing since that date. On March 1, 2023, Governor Newsom issued an emergency proclamation related to the severe winter storms impacting San Luis Obispo and other counties throughout the State; and

WHEREAS, after the substantial precipitation from the storms, Lopez Lake was at 49,462 acre-feet of storage as of March 23, 2023, compared to 15,426 are-feet of storage on September 22, 2021; and

WHEREAS, at the January 19, 2023 Zone III Technical Advisory Committee Meeting, the committee voted to suspend the LRRP, thereby releasing the City's 20% contract delivery reductions from Lopez Reservoir; and

WHEREAS, on March 14, 2023, after the winter storms, the United States Drought Monitor showed San Luis Obispo County no longer in a drought; and

WHEREAS, adopting this Resolution rescinding the Stage 1 Water Shortage Emergency is not a project subject to the California Environmental Quality Act ("CEQA") because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378). Alternatively, this is not a "project" as defined by CEQA because rescinding the Stage 1 Water Shortage Emergency is merely administrative activity. (See State CEQA Guidelines, § 15378(b)(2),(4)) and for those reasons, the action is exempt from CEQA.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arroyo Grande, that:

1. The recitals set forth herein are true, correct and incorporated by reference.
2. Based upon the existing water conditions, as described above, the City Council hereby rescinds the previously declared Stage 1 Water Shortage Emergency.
3. If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid, such determination shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this Resolution and each and every section, subsection, sentence, clause, or phrase not declared invalid without regard to whether any portion of the Resolution would be subsequently declared invalid or unconstitutional.

On motion of Council Member _____, seconded by Council Member _____, and by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

the foregoing Resolution was passed and adopted this 28th day of March, 2023.

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CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

WHITNEY McDONALD, CITY MANAGER

APPROVED AS TO FORM:

ISAAC ROSEN, INTERIM CITY ATTORNEY