

# Attachment 1

## RESOLUTION 24-XXX

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES MAKING FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 51292 FOR THE PLACEMENT OF PUBLIC IMPROVEMENTS IN AN AGRICULTURAL PRESERVE IN FURTHERANCE OF THE RECYCLED WATER DISTRIBUTION PROJECT

WHEREAS, the City has planned, designed and is advancing the installation of a Recycled Water Distribution System which includes construction of a 900,000-gallon storage tank at the east end of the City, near Barney Schwartz Park.

WHEREAS, the recycled water storage tank is needed to facilitate future distribution of recycled water within to planned recycled water service areas. The City is in negotiations to acquire property located at Vina Robles, APN 020-211-015. The elevation of the planned tank site property is critical for allowing delivery of the recycled water at the appropriate pressure for recycled water users.

WHEREAS, the tank site location was selected based primarily on site elevation, topography, and proximity of the site to the recycled water backbone infrastructure and future recycled water use sites.

WHEREAS, the tank site and recycled water system will provide a supplemental water supply to the property and neighboring properties which will allow some offsetting of groundwater pumping. Lower acquisition cost due to the agricultural uses of the land and the agricultural preserve restriction was not the primary consideration for the choice of the property.

WHEREAS, other sites within and near the City that provide the appropriate elevation for the tank are very limited, are poor candidates for the tank site due to their greater distance from the distribution system and future recycled water users, and thus not reasonably feasible to locate this public improvement.

WHEREAS, construction of the tank and related facilities at the proposed site will provide benefit to the property and surrounding properties by providing a supplemental water supply and will allow users to offset historical groundwater pumping.

WHEREAS, the storage tank site is located on private land owned by a private party (currently Vina Robles).

WHEREAS, to facilitate purchase of needed property and easements needed for the project, the City council has authorized the City Manager to enter into agreements that include payments for the needed easements and property acquisition to allow future construction of the project consistent with the project budget. Total property acquisition including purchase of the tank site property will BE within the approved budget.

WHEREAS, the tank site property is subject to an existing Open Space Easement Agreement and a Williamson Act Contract.

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WHEREAS, the Open Space Easement Agreement allows for construction of public service facilities installed for the benefit of the surrounding properties, pursuant to Section 5 “Construction of Improvements”.

WHEREAS, the Williamson Act Contract only allows for “agricultural or compatible uses” for the lands without exception.

WHEREAS, the California Government Code Section 51292 allows for a public agency to locate a public improvement within an agricultural preserve upon the making of certain findings by the City, made prior to the acquisition of the property. The City has not yet acquired the property in the agricultural preserve.

WHEREAS, the City has fulfilled the requirements of the California Environmental Quality Act for the Recycled Water Distribution System project. The City prepared an Initial Study and Mitigated Negative Declaration (IS/MND) and circulated it for public comment (State Clearinghouse #2018051033). The City certified the IS/MND and filed a Notice of Determination in August 2018. This action is consistent with the previously certified MND.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. The City Council makes the following finding related to the placement of public improvements on a portion of APN 020-211-015 which is located in an agricultural preserve as required by Government Code Section 51292:

1. The location of recycled water storage tank site and related facilities were not selected primarily due to lower cost of land within an agricultural preserve. The site of the recycled water storage tank and related facilities was based primarily on site elevation, topography, and proximity of the site to the recycled water backbone infrastructure and future recycled water use sites; constructability, future maintenance and access were also closely considered.
2. It is not reasonably feasible to construct the tank site outside of the agricultural preserve land because there are limited sites which provide suitable elevation and are proximal to/ in the vicinity of the recycled water system backbone infrastructure and future use sites.
3. Construction of the recycled water storage tank at the proposed location on parcel APN 020-211-015 will provide a supplemental water supply that is suitable for irrigation of wine grapes and other uses to the property and neighboring properties for offsetting some groundwater pumping, which consistent with the Paso Robles Basin’s Groundwater Sustainability Plan.

Section 3. CEQA Compliance. The City has fulfilled the requirements of the California Environmental Quality Act for the Recycled Water Distribution System project. The City prepared an Initial Study and Mitigated Negative Declaration (IS/MND) and circulated it for public comment (State Clearinghouse #2018051033). The

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City certified the IS/MND and filed a Notice of Determination in August 2018. The City Council hereby finds and concludes that 1) this action is consistent with and in furtherance of the previously analyzed project and is therefore relying upon the previously certified IS/MND.

Section 4. This Resolution shall take effect on the date it is approved by the City Council.

APPROVED this 3<sup>rd</sup> day of September, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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John R. Hamon, Jr. , Mayor

ATTEST:

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Melissa Boyer, City Clerk