



Legislation Details (With Text)

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File created: 4/27/2022 **In control:** Planning Commission
On agenda: 5/4/2022 **Final action:**
Title: JAY GARDNER / MEYERS WATER COMPANY / USE PERMIT NO. P21-00091-UP

CEQA Status: Consideration and possible adoption of Categorical Exemptions Class 1, 3, and 4. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Section 15301, Class 1 Minor Alterations to Existing Facilities; Section 15303, Class 3 New Construction or Conversion of Small Structures; and Section 15304, Class 4 Minor Alterations to Land.] Furthermore, this project is exempt from the requirements of CEQA under Section 15269 Emergency Projects, subsection (b) emergency repairs to publicly or privately owned facilities necessary to maintain service essential to the public health and safety, or welfare. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Approval of a request from Meyers Water Company (MWC) for a Use Permit (No. P21-00091) to continue operation of a small community water system/Quasi-Public use (for the community of Edgerly Island) in unincorporated Napa County west of the Napa River. The requested Use Permit includes emergency repair of MWC's small community water system through 1) The use of an existing new well drilled on the site; and 2) Relocation and development of a water distribution system including water pumps and filters and six (6) 5,000-gallon water tanks. The water distribution system, water storage tanks, equipment, and materials to support the small community water system would be located in a proposed new two-story mixed use in an approximately 3,260 sf building. The ground level garage area totaling 1,647 sf would be used by MWC for the water distribution system and the second floor would be developed with a 3-bedroom, 1,611 sf manufactured single-family residence, including two uncovered parking spaces. The single-family residence is an allowed use and is not subject to the requested use permit. The project is located on a 0.113-acre parcel within the Residential Single - Airport Compatibility (RS-AC) zoning district and Agriculture, Watershed, & Open Space (AWOS) general plan designation at 1794 Milton Road, Napa; Assessor's Parcel No. 048-042-028.

Staff Recommendation: Find the project categorically and state exempted from CEQA and approve the Use Permit as conditioned.

Staff Contact: Charlene Gallina, Supervising Planner, 707-299-1355; or email charlene.gallina@countyofnapa.org

Applicant: Jay Gardner; phone 707-974-3803 or email jay@adventurecat.com

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Recommended Findings, 2. B - Recommended Conditions of Approval & Agency Memos, 3. C - Revised CEQA Memo, 4. D - General Plan Consistency Memo, 5. E - Use Permit Application, 6. F - Water System Permit Amendment Report, 7. G - Public Comments, 8. H - Graphics

Date	Ver.	Action By	Action	Result
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TO: Napa County Planning Commission

FROM: Charlene Gallina for David Morrison - Director Planning, Building and Environmental Services

REPORT BY: Charlene Gallina, Supervising Planner - 707-299-1355

SUBJECT: Meyers Water Company

RECOMMENDATION

JAY GARDNER / MEYERS WATER COMPANY / USE PERMIT NO. P21-00091-UP

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EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Find the project Categorically and State Exempted based on the CEQA Memorandum and Findings 1-4 in Attachment A; and
2. Approve Use Permit Application No. P21-00091-UP, based on Findings 5-9 of Attachment A, and subject to the recommended Conditions of Approval (Attachment B).

Discussion:

Meyers Water Company has provided water to the Edgerly Island Community since 1950 and currently serves approximately 91 homes. It is currently regulated by Napa County Environmental Health and the California Public Utilities Commission. MWC is a small community water system that strives to provide safe, high-quality water at an affordable cost to its customers. It is the only water purveyor in the Edgerly Island area. MWC's existing well is old and failing and because of saltwater intrusion a new well cannot be drilled at the existing site of MWC's operations. Instead, MWC proposes to abandon the existing, failing well and relocate the water distribution system to a different parcel and use an existing new well located on that parcel.

MWC seeks approval to perform an emergency repair to its water system consisting of relocating its existing water distribution facilities to a new site and use of an existing well drilled on the new site in January 2021. The relocation is needed to replace a 70-year-old well that is failing and no longer producing potable water. The proposed project would relocate an existing small community water system from its existing location at 1830 Milton Road approximately 550 south to 1794 Milton Road (the project site). A new well is essential so that MWC can continue to provide the clean, healthful, and reliable water essential for the public health and safety of their community.

The MWC proposes to use an existing new well (drilled on January 7, 2021, as an emergency repair - E20-00613) and relocate and develop a water delivery system infrastructure on the new site. The water distribution system, tanks, equipment, and materials would be located on the ground floor in a proposed new two-story mixed use, approximately 3,260 sf, building with a new single-family residence located on the second level. The requested use permit would allow the continued operation of a Small Community Water System (Quasi

Public Use: NCC §18.08.497 on property located ½-mile north of Salt Point and four miles south of State Route 12 just west of the Napa River. The well and associated infrastructure for the MWC is an allowed use within the Residential Single: Airport Compatibility zoning designation, under the issuance of a Use Permit for a Quasi-Public Use and allows the neighboring community to have access to potable water. In this case, a "Quasi-public use" is defined as a use serving the public at large and operated by a private entity (e.g., MWC) which has the authority to promote the interests of the general public (e.g., the community of Edgerly Island in unincorporated Napa County west of the Napa River). There are no other available public water systems in this area. The 1,611 sf three-bedroom manufactured single-family residence located above the ground floor area is allowed as a matter of right and is not the subject of this use permit or within the Commission's decision-making purview.

Staff believes all required findings can be made in support of this Quasi-Public Use for the continued operation of a small community water system and recommends approval of the proposed Use Permit.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of Categorical Exemptions Class 1, 3, and 4. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Section 15301, Class 1 Minor Alterations to Existing Facilities; Section 15303, Class 3 New Construction or Conversion of Small Structures; and Section 15304, Class 4 Minor Alterations to Land, which may be found in the guidelines for the implementation of the California Environmental Quality Act at Title 14 CCR §15301, §15303, and §15304]. Furthermore, this project is exempt from the requirements of CEQA under Section 15269 Emergency Projects, subsection (b) emergency repairs to publicly or privately owned facilities necessary to maintain service essential to the public health and safety, or welfare. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner: Edgerly Island Living Water LLC, 1836 Milton Road, Napa CA 94559; Assessor's Parcel No. 048-042-028

Applicant: Jay Gardner, 1836 Milton Road, Napa, CA 94559, 707-974-3803

Zoning: Residential Single - Airport Compatibility (RS-AC)

General Plan Designation: Agriculture, Watershed and Open Space (AWOS)

Filed: May 7, 2021; Resubmittal: September 23, 2021, March 28, 2022; Complete: March 30, 2022

Property Area: 0.113 acres, Assessor's Parcel No. 048-042-028

Existing Development: Vacant with exception to an existing well (drilled on January 7, 2021, as an emergency repair - E20-00613); Temporary Electrical for pump (BC21-00198-ELC - Issued 1/29/21 and Finaled 3/17/21)

Proposed Structural Development: Development of a water distribution system including water pumps, filters and six (6) 5,000-gallon water storage tanks on the ground level within a garage totaling 1,647 sf. Attached to the garage on the second story will be a new 3-bedroom, 1,611 sf manufactured single-family residence, including two uncovered parking spaces which is permitted by right. The total size of the two-story mixed use is approximately 3,260 sf.

Hours of Operation: 24 hours a day, seven days a week. Regular maintenance duties will be limited between 8am and 5pm, as needed.

Number of Employees: Three (3) part time employees.

Number to be Served: Edgerly Island River Lot Subdivision

Adjacent General Plan Designation/ Zoning / Land Use:

North - AWOS (Agriculture, Watershed and Open Space) General Plan designation - RS:AC (Residential Single; Airport Compatibility Combination District) zoning. Adjacent to the project's northern boundaries are residential properties.

East - Napa River.

South - AWOS (Agriculture, Watershed and Open Space) General Plan designation - RS:AC (Residential Single; Airport Compatibility Combination District) zoning. Adjacent to the project's southern boundaries are residential properties.

West - AWOS (Agriculture, Watershed and Open Space) General Plan designation - AW (Agricultural Watershed) zoning. Directly to the west is property owned by the State of California Department of Fish & Game (HCU Pond 8, Mud Slough)

Parcel History:

Vacant with exception to an existing well and temporary electrical.

Code Compliance History:

There are no open or pending code violations. The County is not aware of any compliance issues on the property and no complaints have been filed.

Discussion Points:

Setting - The project site has direct access off Milton Road to the west. Site topography is fairly flat with slopes of less than five percent in most of the site with a base elevation of approximately three (3) feet above sea level. Napa County's 2016 GIS Vegetation layer indicates the property as 'Urban or Built Up'. No sensitive plant or animal species were identified on the County's Environmental Sensitivity Maps. There are existing residences on either side of the subject property. An existing levee/berm serves as the eastern property boundary to the Napa River with a maximum elevation of 10' above sea level.

Project Proposal - MWC purchased the subject property at 1794 Milton Road and drilled a new well to 300'. Electrical power has been installed and the well is producing good quality water at 60 gallons per minute (gpm). The MWC community water system normally needs 25 gpm but has been producing just 13 gpm for the last year. Furthermore, the applicant has indicated that peak daily demand in the summer had been as high as 30,000 gallons with an average daily demand of about 15,000 gallons and a demand that can be as low as 8,500 gallons/day in the winter.

MWC is applying for a Use Permit for the 1794 Milton Road lot to move the water distribution system from the existing location at 1830 Milton Road (approximately 550 south of the project site). A first-floor frame (1,650 sf) constructed with pressure treated wood walls on a floating slab (55' deep x 30' wide) will house the water storage tanks, pumps and filters hidden from public view behind an operating residential garage door. On the second floor there will be a 1,611-sf manufactured home available for rent. The total size of the proposed two-story mixed-use building is 3,260 sf. It should be noted that MWC will not be financing the construction of the home. Staff has been informed Jay Gardner will be financing the construction through a regular residential loan.

MWC is an existing small community water company that has three part time employees who all live in the Edgerly Island community, including the system co-manager (D-5 Distribution License and T-3 Treatment License), the system co-manager, (billing and accounting) and the regulatory compliance and back up operator (D-2 License).

Normal operation of the water system is nearly silent; the pumps are located 200' below ground and cannot be

heard. MWC has a green sand filter that requires a backwash cycle for cleaning of the filters that occurs once per day, for approximately 20 minutes. There will be six (6) - nine (9) foot tall, 5,000-gallon polymer storage tanks, black or dark green in color, located on the ground floor (behind a garage door, and under the modular residence).

MWC personnel would typically access the first-floor facility a few times a week for maintenance duties between 8am and 5pm. Occasionally, there might be an emergency water main failure that could require maintenance at various times during the day or night.,

The well head will remain outdoors (not inside the first-floor pump and tank room) due to the need for access by the well drilling contractor (McLean & Williams) to service the pumps in the well with a crane truck. Quarterly maintenance (via pump truck) is required to service two plastic totes that contain the backwash rinse water solids. A forklift is stored onsite for loading the totes into the truck. MWC is currently working with Napa River Reclamation District to see if this backwash rinse water can be discharged into their system and if so the plastic totes and pickup would no longer be needed.

Deliveries of parts and materials occur approximately once or twice per year, needed for installing replacement service connections in anticipation of the year 2025 requirement for all water hookups to be metered. MWC is currently unmetered.

Single Family Residence - It should be noted that State and Federal law mandate that local zoning regulations cannot deny a property owner of all reasonable use of their property. As a result, County regulations have been crafted to allow a single-family home (of undetermined size) to be constructed, by right on a legal parcel in the County as a means of achieving consistency with that mandate. The only existing improvement on this legal parcel is a new well. At this time, the applicant proposes to construct a 1,611-sf single-family residence above a ground floor garage (which will contain the water storage tanks). The single-family residence is a modular home that will be trucked onto the site and assembled over the ground floor garage structure. The residential unit will be setback nine (9) feet from the side property boundaries, 30 feet from the front property boundary, and 35 feet from the rear property boundary. An attached 480 sf elevated deck will be located off the rear of the residential unit, approximately 10 feet above grade and five feet above the top of the levee and have a 20' setback from the rear property boundary and the base of the river levee bank. The project would result in approximately 1,148 sf of new impervious surfaces. The total height of the ground floor garage and the single-family residence is a 28'5" measured to the top of the roof. The maximum building height requirement for the RS Zoning District is 35' when measured from the mid-point of the cord of the roof to existing grade or to finished grade. In either case, the building proposed for the parcel does not exceed the required building height and complies with all applicable zoning setbacks.

Parking - The project is located near the southern most terminus of Milton Road approximately four (4) miles south of Highway 12. Access to the property is directly off Milton Road. The applicant proposes to resurface approximately 1,148 sf of the existing lot with pavement to bring the driveway access into compliance with the Napa County Road and Street Standards and to provide two (2) on-site uncovered parking spaces. The proposed

“garage” at the ground floor, is proposed for equipment and water tanks to serve the water company operations.

Airport Land Use Compatibility- The project site is zoned RS:AC which allows single-family residential without a use permit and is located on a vacant lot surrounded by existing single-family residential development. A Quasi-Public Use (as defined in the Napa County Code Section §18.08.638) is permitted in the RS district subject to an approved use permit and exception (NCCS § 18.120.010(B)(9)). The property also requires consistency with the Napa County Airport Land Use Compatibility Plan. The project site is located within the Zone C compatibility area, which is defined as the area where aircraft will be below 300 feet above ground level. Properties in this zone will be affected by substantial noise and residential uses are not typically allowed unless the base zoning allows residential. The project is comprised of a private small community water system that will provide the immediate existing residential community with potable water through use of an existing well, and the development of a water distribution system including water pumps and filters and water storage tanks water tanks to be located on the ground level within a garage totaling 1,647 sf. The height of the two story 3,260 sf mixed-use building is 28’5” measured to the top of the roof. The project, as conditioned, is compatible with uses permitted in Zone C of the ACLUP. The proposed residential use on a residentially zone parcel is allowed by right and is also consistent with the applicable development standards and compatibility requirements.

Greenhouse Gas Emissions - The County requires project applicants to consider methods to reduce Green House Gas (GHG) emissions consistent with Napa County General Plan Policy CON-65(e), which requires GHG review of discretionary projects. The applicant has completed the Department's Best Management Practices Checklist for Development Projects and plans to incorporate many of the measures. Measures that the applicant plans to incorporate into their project are included as Attachment E. GHG Emission reductions from local programs and project level actions, such as the application of the CalGreen Building Code, tightened vehicle fuel efficiency standards, and more project specific on-site programs would combine to reduce emissions.

Water Systems Permit Analysis -In lieu of a standard Water Availability Analysis and consistent with the intent of the WAA guidelines, Brelje & Race Consulting Engineers prepared and submitted on behalf of the MWC a Water System Permit Amendment Report, dated March 28, 2022 (Attachment F) to assess the adequacy of the ground water supply and water quality associated with the existing well (the Water Report). The Water Report confirmed that the existing well would generate sufficient ground water supply for the number of connections to be served including the new residential unit to be constructed on the property. It should be noted that the existing new well was pumped continuously at 60 gallons gpm for over 24 hours. Water levels were recorded during the test using a level transmitter installed in the sounding tube. The total drawdown at the end of the test was approximately 43.14 feet from static. The water level recovered to within two (2) feet of the static water level within 9.5 hours. The static water level is the water level below ground surface (bgs) when the well is not being pumped. The proposed existing well has a depth of 300’. The MWC community water system generally needs 25 gpm. MWC’s existing, failing well has only been producing just 13 gpm for the last year. The new well produces 60 gpm and would meet MWC’s needs, as well as the new residential unit to be located on the project site. It should be noted that a condition of approval has been added to require that any future changes in the water distribution system or the number of service connections shall require a modification to this permit. (Attachment B - COA 4.12(B)). The Water Report also confirmed that the groundwater generated would meet

the required water quality standards required by the California Safe Drinking Water Act for a small community water system.

Furthermore, to address any potential changes in water quality that may occur due to very dry year conditions and/or seawater intrusion given the well's proximity to the Napa River, the MWC's consultant is recommending additional monitoring activities be conducted as follows:

Well #003 be monitored on a bimonthly basis from March through November for Na, Cl, TDS and EC to establish whether any changes in water quality occur due to the Very Dry year conditions (i.e., potentially less subsurface outflow from the Napa Valley Subbasin to the Napa-Sonoma Lowlands Subbasin) or if groundwater quality conditions remain stable. Commencing January 1, 2023, Well #003 shall continue to be monitored semi-annually for Cl, TDS and EC. Monitoring data shall be submitted to the Environmental Health for review.

Based upon review of the Water Report and the condition stated above as recommended by the MWC's consultant, Environmental Health and the Planning Division staff are satisfied with the analytical results performed on Well #003 and have determined that no significant groundwater impacts from the project are anticipated thereby recommending approval of the project subject to conditions. The proposed project will be subject to complying with monitoring and reporting activities pursuant to the California Safe Drinking Water Act, the County's Ground Water Management standard condition to ensure adequate supply of water is available, as well as the additional monitoring condition as noted above to ensure quality of water for the members included in the water system service area. (Refer to Conditions of Approval Nos. 4.1, 4.10(c), 4.12 (A), and 6.11(c) in Attachment B).

Public Comments - Staff had received one written public comment expressing concern over MWC financing construction of the residence on the property. Staff has confirmed with the applicant that MWC cannot and will not finance construction and that Mr. Gardner will be financing construction.

Decision Making Options:

As noted in the Executive Summary Section above, staff is recommending approval of Use Permit P21-00091-UP with conditions of approval as described in Option 1 below. Decision making options identified below include a no project alternative and a continuance option. Given the emergency purpose of the proposed project and the dire need for portable water for the residents, an option to modify the project is not being offered with this report.

Option 1 - Applicant's Proposal (Staff Recommendation)

Disposition - This option would result in approval of a Use Permit (P21-00091-UP) for the emergency repair of

MWC's small community water system through the use of an existing well and development of a water distribution system including water pumps and filters and six (6) 5,000-gallon water tanks on the ground level within a garage totaling 1,647 sf. Staff finds the request consistent with the Zoning Ordinance, applicable General Plan policies, other County regulations, and the California Safe Drinking Water Act. Furthermore, the relocation of this new system to this new site is needed to continue to provide clean, healthful, and reliable water needed for the public health and safety of the Edgerly Island Community.

Action Required - Follow the proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be less than significant.

Option 2 - Deny Proposed Project

Disposition - In the event the Commission determines that the project does not or cannot meet the required findings for the granting of the Use Permit, Commissioners should articulate what aspect or aspects of the project are in conflict with the required findings. State Law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit is not being approved.

Action Required - Commission would take tentative motion to deny the project and remand the matter to staff for preparation of required findings, based upon the Commission's statements. Staff would return to the Commission with the findings or denial on a specified date.

Option 3 - Continuance Option

The Commission may continue an item to a future hearing date at its own discretion.

Supporting Documents:

- A. Recommended Findings
- B. Recommended Conditions of Approval and Final Agency Approval Memos
- C. Updated CEQA Categorical Exemptions Memo
- D. General Plan Consistency Memo
- E. Use Permit Application
- F. Water System Permit Analysis
- G. Public Comments

H. Graphics