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# CEQA Categorical & State Exemptions Memo



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**Planning, Building & Environmental Services**

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**David Morrison**  
Director

**MEMORANDUM**

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|-------|-----------------------|-------|--|
| To:   | Planning Commission   | From: | Charlene Gallina, Supervising Planner  |
| Date: | May 4, 2022 (Revised) | Re:   | Categorical Exemption Determination<br>Meyers Water Company<br>P21-00091-Use Permit<br>Assessor's Parcel: #048-042-028 |

**BACKGROUND**

Pursuant to Section 303 of Napa County's Local Procedures for Implementing the California Quality Act (CEQA), the Planning Division has prepared this environmental evaluation for the proposed Meyers Water Company Use Permit Application (File #P21-00091-UP).

Meyers Water Company (MWC), 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 system by relocating its water distribution facilities from 1830 Milton Road to a new site approximately 550 feet south at 1794 Milton Road and use an existing new well already located on the new site. The relocation is needed to replace a 70-year-old well that is failing and is no longer producing potable water. A new well is essential so that MWC can continue to provide the clean, healthful, and reliable water needed 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 approximately 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. 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.

## **EXISTING SETTING**

The proposed project is located on a vacant parcel totaling 0.113 acres (APN 048-042-028, 1794 Milton Road, Napa) that has a General Plan land use designation of Agriculture, Watershed and Open Space (AWOS) and is located within the RS:AC (Residential Single:Airport Compatibility) zoning district.

Access to the property is from Milton Road via a paved driveway. The nearest residences to the project site are approximately 10 feet to the south and 55 feet to the north. Single family residential uses surround the boundaries of the project. The Napa River is directly east of the property and Mud Slough and associated wetlands are located to the west.

## **CEQA EXEMPTION CRITERIA AND ANALYSIS**

Article 18 of the State Guidelines for Implementation of CEQA Guidelines describes exemptions from CEQA granted by the State Legislature. In this case, Section 15269(b) Emergency Projects as noted below would apply to repair publicly or privately owned facilities necessary to maintain service essential to the public health and safety, or welfare.

### **15269. Emergency Projects:**

*(a) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.*

*(b) Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.*

*(c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.*

*(d) Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This exemption does not apply to highways designated as official state scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.*

*(e) Seismic work on highways and bridges pursuant to Section 180.2 of the Streets and Highways Code, Section 180 et seq.*

The proposed project is relocating an existing small public water system from a parcel approximately 550 feet south of the project site. The existing well is no longer producing potable water and a new water source is needed to maintain service essential to the public health, safety and welfare of the members included in the water system service area. The repairs to the small community water system are the minimum necessary to provide and deliver potable water to the community and mitigate the lack of a reliable water supply.

Furthermore, Article 19 of the State Guidelines for Implementation of the CEQA Guidelines establishes a list of classes of projects that are categorically exempt from the provisions of CEQA. This project also qualifies as an exempt activity under three (3) sections of Article 19:

*Class 1: Existing Facilities [California Code of Regulations (CCR) §15301]*

*Consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.*

*Examples enumerated in CCR §15301 include:*

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.*
- (b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.*
- (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities.*
- (h) Maintenance of existing landscaping, native growth, and water supply reservoirs.*

The proposed project is relocating an existing small public water system from a parcel approximately 550 feet south of the project site. The existing well no longer draws potable water and a new well and distribution facilities are needed to service the Edgerly Island community.

*Class 3: New Construction or Conversion of Small Structures [CCR §15303]*

*Consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.*

*Examples enumerated in CCR §15303 include:*

- (a) One single-family residence, or a second dwelling unit in a residential zone.*
- (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.*

The applicant intends to develop a two-story mixed-use building including a 1,611 sf single-family residential unit. The first floor 1,647 sf garage would be used to store six 5,000-gallon water storage tanks, equipment and materials used by MWC. The second floor would be developed with a manufactured home and used for residential purposes.

Class 4: Minor Alterations to Land [CCR §15304]

*Consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes. Examples enumerated in CCR §15304 include:*

- (a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.*
- (b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.*

The applicant intends to prepare the existing vacant lot with a small slab foundation and improved driveway for two (2) parking spaces. Site preparation will take place on land that has a grade of less than 5% in all directions. Staff has review Napa County GIS maps and determined the grading will take place in an area that is not a waterway, wetland, designated scenic area, official mapped area of severe geologic hazard or Seismic Hazard Zone.

Under Section 15300.2 of the CCR, a Class 3 and a Class 4 exemption cannot be used if environmental sensitivities exist at the site. All exemptions are disqualified from being used if the project will have cumulative impacts, create a significant impact due to unusual circumstances, damage a scenic resource within a state highway, be located on a site listed as a hazardous waste site or damage a historic resource. Staff has reviewed the project location with the Napa County GIS maps and sensitivity layers and determined the project is not within any areas of hazardous or critical concern. The project is not located within a state scenic highway, it is not listed as a hazardous waste site, nor are there any recorded historic resources on the property. Having reviewed the application, Staff finds no unusual circumstances appear to exist with this request. The project has been determined to provide adequate parking on the site to accommodate the single-family residence and access to water tanks, materials and equipment to be used by MWC for the water system operations and not impact the surrounding neighborhood. Wastewater generated by the project would connect to existing public utilities located within the Milton Road right of way.

On March 28, 2022, Brelje & Race Consulting Engineers prepared and submitted for MWC a Water System Permit Amendment on March 28, 2022, to the County for review. MWC seeks to update their existing drinking water permit for use of new water supply well and manganese removal treatment system and moving the treatment storage, and distribution pumping facilities to the new site. No changes are proposed to the distribution system, nor the number (91) or type of service connections. Given the limitations of existing Edgerly Island Community, only existing lots can be part of this small community water system. This Technical Report includes updated Source Water Information and Treatment and Design Information sections per the Domestic Water Supply Permit Applicant Instructions describing changes to the source and treatment facilities.

As indicated above, the new source, Well #003, was drilled on January 7, 2021, and is located at 1794 Milton Road (APN 048-042-028) in Napa, California. The well drilling log, included in Appendix A, indicates there is a sanitary seal to a depth of approximately 195 feet below ground surface (bgs), and the well has two screened sections separated with a bentonite seal. Zone 1 extends from 210 to 230 ft bgs, and Zone 2 is from 265 to 285 ft bgs. A packer is installed in the casing between the zones to allow for water to be drawn from a single zone. The water quality from Zone 2 is better than that from Zone 1 and therefore only water from Zone 2 will be used. In February 2022, a pump capacity test in accordance with State regulations was conducted. The test report is included in Appendix B. The test was conducted with the packer installed and with a pump only drawing water from Zone 2. The well was pumped continuously at 60 gpm for over 24 hours. The total drawdown at the end of the test was approximately 43.14 feet from static. The water level recovered to within 2 feet of the static water level within 9.5 hours. Raw water quality data from Zone 2 is provided in Appendix D. The source water concentrations of chloride, conductivity, and total dissolved solids are above the recommended secondary maximum contaminant levels (MCLs), but below the upper secondary MCLs. Manganese concentrations are above the secondary MCL. No primary MCLs are exceeded. Treatment facilities are proposed to be installed on the same parcel as Well #003 at 1794 Milton Road. Treatment facilities include disinfection, and oxidation and filtration for manganese removal. A system schematic is provided in Appendix E.

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 this report and the condition stated above as recommended by the MWC's consultant, Environmental Health and the Planning 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 as part of the entitlement will be subject to complying with monitoring and reporting activities pursuant to the California Safe Drinking Water Act to ensure acceptable levels of chloride, conductivity, total dissolved solids and manganese, 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. Furthermore, due to the tidal area of the southern stretches of the Napa River, the confined aquifer 250' (+/-) below the River, and the depth of the existing well at 300', the water analysis on seawater intrusion revealed that the well is not hydrologically connected to the Napa River and, therefore, does not impact public trust resources.

Therefore, these exemptions have been determined appropriate for the proposed project and this proposal meets the Categorical and State Exemptions listed above.