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Recommended Findings

**PLANNING COMMISSION HEARING – MAY 4, 2022
RECOMMENDED FINDINGS**

**MEYERS WATER COMPANY USE PERMIT P21-00091-UP
1794 MILTON ROAD, NAPA, CA 94559
APN 048-042-028**

ENVIRONMENTAL:

The Planning Commission (Commission) has received and reviewed the proposed Categorical Exemption pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, and finds that:

1. Because of the reuse of existing features, conversion of existing structures, and minimal alterations to condition of land, the project is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15301 (Class 1 Existing Facilities), Section 15303 (Class 3 New Construction or Conversion of Small Structures), and Section 15304 (Class 4 Minor Alterations to Land).
2. Article 18 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) describes exemptions from CEQA granted by the State Legislature. In this case, Section 15269(b) Emergency Projects would apply to repair publicly or privately owned facilities necessary to maintained service essential to the public health and safety, or welfare.
3. The site of this proposed project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5 and is not within the boundaries of any airport land use plan.
4. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Second Floor, Napa, California.

USE PERMIT:

The Commission has reviewed the use permit request in accordance with the requirements of Napa County Code §18.124.070 and makes the following findings:

5. The Commission has the power to issue a use permit under the zoning regulations in effect as applied to the Property.

Analysis: The project is consistent with the RS:AC (Residential Single – Airport Compatibility) zoning district regulations and is allowed pursuant to NCC § 18.120.010(B)(9). Meyers Water Company small community water system project provides potable water to the Edgerly Island community is a quasi-public use, which is allowed in all zoning districts with approval of a use permit. All required findings can be made, and the project complies with the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code), as applicable.

6. The procedural requirements for a use permit set forth in Chapter 18.124 of the Napa County Code have been met.

Analysis: The use permit application has been appropriately filed, noticed, and public hearing requirements have been met. The hearing notice and intent to find the project categorically exempt from CEQA was posted and published in the Napa Valley Register on April 22, 2022, and copies of the notice were forwarded to property owners within 1,000 feet of the Property and emailed to other interested parties.

7. The grant of a use permit, as conditioned, will not adversely affect the public health, safety, or welfare of the County of Napa.

Analysis: Granting the Use Permit for the project as proposed and condition will not adversely affect health, safety, or welfare of the County. Affected County divisions and departments have reviewed the project and commented regarding the proposed site access, grading, drainage, the existing septic system capacity, parking, building permits, and fire protection. Conditions are recommended, which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

8. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan and any applicable specific plan.

Analysis: Compliance with the Zoning Ordinance

The project is consistent with the RS:AC (Residential Single – Airport Compatibility) zoning designation regulations. 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 project is also located within Zone C of the Airport Compatibility Land Use Plan (ACLUP). In this case, a "Quasi-public use" means 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). 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 project, as conditioned, complies with zoning regulations specific to the RS designation and those that are applied to all zoning designations found within NCC §18.104 (Zoning District Regulations) and is also compatible with uses permitted in Zone C of the ACLUP.

Analysis: Compliance with the General Plan

The subject parcel is located on land designated Agriculture, Watershed and Open Space (AWOS) on the County's adopted General Plan Land Use Map. However, the subject property is zoned for residential uses and is surrounded by existing residential development. This project is comprised of a private small community water system that provides the immediate community with potable water within Napa County. The project, as proposed and conditioned, serves only the existing community of Edgerly Island which has a limited number of existing developed and vacant lots as previously authorized by the County precluding any loss of additional agricultural land or other activities, which might otherwise conflict with the requirements of the Napa County General Plan.

Napa County's adopted General Plan reinforces the County's long-standing commitment to agricultural preservation, urban centered growth, and resource conservation. On balance, this project is consistent with the General Plan's overall policy framework and with the Plan's specific goals and policies. Specific General Plan Policies, which will be achieved through the proposed Use Permit have been outlined in a General Plan Consistency Memorandum and provided as an attached to the Staff Report.

9. The proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on the affected groundwater basin.

Analysis: The project would relocate an existing private small community water system to a new parcel and allow use of an existing new well on the new parcel so that MWC can continue to serve the limited Edgerly Island community with potable water. In lieu of a standard Water Availability Analysis and consistent with the intent of the WAA guidelines, Breje & Race Consulting Engineers prepared and submitted on behalf of the MWC a Water System Permit Amendment Report, dated March 28, 2022 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. 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 commencing January 1, 2023. Based upon the results of the Water Report and conditions imposed on the project, no significant groundwater impacts from the project are anticipated. 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 to ensure quality of water for the members included in the water system service area.