



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 4/1/2015
Agenda Placement: 10A
Continued From: 1/7/15, 2/18/15 & 3/18/15

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Charlene Gallina for Steven Lederer - Director of Public Works
Public Works
REPORT BY: Patrick Lowe, NATURAL RESOURCES CONSERVATION MGR - 259-5937
SUBJECT: Proposed Updates to the Water Availability Analysis (WAA) Policy

RECOMMENDATION

PROPOSED REVISIONS TO THE WATER AVAILABILITY ANALYSIS POLICY

CEQA Status: Consideration and possible adoption of Categorical Exemptions Class 7 and Class 8. 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 Class 7 ("Actions by Regulatory Agencies for Protection of Natural Resources") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15307 and see Class 8 ("Actions by Regulatory Agencies for Protection of the Environment") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15308.]

Request: Consideration of staff's proposal to revise the Water Availability Analysis (WAA) Policy, which is used in environmental evaluation documents prepared for new discretionary development proposals that rely on groundwater resources. The WAA is a technical document prepared by a project applicant or their professional representative that quantifies the estimated amount of available groundwater and relates it to the amount of groundwater required to serve the proposed development. Proposed changes consist of replacing the past Phase I and Phase II theoretical analysis, with a two-tier approach based on best available technical documentation.

Staff Recommendation: Recommend to the Board of Supervisors that they adopt the proposed WAA revisions and find that they are Categorically Exempt from CEQA.

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CONTINUED FROM JANUARY 7, 2015, FEBRUARY 18, 2015 & MARCH 18, 2015 MEETINGS.

(THIS ITEM SET TO BE DISCUSSED AT 1:30 PM)

EXECUTIVE SUMMARY**Proposed Actions:**

That the Planning Commission recommend the Board of Supervisors:

1. Find that the proposed revisions to the Water Availability Analysis are Categorical Exemption from the provisions of CEQA; and
2. Adopt the proposed revisions to the Water Availability Analysis.

Discussion:

The WAA was first put in place in the early 1990's and has been used since that time, with periodic revisions, as a tool for analyzing groundwater impacts resulting from discretionary projects such as wineries, new vineyards on slopes over 5%, restaurants, hotels and other uses located in the unincorporated area of the County that propose to use groundwater. Following the work of the Groundwater Advisory Committee (GRAC), policy direction from the Board of Supervisors, information provided by the County's groundwater consultant, Luhdorff & Scalmanini Consulting Engineers (LSCE), and the County's experience over the last 20 plus years using the existing procedure, various changes to the WAA are proposed. As presented, staff proposed a three tier procedure to be used in the the proposed WAA update.

On January 7, 2015, the Planning Commission heard a presentation on staff's proposal to revise the WAA Program, discussed and accepted public testimony on this item. As a result, the Planning Commission voted to continue the item to the February 18, 2015 meeting, and directed staff to evaluate and respond to Commission and public comments received prior to and at the meeting. On February 18, 2015, this item was continued to March 18, 2015 to give the Public Works Department additional time to address comments, and present to the Board of Supervisors, on March 3, 2015, the first annual report - Napa County Comprehensive Groundwater Monitoring Program and the California Statewide Groundwater Elevation Monitoring (CASGEM) Update, as well as, to provide a status report on the draft WAA Program update efforts. To address comments made to date, this items was also continued to April 1, 2015.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Consideration and possible adoption of Categorical Exemptions Class 7 and Class 8. 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 Class 7 ("Actions by Regulatory Agencies for Protection of Natural Resources") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15307 and see Class 8 ("Actions by Regulatory Agencies for Protection of the Environment") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15308.]

BACKGROUND AND DISCUSSION

On January 7, 2015, the Planning Commission received a presentation from County staff on proposed updates to the County's WAA Policy, discussed the proposed update and accepted public testimony. After considering the testimony received, the Planning Commission voted to continue the item to their February 18, 2015 meeting, and directed staff to evaluate and respond to Commission and public comments received prior to and at the meeting. On February 18, 2015, this item was continued to March 18, 2015 to give the Public Works Department additional time to address comments and provide revisions to the WAA Policy as needed in response to comments.

A revised draft of the WAA along with a response to comments summary was released on March 3, 2015. In order to allow the public to have sufficient time to review the updates and responses, the WAA was continued to the April 1, 2015 Planning Commission.

The revised draft of the WAA with tracked changes from the previous public version, along with the response to comments summary, are attached and also available at: <http://www.countyofnapa.org/PBES/WAA>. Additional written comments received by March 24, 2015 are included in the agenda packet and any others will be provided at the meeting.

WAA Background and Application

Napa County is required by the California Environmental Quality Act (CEQA) (Public Resources Code 21000–21177 and California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387) to conduct an environmental analysis of all discretionary permits submitted for approval. CEQA requires analysis of dozens of environmental aspects; including: "Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?" The purpose of the WAA Policy is to provide guidance and a procedure that will assist applicants, neighbors, county staff, decision makers, and other interested parties in gathering the information necessary to adequately answer that question. The WAA is not an ordinance, is not prescriptive, and project specific conditions may require more, less, or different analyses in order to meet the requirements of CEQA. The WAA Policy is used procedurally as the baseline to commence groundwater analysis of any given discretionary project.

A Water Availability Analysis is required for any discretionary project that may utilize groundwater or will increase the intensity of groundwater use of any parcel through an existing, improved, or new water supply system (Napa County Groundwater Conservation Ordinance, Section 13.15.010). As such, it is most commonly used for discretionary development applications using groundwater such as wineries and commercial uses. Since CEQA is not applicable to non-discretionary ("ministerial") projects, the WAA Policy does not apply to projects such as building permits, single family homes, track II replants, etc. While discretionary vineyard projects are welcome to borrow from the WAA, such vineyard projects, due to their size and scope, generally receive a much more exhaustive analysis under longstanding processes managed by the Conservation Division of the Planning Building & Environmental Services (PBES) Department. The WAA may also apply when a discretionary Groundwater Permit is required by the Groundwater Conservation Ordinance, Section 13.15.010 of the Napa County Code.

SUPPORTING DOCUMENTS

A . Revised Draft Water Availability Analysis (WAA) Update

- B . WAA Response to Comments Summary
- C . WAA Correspondence
- D . Previous Staff Reports

Napa County Planning Commission: Approve

Reviewed By: John McDowell