

ITEM: ADMINISTRATIVE HEARING

Consider Application to Amend Main California-American Water Company Water Distribution System Permit to Annex Parcels 189-411-009-000 and 189-411-010-000 to Enable Service of Malpas Water Company Water Use Permit No. 650 (MPWMD Permit #M21-02-L3)

Meeting Date: November 5, 2021

Prepared By: Stephanie Kister Campbell

SUMMARY: The MPWMD staff hearing officer will consider Application #WDS-20210622CAW ([Exhibit A](#)) submitted on June 22, 2021, by Applicant’s authorized agent, Mark A. Blum, Esq. Approval would allow the amendment of the of the Main California American Water (CAW) System Permit to annex and serve Malpas Water Company water to two Parcels owned by Moo Land Incorporated, a California Corporation (Moo Land), that are adjacent to the CAW Service Area in Carmel Valley. The two Parcels purchased a Malpas Water Company Entitlement (WUP 650). District Rule 23-A-1-c does not give staff authority to issue a Water Permit if any portion of the Site lies outside of the affected Water Distribution System (WDS) Service Area. A portion of the Moo Land property is not within the CAW Service Area. The proposed amendment would add two Malpas Water Company Connections to the Main CAW System Expansion Capacity Limit and authorize expansion of the system boundary to include the full Parcels.

For non-controversial WDS matters, District Rule 22 allows the General Manager, in consultation with the Board Chairperson, to direct that a hearing be scheduled before the General Manager (or his/her designee) as the sole hearing officer. Notice of the staff action shall be provided to the public via the “Appealable Decisions” section of the District’s website. The staff determination may be appealed to the MPWMD Board pursuant to Rule 70, “Appeals.” This hearing was noticed for at least ten days around the project site as well as in the District office’s window.

DISCUSSION: The following paragraphs describe the proposed Findings and Conditions of Approval as required by MPWMD Rule 22.

Findings of Approval: Findings of Approval for Application #WDS-20210622CAW ([Exhibit B](#)) are based on evidence provided in the Application materials, including supporting documents on file at the District office. With the Findings of Approval, District staff believes a Finding can be made that the application meets the criteria and minimum standards for approval set by the District Rules 22-B and C. Specifically, this action should “not create an Overdraft or increase an existing Overdraft” (Rule 22-C-4).

Conditions of Approval: Permit M21-02-L3 results in Conditions of Approval for the Main CAW System WDS Amendment shown as ([Exhibit C](#)). The key substantive changes for the Main CAW System WDS Amendment are to amend its Service Area boundary to include the entire 48.18 acres identified as Assessor Parcel Numbers (APN) 189-411-009-000 & 189-411-010-000 and to provide Malpas Water Company water for Residential use (including associated landscape

irrigation) to these Parcels. The System Capacity for the Main CAW System does not change as a result of this annexation. The Main CAW System Production Limit under the MPWMD Water Allocation Program for the Source of Supply for the Malpaso Water Company is 85.6 Acre-Feet Annually (AFA).

CEQA Compliance: In the review of this application, MPWMD has followed those guidelines adopted by the State of California and published in the California Administrative Code, Title 14, Section 15000, et seq. Specifically, the MPWMD as a lead agency under CEQA for the annexation of two Parcels, determined that a Class 1 Categorical Exemption is applicable due to minor alterations to existing facilities that involve “negligible expansion” of an existing use, as defined in CEQA Guidelines Section 15301(b). This decision is based on facts regarding current water use, and negligible changes expected in the future with the approval of the Subject application.

RECOMMENDATIONS: District staff recommends that the staff hearing officer take the following actions:

1. Adopt the MPWMD Findings of Approval for Application #WDS-20210622CAW for the Main California American Water System WDS Amendment.
2. Amend Main CAW WDS (Permit #M21-02-L3) to amend its Service Area boundary to include the entire 48.18 acres identified as Assessor Parcel Numbers (APN) 189-411-009-000 & 189-411-010-000; Provide Malpaso Water Company water for Residential use (including associated landscape irrigation) to the two Parcels; The Main CAW System Production Limit under the MPWMD Water Allocation Program for the Source of Supply for the Malpaso Water Company is 85.6 Acre-Feet Annually (AFA); authorize issuance of MPWMD Permit #M21-02-L3. This action will result in Conditions of Approval for the Main CAW WDS.
3. Direct staff to file a Notice of Exemption with the County Clerk: This would be a Class 1 Categorical Exemption of existing facilities of an investor-owned public utility with negligible changes pursuant to CEQA Guidelines Section 15301(b) ([Exhibit D](#)).

BACKGROUND: The Main California-American Water Company (CAW) Water Distribution System (WDS) is authorized by the Monterey Peninsula Water Management District (MPWMD) under Permit M21-02-L3 to amend its Service Area boundary to include the entire 48.18 acres identified as Assessor Parcel Numbers (APN) 189-411-009-000 & 189-411-010-000. The Subject Parcels are immediately adjacent to the Main CAW System. The Main CAW WDS is authorized under Permit M21-02-L3 to provide Malpaso Water Company water for Residential use (including associated landscape irrigation) on the Moo Land Parcels. Anticipated water use for the proposed residence(s) shall be deducted from the Malpaso Water Company Entitlement Water Use Permit #650.

EXHIBITS

[1-A Application #20210622CAW received June 22, 2021](#)

[1-B MPWMD Draft Findings of Approval dated November 5, 2021](#)

[1-C MPWMD Draft Conditions of Approval for Main CAW WDS, dated November 5, 2021](#)

[1-D Notice of Exemption](#)