

RESOLUTION NO. 23-003

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT  
FINDING THE PERMIT APPROVAL ASSOCIATED WITH THE 42155  
VARGAS ROAD WELL CONSTRUCTION PROJECT TO BE EXEMPT FROM  
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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WHEREAS, effective January 1, 2010, the Alameda County Water District Groundwater Protection Act (“ACWD Groundwater Protection Act”) was added as Article 9.3 (commencing with Section 31142.20) to Chapter 1 of Part 5 of Division 12 of the California Water Code to provide a regional approach of regulating subsurface activities for the protection of groundwater within the cities of Fremont, Newark, and Union City;

WHEREAS, prior to the enactment of the ACWD Groundwater Protection Act, the District regulated wells, exploratory holes, and other excavations pursuant to authority delegated to the District by the Well Ordinances adopted in 1973 by the cities of Fremont, Newark, and Union City;

WHEREAS, the District may adopt, by ordinance, regulations deemed necessary or proper to carry out the ACWD Groundwater Protection Act;

WHEREAS, the District adopted Ordinance No. 2010-01 titled, “An Ordinance of the Alameda County Water District to Regulate Wells, Exploratory Holes, and other Excavation within the Cities of Fremont, Newark, and Union City” on December 9, 2010;

WHEREAS, Ordinance No. 2010-01 requires all persons performing any work regulated by the Ordinance to obtain a permit issued by the District prior to the start of such work and must comply with all the conditions set forth in the Ordinance, required by law, or established by the permit;

WHEREAS, the District also has “Standards for the Construction, Use, Operation, Maintenance, Repair, Inactivation, or Destruction of Wells, Exploratory Holes, Other Excavations, and Appurtenances” which were approved by the General Manager;

WHEREAS, the 42155 Vargas Road Well Construction Project (Project) proposes to install a new water well that is expected to supply less than two acre-feet per year of water; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Alameda County Water District as follows:

1. The Board finds on the basis of the whole record that the permit approval associated with the 42155 Vargas Road Well Construction Project is exempt from the California Environmental Quality Act because the Project falls within the following exemptions:

- Categorical Exemption Class 3 – 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. (CEQA Guidelines Section 15303)
- Categorical Exemption Class 4 – 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. (CEQA Guidelines Section 15304)
- Categorical Exemption Class 32 - Projects characterized as in-fill development meeting the following conditions (CEQA Guidelines Section 15332):
  - (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
  - (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
  - (c) The project site has no value as habitat for endangered, rare or threatened species.
  - (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
  - (e) The site can be adequately served by all required utilities and public services.

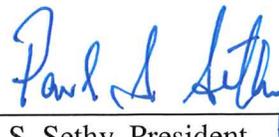
2. The Board authorizes the General Manager or designee to file a notice of exemption with the Alameda County Clerk's Office.

PASSED AND ADOPTED this 12<sup>th</sup> day of January 2023, by the following vote:

AYES: Directors Gunther, Akbari, Huang, Weed, and Sethy

NOES: None

ABSENT: None



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Paul S. Sethy, President  
Board of Directors  
Alameda County Water District

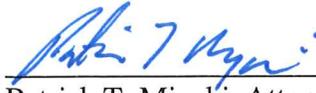
ATTEST:



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Marian Hsu, Assistant District Secretary  
Alameda County Water District  
(Seal)

APPROVED AS TO FORM:



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Patrick T. Miyaki, Attorney  
Alameda County Water District