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**Recommended Conditions of Approval
and Final Agency Approval Memos**

**PLANNING COMMISSION HEARING – MARCH 7, 2018
RECOMMENDED CONDITIONS OF APPROVAL**

**Upper Valley Disposal Service Use Permit Minor Modification
Application Number P16-00180-MIN MOD
1285 Whitehall Lane, St. Helena, California
APN #027-450-027**

This Permit encompasses and shall be limited to the project commonly known as **Upper Valley Disposal Service**, located at **1285 Whitehall Lane**. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved.

Where conditions are not applicable or relevant to this project, they shall be noted as “Reserved” and, therefore, have been removed.

When modifying a legally established entitlement related to this project, these conditions are not intended to be retroactive or to have any effect on existing vested rights except where specifically indicated.

PART I

1.0 PROJECT SCOPE

This permit encompasses and shall be limited to:

1.1 Approval to modify an existing composting and recycling facility, previously approved under Use Permit No. #92061-UP, Use Permit Modification No. #94024-MOD, Use Permit Modification No. #97177-MOD, and Use Permit Modification No. P07-00464 to allow the following:

- a. Construction of a 15,000 square foot building to fully enclose an existing composting blending area;
- b. Construction of a compressed natural gas (CNG) refueling pump to allow the replacement of the existing diesel fleet; and
- c. An increase in the amount of food material composting from the current 1,950 tons per year to 4,500 tons per year without increasing total of 34,000 tons per year.

The facility shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved. Any expansion of or change in use or alternative locations for fire suppression or other types of water tanks shall be

approved in accordance with the County Code and may be subject to the permit modification process.

2.0 STATUTORY AND CODE SECTION REFERENCES

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

3.0 MONITORING COSTS

All Staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions of approval and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the property owner or permittee. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until issuance of a Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the permittee's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation proceedings in accordance with the County Code.

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

Permittee shall comply with the following during operation of the project:

4.1 GROUND WATER MANAGEMENT – WELLS

This condition is implemented jointly by the Public Works and PBES Departments:

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water withdrawn no less than monthly). Such data will be provided to the County, if the Director of Planning, Building, and Environmental Services (PBES Director) determines that substantial evidence¹ indicates that water usage at the project is affecting, or would potentially affect, groundwater supplies or

¹ Substantial evidence is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible and of solid value. The following constitute substantial evidence: facts, reasonable assumptions predicated on facts; and expert opinions supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or clearly inaccurate or erroneous information do not constitute substantial evidence.

nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In order to support the County's groundwater monitoring program, well monitoring data as discussed above will be provided to the County if the Director of Public Works determines that such data could be useful in supporting the County's groundwater monitoring program. The project well will be made available for inclusion in the groundwater monitoring network if the Director of Public Works determines that the well could be useful in supporting the program.

In the event that changed circumstances or significant new information provide substantial evidence¹ that the groundwater system referenced in this use permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

4.2 AMPLIFIED MUSIC

There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, buildings.

4.3 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (4:00 to 6:00 PM weekdays; 4:00 PM to 6:00 PM Saturdays and Sundays). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.4 PARKING

The location and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage.

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during authorized events. For authorized events, overflow parking may occur in the areas allowed per COA No. 1.0 above. In no case shall parking impede emergency vehicle access or public roads.

4.5 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

Please contact the Building Division with any questions regarding the following:

In accordance with the California Building Code (CBC), no change shall be made in the use or occupancy of an existing building unless the building is made to comply with requirements of the current CBC as for a new building.

4.6 FIRE DEPARTMENT – TEMPORARY STRUCTURES

Please contact the Fire Department with any questions regarding the following:

The permittee and/or designee shall obtain a tent permit from the Fire Department for any temporary structures utilized for authorized events allowed per COA No.1.0 above.

- 4.7 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**
- 4.8 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, MECHANICAL EQUIPMENT, AND TRASH ENCLOSURE AREAS
 - a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County.
 - b. All landscaping shall be permanently maintained in accordance with the landscaping approved by the County.
 - c. All outdoor screening, storage, mechanical equipment and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.
 - d. The colors used for the roof, exterior walls and built landscaping features of the project shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in paint color that differs from the approved building permit. Highly reflective surfaces are prohibited.
 - e. Designated trash enclosure areas shall be made available and properly maintained for intended use.

- 4.9 NO TEMPORARY SIGNS
Temporary off-site signage, such as “A-Frame” signs are prohibited.

- 4.10 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies’ requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division operational conditions as stated in their Memorandum dated July 10, 2017.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated February 8, 2018.

- c. Building Division operational conditions as stated in their Memorandum dated May 5, 2016.
- d. Department of Public Works operational conditions as stated in their Memorandum dated May 12, 2016.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated June 21, 2016.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify this permit.

4.11 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.12 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Prior to commencement of operational changes in this minor modification, including constructing the blending barn or increasing the tonnage of food waste composting material, the permittee shall submit evidence to the Planning Division that all site and/or operational improvements required by County Divisions are complete. Site or operational improvements include: compliance with the Napa County Roads and Streets Standards; implementation of the recommendations included in the Technical Memorandum prepared by O₂Compost Systems and Training dated March 20, 2017, and implementation of the Odor Impact Minimization Plan prepared by Edgar and Associates dated March 21, 2017.

4.13 PREVIOUS CONDITIONS

The permittee shall comply with the following previous conditions of approval for the project as consolidated into the attached document as Exhibit A. To the extent there is a conflict between a previous condition of approval identified in the attached document and these conditions, the more stringent conditions shall control.

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full. This includes all fees associated with plan check and building inspections, associated development impact fees established by County Ordinance or

Resolution, and the Napa County Affordable Housing Mitigation Fee in accordance with County Code.

6.0 GRADING/DEMOLITION/ENVIRONMENTAL/BUILDING PERMIT/OTHER PERMIT PREREQUISITES

Permittee shall comply with the following with the submittal of a grading, demolition environmental, building and/or other applicable permit applications:

6.1 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - PLAN REVIEW, CONSTRUCTION AND PREOCCUPANCY CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated July 10, 2017.
- b. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated February 8, 2018.
- c. Building Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated May 5, 2016.
- d. Department of Public Works plan review/construction/preoccupancy conditions as stated in their Memorandum dated May 12, 2016.
- e. Fire Department plan review/construction/preoccupancy conditions as stated in their Inter-Office Memo dated June 21, 2016.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify the permit.

6.2 BUILDING DIVISION – GENERAL CONDITIONS

Please contact the Building Division with any questions regarding the following:

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the CBC or any State or local amendment adopted thereto
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a "J" number from the Bay

Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.

- c. All areas of newly designed and newly constructed buildings, facilities and or site improvements must comply with the CBC accessibility requirements, as well as, American with Disabilities Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.
- b. All exterior lighting, including landscape lighting, shall be shielded and directed downward; located as low to the ground as possible; the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

6.4 LANDSCAPING – PLAN SUBMITTAL **[RESERVED]**

6.5 COLORS

The colors used for the roof, exterior walls and built landscaping features of the project shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.
- b. New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and the County Code) shall be placed underground or be made virtually invisible from the subject roadway.

6.7 MECHANICAL EQUIPMENT

- a. Roof mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. Equipment may be screened by a separate roof screen that is architecturally integrated with the building if screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple areas. The PBES Director may approve exceptions for solar equipment. All screening is subject to review and approval by the PBES Director. Any skylights shall be subject to review and approval by the PBES Director prior to the issuance of building permits.
- b. The term "equipment" includes roof mounted equipment or vents, electrical equipment, gas meter, communication antennas, irrigation valves, storage tanks, or other mechanical equipment. The manner of screening shall be as follows: Communications equipment, including microwave equipment, may remain unscreened if visually integrated with the building design through color, location, and construction; all building mounted equipment, including but not limited to louvers, pipes, overhead doors or service doors, access ladders, downspouts, conduit, and electrical/service boxes, shall be painted consistent with the color scheme of the building.
- c. Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the PBES Director.
- d. Exterior equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

6.8 TRASH ENCLOSURES

Adequate area must be provided for collection and loading of garbage and recyclables generated by the project. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the pedestrian and vehicle access needed for the collection site. The garbage and recycling enclosure shall meet the minimum enclosure requirements established by staff and the franchised hauler, which shall be included in the building permit submittal.

6.9 ADDRESSING

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office. The PBES Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

6.10 HISTORIC RESOURCES [RESERVED]

6.11 DEMOLITION ACTIVITIES [RESERVED]

- 6.12 VIEWSHED – EXECUTION OF USE RESTRICTION **[RESERVED]**
- 6.13 PERMIT PREREQUISITE MITIGATION MEASURES **[RESERVED]**
- 6.14 PARCEL CHANGE REQUIREMENTS **[RESERVED]**
- 6.15 FINAL MAPS **[RESERVED]**
- 6.16 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS **[RESERVED]**

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENT

Please contact Engineering Services with any questions regarding the following:

a. GRADING & SPOILS

All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

b. DUST CONTROL

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.

c. AIR QUALITY

During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt tracked onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required State Regulations). Clear signage shall be provided for construction workers at all access points.
8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County Engineering Services Division, and the State Regional Water Quality Control Board.

7.2 **ARCHEOLOGICAL FINDING**

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the PBES Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

If human remains are encountered during project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the permittee shall comply with the requirements of Public Resources Code Section 5097.98.

7.3 **CONSTRUCTION NOISE**

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut

down when not in use. Construction equipment shall be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities only shall occur daily between the hours of 8:00 AM to 5:00 PM.

7.4 CONSTRUCTION MITIGATION MEASURES **[RESERVED]**

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL **[RESERVED]**

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow the commencement of CNG refueling activities prior to completion of all project improvements. Permittee shall comply with the following before a TCO is granted:

8.1 TEMPORARY OCCUPANCY

All life and safety conditions shall be addressed prior to issuance of a TCO by the County Building Official. TCOs shall not be used for the occupancy of hospitality buildings and shall not exceed the maximum time allowed by the County Code which is 180 days. In special circumstances, Departments and/or Agencies with jurisdiction over the project are authorized as part of the TCO process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

Permittee shall comply with the following before a Final Certificate of Occupancy is granted by the County Building Official, which upon granting, authorizes all use permit activities to commence:

9.1 FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all Departments and Agencies with jurisdiction over the project, shall be completed.

9.2 SIGNS

Detailed plans, including elevations, materials, color, and lighting for any project identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if the signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATE/ENTRY STRUCTURES

Any gate installed at the project entrance shall be reviewed by the PBES Department and the Fire Department to assure that the design allows large vehicles, such as motorhomes, to turn around if the gate is closed without

backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required pursuant to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this permit approval.

- 9.4 LANDSCAPING **[RESERVED]**
- 9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**
- 9.6 DEMOLITION ACTIVITIES **[RESERVED]**
- 9.7 GRADING SPOILS
All spoils piles shall be removed in accordance with the approved grading permit and/or building permit.
- 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**
- 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**

Exhibit A

**Upper Valley Disposal Service
Application Number P16-00180-MOD
1285 Whitehall Lane, St. Helena, California
APN #027-450-027**

PREVIOUS CONDITIONS

4.21 The permittee shall comply with the following previous conditions of approval for the facility as consolidated in this document. To the extent there is a conflict between a previous condition of approval identified in this document and the Recommended Conditions of Approval, the more stringent condition shall control.

A. USE PERMIT NO. 92061-UP

COA No. 1: Scope

Phase One of the permit shall be limited to:

- a) The establishment of waste disposal company administrative offices and corporation yard, including vehicle and equipment maintenance and fuel storage for sanitation trucks; refuse storage box rental; the conversion of an existing 6,000 sq. ft. agricultural accessory building for truck maintenance, parts storage, and offices; and the conversion of an existing 2,107 sq. ft. residence into a conference building;
- b) The establishment of a recycling facility, for the processing (collection, separation, compaction, drying, wholesale and bulk sales only) of glass, paper, cardboard, aluminum, tin, plastic, and grape seeds, including the processing area and storage, and accessory offices; including the construction of a maximum 30,000 sq. ft. combination bailing-recycling building and a thirty foot by one hundred foot covered porch that may be used for storage purposes;
- c) The establishment of a grape pomace composting facility for the processing of grape pomace (skins, seeds, twigs, and leaves only) produced by Napa County wineries only and the wholesale and bulk sales of compost materials where the maximum amount of pomace may be received at the facility shall be 17,500 tons per year. In accordance with the recommendations of the Department of Environmental Management (October 21, 1993), applicant shall report to Conservation, Development, and Planning Department, the tonnage of pomace handled in each calendar year by January 15 of the following year.
- d) The establishment of the existing residence as an accessory caretakers residence for the waste disposal company;

- e) The conversion of various agricultural sheds, as shown on the site plan, into storage buildings;
- f) Sales of bulk compost and recycled material. No packaging or sale of packaged material is permitted. Pickup of bulk compost and recycled materials by pickup trucks of less than 3 ton carrying capacity shall be prohibited;
- g) The conversion of the existing reservoir into a waste water pond system to serve the grape pomace processing activities, including the use of adjacent agricultural lands owned or controlled by the permit holder for the spray/evaporation of such treated waters;
- h) The establishment of a facility for the recycling of grape seeds, within the designated Grape Waste Processing Area, to grape seed oil and cake as described in the FEIR at page 197. Recycling of grape seeds shall be limited to 8:00 a.m. to 5:00 p.m. weekdays only and limited to those seeds delivered to the facility as part of the grape pomace composting operation.

All development shall be in compliance with the attached site plan. Any expansion or changes in use shall be by separate Use Permit submitted for Commission consideration.

COA No. 2: Scope

Phase Two or any later phase of the permit shall consist of any one of the following:

- a) Handling of pomace in any amount greater than 17,500 tons in one year, up to a maximum of 34,000 tons; and
- b) Any addition of 1,000 sq. ft. either to offices and conference facilities, vehicle maintenance and repair facilities, or storage, or any combination of any of the above totaling 2,000 sq. ft.

Other on-site improvements not listed in Conditions #1, #3, #9, or #10 will require permit modification, and may trigger a subsequent "Phase" pursuant to this permit.

Implementation of Phase Two will require approval by the Local Enforcement Agency (LEA). In order to approve Phase Two, the LEA must make the following findings based on substantial evidence:

Conversion to a static pile or equivalent technology has been completed and is operating satisfactorily.

COA No. 7:

The permit holder shall submit a detailed landscaping, fencing, and parking plan to the Department for review and approval prepared in accordance with the Water Conservation Regulations.

- a) Said plan shall also include the location of off-street parking spaces.
- b) A detailed landscaping plan shall be submitted to the Department within 90 days of use permit approval.
- c) Landscaping, fencing, and parking to be completed prior to final occupancy of Phase One, unless the landscaping, etc. improvements are shown to relate solely to a later phase, in which case they shall be completed prior to occupancy of the affected Phase.
- d) Landscaping shall be permanently maintained in accordance with the approved landscape plan.
- e) The required landscape plan shall incorporate the requirements of the mitigation measures relative to noise, visual quality, and aesthetics (#D-4; #F-3) and shall incorporate all landscape and screening development standards of the PL zoning district (Section 12354). Any berms proposed for construction shall be planted with vegetation and included on the landscape plan.

COA No. 12:

The permit holder shall comply with all applicable codes and standards of the Public Lands Zoning District but not limited to:

- a) Prior to issuance of a building permit, the applicant/developer shall submit and have approved, a drainage plan for the lots involved in the project to the Department of Public Works. All drainage easements identified in the approved plan have been irrevocably offered for dedication and all drainage improvements required in the approved plan shall be installed by July 1, 1995;
- b) Prior to issuance of any building permits for that structure, each new structure shall be reviewed to determine if the architectural design maximizes its compatibility with existing structures nearby;
- c) All lighting shall be directed onto the subject property only, so that the light source is not visible from adjacent properties or streets; and
- d) All production of odors, smoke, dust, other airborne solids, vibrations, glare, and excessive noise shall avoid the creation of a public nuisance.

COA No. 14:

Pomace composting technology being used at the site shall be improved as follows, to be monitored by the operations manager (see conditions #5 & #6):

- A) The covered aerated static pile system described in Section X of the Draft EIR section of FEIR-067, or an environmentally equivalent technology, shall be installed for all pomace being composted before progression to Phase 2;
- B) In the event the static pile (or equivalent) system is not fully operational for all pomace by the end of three years after permit issuance, and during

the three-year period, for any portion of the pomace composting system not yet converted to the static pile (or equivalent) system:

- i. An all weather operating surface between the rows shall be provided so that windrows can be turned frequently and water will not pond.
 - ii. The pomace must be placed in windrows within 72 hours of arrival at the site and thereafter turned frequently. The turning of windrows during periods of heavy rain shall be avoided when there is the potential for the windrows to become saturated, and turning during high (>15 mph) wind conditions shall be avoided to minimize dispersal of *Aspergillus fumigatus*.
 - iii. To mitigate the possible glare from plastic coverings, non-reflective material or composted material shall be used to cover the pomace prior to installation of Phase 2 improvements and at other times when required by the LEA.
- C) Lime shall be applied to any standing water to any fresh pomace dropped on impervious surfaces; and
- D) The stockpiling of composted material shall be prohibited unless stabilized (i.e., its decomposition rate is very low).

COA No. 17:

As part of Phase One, twenty-eight (28) off-street parking spaces for employees and visitors shall be provided on a dust-free all-weather surface approved by the Public Works Department. All sanitation trucks shall be stored off-street on a dust-free all-weather surface approved by the Public Works Department. All parking spaces and driveways serving the facilities shall be dust-free all-weather surface approved by the Public Works Department, and shall be permanently maintained.

COA No. 26:

The wastewater pond water level shall be dropped during the dry season so that the freeboard at the beginning of the wet season is maintained so that there is a minimum freeboard of two feet at all times. This will assure that the waste water pond has adequate capacity to handle an unexpectedly heavy storm condition. The permit holder shall contact the LEA for review and approval of any plan to implement this condition prior to issuance of permits.

COA No. 27:

The location of any gasoline, diesel fuel, or oil, shall be in an area protected from the 100 year flood plain, and shall be included as a part of the Stormwater Pollution Prevention Plan, to be reviewed and approved by the LEA. No hazardous or toxic materials shall be recycled at the site, nor shall the site be used as a collection or transfer location for such materials.

COA No. 32:

The permit holder shall include the following dust control measures to reduce dust generation during composting activities:

- a) Water trucks or sprinkler systems shall be used in sufficient quantities to prevent dust raised from recycling and composting activities from leaving the site;
- b) The composting stockpiles shall be sprinklered and/or covered with protective tarps during periods of wind. When uncovered, the windrows must be monitored daily for the need of water to prevent circulation of particulates, which will also reduce windborne dispersion of *Aspergillus fumigatus* spores;
- c) Composting material transported by truck shall be watered down and/or covered with a protective tarp to prevent dust from being generated off-site during transport.

COA No. 34:

Ear protection equipment shall be required for operators of the glass sorting machinery. Until a building enclosing this operation is completed, the hours of glass sorting are limited to between 10 AM and 3 PM (five) weekdays only, to minimize the objectionable noise levels. After completion of the enclosure building, glass sorting may occur between 7 AM and 7 PM, Monday thru Saturday.

COA No. 35:

The hours of operation of all trucks shall generally be restricted to 7:00 a.m. – 7:00 p.m. except for emergencies. A maximum of nine garbage trucks may leave the premises between 2:00 a.m. and 7:00 a.m. of which no more than five will leave before 6:00 a.m. Trucks bring pomace to the facility shall be limited to the harvest season and may operate from 6:00 a.m. to 10:00 p.m. except that one pomace truck may operate all night. The limitation of these conditions shall not apply to responses for requests from the County of Napa, the Cities of St. Helena and Calistoga and the Town of Yountville, or other individuals for special or emergency service. The site operations manager shall monitor this condition and shall report the number and nature of emergencies monthly to the Department.

COA No. 38:

Trucks bearing fresh pomace shall be equipped with tightly fitting gaskets on rear gates, and loads must be appropriately sized so as not to permit drainage or debris onto Whitehall Lane.

COA No. 39:

The permit holder shall use good housekeeping practices to minimize insect breeding and nesting areas. An integrated pest management plan shall be developed and

implemented, insects shall be monitored, and the guidelines outlined in the Mosquito Abatement District's September 1, 1992 memo shall be implemented.

COA No. 44:

All outdoor storage including truck parking areas shall be screened from view of State Highway 29 and adjacent properties by a visual barrier consisting of fencing and/or dense landscaping. No open storage or vehicles are to exceed the height of the screening.

B. USE PERMIT MODIFICATION NO. 94024-MOD

COA No. 1: Scope

The permit is limited to the construction and use of a driveway access from State Highway 29 through Assessor's Parcel Number #27-450-11 and 12 by fleet vehicles proceeding to Upper Valley Disposal Company as described in the application and accompanying material on file with the Department.

Any expansion or changes in use shall be by separate Use Permit submitted for Commission consideration.

COA No. 2:

Southbound commercial fleet and employee traffic proceeding to Upper Valley Disposal shall use the driveway at Pestoni Family Winery. Northbound commercial fleet traffic proceeding to Upper Valley Disposal shall use Whitehall Lane.

C. USE PERMIT MODIFICATION REQUEST NO. 97177-MOD

COA No. 1: Scope

The permit shall be limited to the modification of Use Permit #92061-UP (establishing the grape pomace composting facility) to:

- a) Use the existing truck fleet returning to corporation yard to transport wood/yard waste mulch collected at landfill for use as a bulking agent component for the pomace composting;
- b) Use the existing truck fleet returning to corporation yard to transport wood/yard waste mulch collected at landfill for use as an amendment to the finished pomace composting produced on-site; and
- c) The maximum amount of incoming material (any proportion of grape pomace to green material) received at the composting facility shall be 34,000 tons per year.

Any expansion or changes in use shall be by separate Use Permit submitted for Commission or Zoning Administrator consideration.

COA No. 2:

All outdoor storage of stockpiled wood/yard waste mulch shall be located where it will be screened from view of the State Highway and adjacent properties by the visual barrier established by the approved landscape plan. No open storage is to exceed the height of the screening.

COA No. 6:

All commercial fleet traffic proceeding to Upper Valley Disposal shall use the driveway at Pestoni Family Winery (APN 27-450-011 and 012).

D. USE PERMIT MODIFICATION REQUEST NO. P07-0046-MOD

COA No. 1: Scope

The permit shall be limited to:

- a) Construct two metal structures to cover existing work areas. One 18,000 square foot building, to be built as an open walled structure and will cover an existing sorting and processing area. The second structure, a 3,600 square foot building will cover the existing truck washing area;
- b) Stockpile green waste products of up to 110 cubic yards per day and a maximum of 1,000 cubic yards of unprocessed materials at any one time, or as determined by the Napa County Local Enforcement Agency. The green products will be screened from view of the State Highway and adjacent properties by a visual barrier and stockpiled on an all weather pad with adequate drainage;
- c) Total trucks trips allowed will remain at levels approved by the LEA of no more than 240 roundtrips per day;
- d) Any expansion or changes in use shall be approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process; and
- e) The structures shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors and employees to ensure compliance is achieved. Any expansion or changes in use shall be approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.



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David Morrison
Director

MEMORANDUM

To: Jason Hade, Planning	From: Patrick Ryan, Engineering
Date: July 10, 2017	Re: P16-00180 – Upper Valley Disposal Conditions of Approval APN: 027-450-027

The Engineering and Conservation division ('Engineering') has reviewed the use permit application P16-00180 for the Upper Valley Disposal Use Permit Minor Modification located on assessor's parcel number 027-450-027. In general the project proposes the following:

Construct a 15,000sf building for composting storage and blending area and a new CNG fueling station with night time filling option. No increases in organic waste tons, traffic, operating hours, or permitted areas are proposed. Post-constructed runoff management for the new or reconstructed impervious areas is to be conveyed to the existing processed wastewater ponds for treatment and hydromodification.

Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

RECOMMENDED APPROVAL CONDITIONS:

PREREQUISITES FOR ISSUANCE OF PERMITS

1. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval.
2. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.

3. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
4. **Prior to issuance of a development permit** (i.e. building permit and/or grading permit) the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention Program Erosion and Sediment Control Plan Guidance document, dated December 2014.
5. **Prior to issuance of a development permit** the owner shall prepare a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
6. **Prior to issuance of a development permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division. Before final occupancy the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.
7. In the event the Regional Water Quality Control Board cannot support the proposed conveyance of stormwater runoff from all new or reconstructed impervious area to the existing wastewater ponds the applicant shall provide revised site design measures and low impact development design to comply with Napa County's BASMAA Post-Construction Manual in conjunction with the State Water Resource Control Board Water Quality Order No. 2013-0001-DWQ, Phase II MS4 General Permit, Provision E.12.

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

8. All new and/or reconstructed access roads shall be completed as designed and comply the latest edition of the Napa County Road & Street Standards for Commercial development prior to Final Occupancy.
9. Operations and Maintenance Agreement for post construction Stormwater facilities must be legally recorded.
10. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items, please contact Patrick Ryan from Napa County Planning, Building, and Environmental Services Department, Engineering and Conservation Division, at (707)253-4892 or by email at Patrick.Ryan@countyofnapa.org



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Planning, Building & Environmental Services

1195 Third Street, Suite 210
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David Morrison
Director

MEMORANDUM

To: Jason Hade, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: February 8, 2018	Re: Upper Valley Disposal Service APN 027-450-027 File #P16-00180

Environmental Health-Land Use staff has reviewed a revised application requesting approval to construct a new building for the storage and blending of compostable materials as described in the application and supporting reports. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. The applicant shall secure a discharge requirement or waiver of same from the Regional Water Quality Control Board under the General Waste Discharge Requirements for Composting Operations.
2. The use of the existing leach field(s) shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system(s) include equipment storage, traffic, parking, pavement, livestock, etc.

The existing wastewater system(s) must be shown on the site plan submitted with the building permit application packet and identified to be protected.

Upon final occupancy and thereafter:

3. Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business shall be submitted to <http://cers.calepa.ca.gov/> and approved by this Division.
4. Any wastewater pumped from the pond to tanker trucks must be pumped and hauled by a company permitted to haul wastewater in Napa County. The wastewater must be disposed at a licensed wastewater treatment facility

5. Discharges of wastewater or wash water from activities including (but not limited to) equipment washing, vehicle washing, auto body related activities, parking lot washing and mobile detailing that may contain oil, grease, metals, or other deleterious materials must be properly disposed. Discharges from equipment washing may not be disposed of in an on-site septic system.
6. Any hazardous waste produced on site must be stored and disposed of in a manner consistent with Chapter 6.5, Division 20 of the California Health and Safety Code and with Title 22, Division 4.5 of the California Code of Regulations. Operator must continue to comply with the Hazardous Waste Generator Permit issued by this Division.
7. The monitoring well(s) on the site must be protected during construction and development until such time that they are destroyed under permit from this Division.
8. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
9. The existing well must be properly protected from potential contamination. The applicant must comply with the small water system permit requirements.
10. The facility has a storm water permit issued by this Division. The applicant must continue to comply with requirements for storm water monitoring and reporting.



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David Morrison
Director

MEMORANDUM

To: Jason Hade	From: Gary J. West, Chief Building Official
Date: May 5, 2016	Re: Upper Valley Disposal Service Use Permit Minor Mod P16-00180

Building Inspection Division Planning Use Permit Review Comments

Address: 1285 Whitehall Ln., St. Helena CA 94574

APN: 027-450-027-000

Project: Upper Valley Disposal Service Use Permit Minor Mod P16-00180

Owner: Pestoni Ranch LLC

Contact: Evan Edgar

Description: Use Permit minor modification request to add a 15,000 square foot building for composting storage/blending area and a CNG fueling station with night time filling option. No increase in organic waste tons, traffic, operating hours, or permitted areas is proposed. Please refer to attached plans and project statement for additional information.

Comments: The Building Division is not reviewing this project for compliance with the California Building Standards Codes at this time; the Building Division is reviewing the proposed Planning entitlements only. The Building Division has no issues or concerns with the approval of the Use Permit Minor Mod P16-00180; it is a Planning entitlement and does not in itself authorize any construction activities. Separate building permits shall be required.

The plans provided for Use Permit Minor Mod P16-00180 do not provide enough information in sufficient detail to determine all code requirements. A complete and thorough plan review will be performed at the time an application is made for the required building, plumbing, mechanical, and electrical and any other construction permits required by other Napa County Agencies. The following comments are provided to make the applicant aware of what codes the applicant will be required to

comply with, as well as issues that may need to be addressed prior/during the building permit application and review process.

1. In accordance with the California Building Code, Chapter 1, Division 1, Section 1.1.9, which states, "only those standards approved by the California Building Standards Commission that are effective at the time of application for a building permit is submitted shall apply to the plans and specifications for, and to the construction under that permit". The codes adopted at this time are 2013 California Building Standards Codes, Title 24, part 2, Building volumes 1 & 2, part 3 Electrical, part 4 Mechanical, part 5 Plumbing, part 6 Energy, part 9 Fire, and part 11 Green Buildings.
2. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities a separate demolition permit will be required from the Napa County Building Division prior to the removal. Please note the applicant will be required to provide a "J" number from the Bay Area Quality Management District at the time the applicant applies for a demolition permit if applicable.
3. The site and associated buildings are required to be accessible to persons with disabilities. This includes, but not limited to, a van accessible parking stall, accessible path of travel from the parking stall to all buildings and areas on the site that are available to employees and the public.
4. Project appears to be in the flood plain. Specific requirement apply.
5. In accordance with the California Building Code no change shall be made in the use or occupancy of an existing building unless the building is made to comply with the requirements of the California Building Code as for a new building.

Issues of compliance with the California Building Code, Title 24, will be addressed during the building permit application, review and approval process. If the applicant has any questions please have the applicant give me a call at (707)259-8230.

All plans and documents for commercial projects are required by California Law to be prepared and coordinated under the direction of a California Licensed Design Professional, such as an Architect and/or Engineer in accordance with California Business and Professions Code Chapter 3, and the California Building Code, Chapter 1.



GARY J. WEST
CHIEF BUILDING OFFICIAL
NAPA COUNTY BUILDING DIVISION
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Department of Public Works

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Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Rick Marshall Deputy Director of Public Works
Date: May 12, 2016	Re: Upper Valley Recycling P16-00180

Thank you for the opportunity to review the subject permit application. I offer the following comments from the Department of Public Works:

Based on my review of the application materials, the project as proposed will not result in any increase in traffic generation. Therefore, there will not be any significant impact to traffic circulation associated with the project.

An additional comment related to the project site: Caltrans' project to widen State Route 29 in this vicinity will be complete this summer. At that time, there will be a continuous two-way left-turn lane throughout the corridor from Mee Lane (south of this site) to Charter Oak Way (north of this site, inside St. Helena). So the access associated with both construction and operation of this project will be served by this regional improvement.

Please contact me at Rick.Marshall@countyofnapa.org or call (707) 259-8381 if you have questions or need additional information.



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Napa County Fire Department
Fire Marshal's Office
2721 Napa Valley Corporate Drive
Napa, CA 94558

Office: (707) 299-1464
Direct: (707) 299-1461

Joe Petersen
Fire Marshal

MEMORANDUM

TO: Jason Hade Planning Division	DATE: June 21, 2016
FROM: Joe Petersen Fire Department	
SUBJECT: P16-00180 Upper Valley Disposal	APN: 027-450-027

The Napa County Fire Marshal's Office has reviewed the application package for Upper Valley Disposal. The Fire Marshal has deemed the application complete and requires the following conditions to be incorporated as part of permit issuance.

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finalized.
3. Projects shall have an approved water supply for fire protection be made available as soon as combustible material arrives on the site. All underground fire lines, pump and tank plans are required to be a separate submittal from the building or civil plans.
4. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Should you have any questions of me, contact me at (707)299-1461 or email at joe.petersen@fire.ca.gov.