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Recommended Findings

**PLANNING COMMISSION HEARING – MARCH 7, 2018
RECOMMENDED FINDINGS**

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

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 minimal construction and limited operations, the project is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15301, Class 1 (Existing Facilities) and Appendix B of Napa County's Local Procedures for Implementing the California Environmental Quality Act under Class 1: Existing Facilities, #3 for Very Minor and Minor modifications of existing Use Permits in conformance with Section 18.124.130 of the County Code.
2. 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.
3. 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.

PLANNING AND ZONING ANALYSIS:

USE PERMIT:

The Commission has reviewed the use permit minor modification request in accordance with the requirements of the Napa County Code §18.124.070 and §18.50.150 (Public Lands zoning district) and makes the following findings:

4. The Commission has the power to issue a Use Permit under the Zoning Regulations in effect as applied to property.

Analysis: The project is consistent with the Public Lands (PL) zoning district regulations. A composting facility, recycling facility, and solid waste transfer station (refer to Napa County Code Section 18.50.030) are permitted in the PL District with an approved use permit. The project, as conditioned, complies with all requirements of the Zoning Code as applicable.

5. The procedural requirements for a Use Permit set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

Analysis: The Use Permit Minor Modification application has been appropriately filed and notice and public hearing requirements have been met. The hearing notice and intent to

adopt Categorical Exemptions were posted on February 23, 2018, and copies were forwarded to property owners within 1,000 feet of the subject parcel and all other interested parties.

6. The grant of the Use Permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: Granting the Use Permit Minor Modification for the project, as proposed and conditioned, will not adversely affect the health, safety or welfare of the County. Various County divisions and departments have reviewed the project and commented regarding site access, odor, noise, drainage, traffic, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to ensure the protection of the public health, safety, and welfare.

7. 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 PL zoning district regulations. A composting facility, recycling facility, and solid waste transfer station (refer to Napa County Code Section 18.50.030) are permitted in the PL District with an approved use permit. The proposed project will comply with the development standards of the PL District. The project, as conditioned, complies with all applicable requirements of the Zoning Code.

Analysis: Compliance with the General Plan

As proposed and as conditioned, the requested Use Permit Minor Modification is consistent with the overall goals and objectives of the General Plan (2008). The General Plan land use designation for the subject parcel is Agricultural Resource (AR).

Applicable Napa County General Plan goals and policies:

Goal AG/LU-3: Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.

Policy CC-51: The smell associated with wine-making, agriculture, and agricultural processes are considered to be an acceptable and integral part of the community character of Napa County and are not considered to be undesirable, provided that normal and reasonable stewardship is followed in the operation of wine-making or agricultural use and that odors are controlled to the extent possible consistent with the normal operation of the use.

Goal CON-10: Conserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for the uses allowed by this General Plan, for the natural environment, and for future generations.

Goal CON-11: Prioritize the use of available groundwater for agricultural and rural residential uses rather than for urbanized areas and ensure that land use

decisions recognize the long-term availability and value of water resources in Napa County.

Policy CON-53: The County shall ensure that the intensity and timing of new development are consistent with the capacity of water supplies and protect groundwater and other water supplies by requiring all applicants for discretionary projects to demonstrate the availability of an adequate water supply prior to approval. Depending on the site location and the specific circumstances, adequate demonstration of availability may include evidence or calculation of groundwater availability via an appropriate hydrogeologic analysis or may be satisfied by compliance with County Code “fair-share” provisions or applicable State law. In some areas, evidence may be provided through coordination with applicable municipalities and public and private water purveyors to verify water supply sufficiency.

Policy CON-54: The County shall maintain or enhance infiltration and recharge of groundwater aquifers by requiring all projects in designated groundwater deficient areas as identified in the County’s groundwater ordinance (County Code Chapter 13.15) be designed (at minimum) to maintain a site’s predevelopment groundwater recharge potential, to the extent feasible, by minimizing impervious surfaces and promoting recharge (e.g., via the use of water retention/detention structures, use of permeable paving materials, bio-swales, water gardens, cisterns, and other best management practices).

Policy CON-55: The County shall consider existing water uses during the review of new water uses associated with discretionary projects, and where hydrogeologic studies have shown that the new water uses will cause significant adverse well interference or substantial reductions in groundwater discharge to surface waters that would alter critical flows to sustain riparian habitat and fisheries or exacerbate conditions of overdraft, the County shall curtail those new or expanded water uses.

Policy CON-60.5 All aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should be designed to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.

Goal CON-18: Provide sufficient long-term solid waste disposal capacity for the County consistent with California Integrated Waste Management Act (Public Resources Code section 40000, et seq.) requirements.

Policy CON-77: All new discretionary projects shall be evaluated to determine potential significant project-specific air quality impacts and shall be required to incorporate appropriate design, construction, and operational features to reduce emissions of criteria pollutants regulated by the state and federal governments below the applicable significance standard(s) or implement alternate and equally effective mitigation strategies consistent with BAAQMD’s air quality improvement programs to reduce emissions. In addition to these policies, the County’s land use policies discourage scattered development which contributes to continued dependence on the private automobile as the only means of convenient transportation. The County’s land use policies also contribute to efforts to reduce air pollution.

Policy CON-81: The County shall require dust control measures to be applied to construction projects consistent with measures recommended for use by the BAAQMD [Bay Area Air Quality Management District].

Policy CON-87: The County shall promote solid waste source reduction, reuse, recycling, composting and environmentally-safe transformation of waste. The County shall seek to comply with the requirements of AB 939 with regard to meeting state-mandated targets for reductions in the amount of solid waste generated in Napa County.

Policy CON-90: The County shall support efforts to provide solid waste resource recovery facilities and household hazardous waste collection facilities convenient to residences, businesses, and industries.

Policy SAF-20: All new development shall comply with established fire safety standards. Design plans shall be referred to the appropriate fire agency for comment as to:

- 1) Adequacy of water supply.
- 2) Site design for fire department access in and around structures.
- 3) Ability for a safe and efficient fire department response.
- 4) Traffic flow and ingress/egress for residents and emergency vehicles.
- 5) Site-specific built-in fire protection.
- 6) Potential impacts to emergency services and fire department response.

8. That 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 in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Sections 13.15.070 or 13.15.080 of the County Code.

Analysis: The project is consistent with General Plan Conservation Policies CON-53 and CON-55, which require that applicants, who are seeking discretionary land use approvals, prove that adequate water supplies are available to serve the proposed use without causing significant negative impacts to shared groundwater resources. The applicant completed a Tier I Water Availability Analysis. Based upon the site's location within the valley floor area, estimated groundwater availability would be 44.23 af/yr (44.23 acres x 1.0 af/yr). The existing groundwater use at the project site is estimated at 10.4 af/yr (*Review of Napa County Water Availability Analysis for the Upper Valley Disposal Service Use Permit Update, 2016*). Estimated project water demand is 12.13 af/yr for dust suppression misters to be installed in the blending barn and additional landscaping which represents an increase of 2.09 af/yr and remains below the 44.23 af/yr screening criterion. No other known wells are located within 500 feet of the on-site Upper Valley Disposal Service well. The estimated project water demand of 12.13 af/yr is far below the 44.23 af/yr estimated annual parcel groundwater recharge. The proposed project would not result in a substantial increase the demand of ground water supplies or interfere with groundwater recharge or lowering of the local groundwater level. According to Napa County environmental resource mapping (*Water Deficient Areas/Storage Areas*), the project site is not located within a water deficient area and the County is not aware of, nor has it received any reports of groundwater deficiencies in the area. Because the projected water demand for the project is far below the estimated

mean estimated groundwater availability acre feet per year for the parcel, the requested Use Permit Minor Modification is consistent with General Plan Goals CON-10 and CON-11. The project will not require a new water system or other improvements and will not have a negative impact on local groundwater.

9. That the proposed use will not have a substantial adverse effect on the adjacent property or the permitted uses thereof.

Analysis: Granting the Use Permit Minor Modification for the project, as proposed and conditioned, will not adversely affect the adjacent property or the permitted uses thereof because all responsible County divisions and departments have reviewed the project and commented regarding site access, odor, noise, drainage, traffic, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to ensure that a substantial adverse effect on adjacent properties does not occur.

10. That the proposed use will not be detrimental to long-term agricultural uses on adjacent parcels which are agriculturally viable and appropriately zoned.

Analysis: The addition of the composting building to the project site will not interfere with existing agricultural operations on adjacent parcels such as the Rutherford Grove Winery. Potential impacts regarding site access, odor, noise, drainage, and traffic have been evaluated and are fully addressed within the conditions of approval (Attachment B).

11. That the proposed use is an existing public or quasi-public use and the proposed modifications are necessary to meet additional demonstrated public needs.

Analysis: The proposed modifications to the existing composting and recycling facility are needed to better serve the facility's customers by increasing the amount of food material composting capacity at the site. Project implementation will assist customers, such as wineries or restaurants, in achieving or maintaining, Napa Green Certified business status.

12. That the proposed use is a new proposed public or quasi-public use which has been determined by the county as specifically necessary to implement adopted state or federally mandated programs.

Analysis: The project will assist the facility in complying with State laws regarding the reduction of greenhouse gas emissions (GHG) and diversion of landfill material. It will also assist the County with implementation of General Plan Policy CON-87 concerning solid waste reduction, including composting.