



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/7/2018

Agenda Placement: 8A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: Jason Hade, Planner III - (707) 259-8757

SUBJECT: Upper Valley Disposal Service Use Permit Minor Modification P16-00180

RECOMMENDATION

BOB PESTONI / UPPER VALLEY DISPOSAL SERVICE / USE PERMIT MINOR MODIFICATION NO. P16-00180 - MIN MOD

CEQA Status: Consideration and possible adoption of a Categorical Exemption Class 1. 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 Section 15301], Class 1 (Existing Facilities), which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301 and Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B, under Class 1: Existing Facilities, #3 "Very Minor and Minor modifications of existing use permits in conformance with Section 18.124.130 of the County Code." This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Approval of a Use Permit Minor Modification to previously approved Use Permit #92061-UP for the following components: (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 the total of 34,000 tons per year. The project is located on a 44.23-acre parcel on the south side of Whitehall Lane. The General Plan land use designation is Agricultural Resource and the area of the site currently utilized for a composting and recycling facility (approximately 28.79 acres) lies within the Public Lands (PL) zoning district; 1285 Whitehall Lane, St. Helena; APN: 027-450-027. The remainder of the site is located within the Agricultural Preserve (AP) zoning district.

Staff Recommendation: Find the project Categorical Exempt and approve the Use Permit Minor Modification, as conditioned.

Staff Contact: Jason R. Hade, AICP, Planner III, (707) 259-8757 or jason.hade@countyofnapa.org

Applicant Contact: Evan Edgar, Edgar and Associates, Inc., 1822 21st Street, Sacramento, CA, 95811; (916) 739-1200

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Find the project Categorically Exempt based on recommended Findings 1-3 in Attachment A; and
2. Approve Use Permit Minor Modification P16-00180-MOD based on recommended Findings 4-12 in Attachment A, and subject to the recommended conditions of approval in Attachment B.

Discussion:

A Use Permit (#92061-UP) was approved on June 14, 1994 to establish a corporate office for a waste disposal company, recycling facility, and grape pomace composting facility at the project site. The proposed project does not propose any change in the 34,000 tons of compost permitted annually, traffic, operating hours, operating areas or "the overall concept, density, intensity or environmental impact of, or substantially alter or delete any environmental mitigation measure for the project." A minor modification application may be utilized to approve new structures as long as the aggregate of new building square footage does not exceed 25 percent of the square footage allowed under the existing Use Permit. In this case, the project's proposed building represents a 21 percent increase. The CNG refueling pump would serve trucks used by the facility, not fuel unrelated trucks. The proposal includes changes in the make-up of the composting material, and similar minor modifications to the facility's Use Permits have been approved multiple times in the past. Through these past approvals, wood, yard waste, and green waste were added to the compost feedstock. Although this project is considered a minor modification, it is being referred to the Planning Commission by the Zoning Administrator based upon public comments and concerns raised early in the project review process.

Staff has reviewed the proposal and found it to be consistent with the Zoning Ordinance and applicable General Plan policies. As proposed, the project would assist the facility in complying with State laws regarding the reduction of greenhouse gas emissions (GHG) and diversion of landfill material. Based on these reasons, staff recommends approval of the project subject to the recommended conditions of approval.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Categorical Exemption Class 1. 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 Section 15301], Class 1 (Existing Facilities), which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301 and Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B, under Class 1: Existing

Facilities, #3 "Very Minor and Minor modifications of existing use permits in conformance with Section 18.124.130 of the County Code." This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner: Bob Pestoni, P.O. Box 382, St. Helena, CA 94574; (707) 963-7988

Representative: Evan Edgar, Edgar and Associates, Inc., 1822 21st Street, Sacramento, CA, 95811; (916) 739-1200

Zoning: Public Lands (PL) and Agricultural Preserve (AP) zoning districts

GP Designation: Agricultural Resource (AR) Designation

Filed: April 28, 2016

Resubmittal Received: September 13, 2016, October 31, 2016, and June 22, 2017

Deemed Complete: November 29, 2017

Parcel Size: 44.23 acres

Existing Development : Development on the property includes: a recycling center/office building; diesel fueling facility; wastewater pond; composting area; and parking area. Primary access to the property is from State Highway 29 via a paved driveway through Rutherford Grove Winery while emergency access is provided via a paved driveway to Whitehall Lane. The nearest residence to the proposed building is approximately ±820 feet to the southeast.

Approved and Proposed Facility Characteristics

Facility Size- Approved and Existing: 71,430 square feet (buildings).

Facility Size - Proposed: 86,430 square feet.

Total Waste Tons Approved: 34,000 tons per year.

Total Waste Tons Proposed: No change.

Feedstock Type- Approved and Existing: Pomace, residential green waste, and commercial food material.

Feedstock Type- Proposed: Pomace, residential green waste, commercial food material, and residential food material.

Food Material Blending Area Approved: Outdoor uncovered pad.

Food Material Blending Area Proposed: 15,000 fully-enclosed building.

Compost Method Approved: Extended aerated static pile with biofiter and additives such as gypsum and clean soils.

Compost Method Proposed: No change.

Fueling Station Approved: Diesel fleet with diesel on-site fueling.

Fueling Station Proposed: CNG fueling station allowing the replacement of diesel fleet with CNG fleet.

Traffic - Approved: 224 vehicles per day.

Traffic - Proposed: No change.

Days and Hours of Operation- Approved: 7:00 AM to 7:00 PM daily; 6:00 AM to 10:00 PM during harvest; and one-truck / 24 hours during harvest.

Days and Hours of Operation- Proposed: No change.

Number of Employees - Approved: 24 full-time and 2 part-time employees.

Number of Employees - Proposed: No change.

Setbacks:

Required Road setbacks – 28 feet from the centerline of Whitehall Lane.

Required Property line setbacks - 20 foot side and rear yard setbacks (for structures).

Proposed: The composting building would be setback approximately 885 feet from the centerline of Whitehall Lane, 955 feet from the rear property line, 400 feet from the eastern side property line, and 365 feet from the western side property line.

Adjacent General Plan Designation/ Zoning / Land Use:

North: Agricultural Resource (AR)/Agricultural Preserve (AP) zoning/agricultural use (vineyards) and large lot residential

South: AR/AP zoning/agricultural use (vineyards) and large lot residential

East: AR/AP zoning/agricultural use (Rutherford Grove Winery) and large lot residential

West: AR/AP zoning/agricultural use (vineyards) and large lot residential

Parcel History:

A Use Permit (#92061-UP) was approved on June 14, 1994 to establish a corporate office for a waste disposal company, recycling facility, and grape pomace composting facility at the project site. Use Permit Modification #94024-MOD was approved on September 13, 1994 to permit the construction of a new driveway access from State Highway 29 through Assessor's Parcel Numbers (APN) 027-450-011 and 027-450-012. This new driveway serves as the primary facility access for fleet vehicles. Use Permit Modification #92061-UP was approved on April 21, 1995 permitting the temporary use of the approved caretaker residence for waste company administrative offices. The Planning Commission approved #95297-UP to allow grape seed oil processing at the subject site on July 17, 1996. Approved on November 6, 1996, Use Permit #97177-MOD changed conditions of approval #1 (F) and #6 relating to bagging and transportation of compost and dates of compliance reports. On June 17, 1998, The Planning Commission approved Use Permit #97177-MOD to allow using the existing truck fleet returning to the corporation yard to transport wood/yard waste mulch collected at the Clover Flat landfill for use as an amendment to the finished pomace compost produced on-site and as a bulking agent component for the pomace composting. A minor modification to the Use Permit (P07-00464) was approved on November 30, 2007 to allow the construction of two new metal structures totaling 21,600 square feet to cover existing work areas and to stockpile green waste of 110 cubic yards per day up to a maximum of 1,000 cubic yards at any one time.

Code Compliance History:

There are no open or unresolved code cases for the project site.

Discussion Points:

Setting - Development on the property includes: a recycling center/office building; diesel fueling facility; wastewater pond; composting area; and parking area. Primary access to the property is from State Highway 29 via a paved

driveway through Rutherford Grove Winery while emergency access is provided via a paved driveway to Whitehall Lane. The nearest residence to the proposed building is approximately ±820 feet to the southeast. As indicated above, the site is surrounded by large lot residential uses, vineyards, and the Rutherford Grove Winery.

Facility Proposal - The proposal is to modify an existing waste disposal and recycling facility to permit the enclosing of an outdoor uncovered composting blending area within a 15,000 square foot building. The request also includes the construction of a compressed natural gas (CNG) refueling pump to allow the replacement of the existing diesel fleet and 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 the total of 34,000 tons per year.

Noise - The initial 1994 Use Permit required a six-foot berm and/or landscaping around the activity areas to attenuate on-site noise levels. This requirement also was part of the flood impact and visual impact mitigation measures. Landscaping has been installed and UVDS has augmented any landscape plantings that did not perform as expected. Additionally, the proposed building would be enclosed to further reduce the potential for noise.

According to the Pacific Gas and Electric Company and industry accepted standards, noise levels from CNG fuel engines are less than noise from diesel engines. Noise from natural gas engines is generally not as loud and is less bothersome than the lower pitch rumble associated with diesel engines. Natural gas engines do not emit the same degree of high-energy sound waves as diesel engines. Consequently, transit buses, school buses, and refuse trucks using CNG fuel engines are likely to be less objectionable than a diesel equivalent. Moreover, the lower pitched diesel rumble sound waves travel further before dissipation than higher pitched noise and therefore creates a greater noise footprint in the environment. (Pacific Gas and Electric Company NGV Environmental Benefits, 2018)

Traffic - There are no other composting facilities in the vicinity of the facility and there are no impacts identified with the project's subsequent change in feedstock. Traffic would remain within the current Use Permit limits of 224 vehicles per day during the same operational hours. No self-haul loads or contractors are proposed as part of this project. The "organics blending operation" would receive traffic and waste tonnages within the limits of the current Use Permit and Solid Waste Facility Permit with four daily inbound collection trucks. The Public Works Department reviewed the subject application and determined that "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."

Groundwater Availability - The applicant completed a Tier I Water Availability Analysis (Attachment F). Based upon the site's location within the valley floor area, the established threshold for acceptable use would be 44.23 af/yr (44.23 acres x 1.0). 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 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.

Landscaping/Screening - As part of the initial Use Permit application, landscaping has been installed and UVDS has augmented any landscape plantings that did not perform as expected. During the review process, the applicant significantly revised their proposed site plan to relocate the proposed blending barn near the center of the site as currently shown in an effort to avoid impacts to sensitive residential land uses. As redesigned, the

proposed blending barn would be screened from view by existing landscaping. The design also avoids encroachment in the County's required stream setbacks.

Dust Control -The following measures will be implemented to reduce dust at the project site: (1) Paved asphalt surfaces used by loaders to handle feedstocks and compost product are swept or washed to prevent the accumulation and drying of spilled compost material; (2) Compost would be kept at a moisture content high enough to prevent the creation of dust during material movement; and (3) Screening of compost would only be conducted on product with sufficient moisture content to prevent dust (greater than 40 percent moisture content). If the product is drier than 40 percent moisture content, sprinklers would be used to moisten the material before screening or sprinklers would be used directly on the screening equipment to prevent the release of dust.

Odor -The proposed building would minimize odors by enclosing an existing outdoor composting facility within a fully enclosed structure. The site's previously approved Odor Impact Minimization Plan (OIMP) (Attachment H) would be updated as shown and continue to apply. The applicant also contracted with Peter Moon of O2 Compost to prepare a *Facility Audit and Recommendations for Upper Valley Disposal Service St. Helena, California* which reviewed the proposed change in composting material and the potential for odor resulting from different composting material blends. The technical memorandum identified recommendations for minimizing odor generation and found that the addition of residential food material to the facility would not increase odor generation if the facility continued to comply with the current Use Permit conditions of approval and recommendations within the technical memorandum (Attachment I).

Greenhouse Gas Emissions -The proposed project would increase the scale of the current food waste diversion program, increase composting, and reduce vehicle miles traveled by reducing the need of collection trucks to travel to the Clover Flat Resource Recovery Park for composting needs as they currently do. All proposed GHG emissions reduction measures are identified in Attachment E.

Public Comments - At the time of staff report preparation, six emails had been received expressing concerns regarding the proposed project and are included as Attachment K. Supervisor Dillon and the County's Public Works Director met with several project neighbors on March 11, 2017. While the majority of concerns expressed at the meeting were regarding current permitted facility operations, concerns were also raised related to the potential for odor and noise as part of the current proposal. Enclosing the existing composting area is intended to address these concerns by reducing facility noise and odor issues. Recommended Condition of Approval No. 4.12.a requires compliance with the OIMP mentioned above under the "Odor" discussion. A letter of support was received from the City of Calistoga on February 23, 2018.

Decision Making Options:

As noted in the Executive Summary Section above, staff is recommending approval of the project with conditions of approval as described in Option 1 below. Decision making options also include a no project alternative and a reduced project alternative.

Option 1 - Applicant's Proposal (Staff Recommendation)

Disposition - This option would result in approval of the proposed modifications to the facility. Staff recommends this option as the request is consistent with the Zoning Ordinance and applicable General Plan policies. The project was found to be Categorical Exempt from CEQA. Adequate water is available to implement the project and fully enclosing the existing outdoor composting area would reduce existing odor, noise, and visual impacts. Project implementation would also assist the facility in complying with current and upcoming State laws regarding waste diversion from landfills and reducing GHG emissions.

Action Required - Follow the proposed action listed in Executive Summary. If conditions of approval are to be

amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be Categorically Exempt.

Option 2 - Reduced Project Alternative

Disposition - This option would reduce the scope of the project via not permitting or reducing the requested increase in the amount of food composting material.

Action Required - Follow the proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to require a reduction in the amount of food composting material permitted. If major revisions of the conditions of approval are required, the item will need to be continued to a future date.

Option 3 - Deny Proposed Project

Disposition - In the event the Commission determines that the project does not, or cannot meet the required findings for the granting of a Use Permit modification, Commissioners should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit modification is not being approved. Based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence supporting denial of the project.

Action Required - Commission would take tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Commission on a specific date.

Option 4 - Continuance Option

The Commission may continue an item to a future hearing date at its own discretion.

SUPPORTING DOCUMENTS

- A . Recommended Findings
- B . Recommended Conditions of Approval and Final Agency Approval Memos
- C . Previous Project Conditions
- D . CEQA Memorandum
- E . Use Permit Application Packet
- F . Water Availability Analysis
- G . Water and Wastewater Management Plan
- H . Odor Impact Minimization Plan
- I . Facility Audit and Recommendations
- J . Graphics
- K . Public Comments

Reviewed By: Vincent Smith