

RECEIVED

MAR 05 2018

CPD
Napa County Planning, Building
& Environmental Services

LAW OFFICES OF
BRUCE E KRELL

345 Grove Street
San Francisco, CA 94102
Telephone: 415-861-4414 Facsimile: 415 431-4526
grovelaw@mindspring.com

Planning Commission Mtg.
MAR 07 2018
Agenda Item # 7A

March 01, 2018

The Planning Commissioners
County of Napa Planning Commission
Planning Division
1195 Third Street, Suite 210
Napa, CA 94559

Re: Bob Pestoni/Upper Valley Disposal Service - Use Permit Minor Modification
Number P16-00180

To Whom It May Concern:

My name is Bruce Krell, I own the property situated at 1455 South Whitehall Lane, St Helena, CA. I am writing you in connection with the above referenced application hearing to be held March 7, 2108. Despite the fact that this application has been many years in the making, last week was the first time I was made aware of the planned change to the UVDS facility.

I am extremely concerned, firstly about the process whereby something like this can come to the commission without any of the neighbors being personally notified. Apparently, a small notice in the local paper is considered sufficient, but many of the owners in the area do not make their permanent residence in that area, and such a notice is meaningless.

This application is considered to be a minor modification. It may be considered that to the County, but to us as property owners, it will have a gigantic effect on our health, safety, quality of life and property values. Changing from recyclables to organic food waste has the potential of creating odors, diseases, attracting scavengers. The addition of natural gas tanks to the area creates all kinds of concerns from health to safety. This was to be my retirement home, it has taken me ten years of ownership to get the home to where I am ready to move in permanently. I understand the benefit and the need for recycling, however it makes no sense to me that UVDS, which has multiple facilities in the area, the majority of which are located in completely rural areas with no residential neighbors, has chosen to endanger the health, safety and property values of its neighbors in this particular facility.

PAGE 02.

As planning commissioners, you are chosen to represent the County, and thereby its citizens, in all decisions relating to use of land. I believe this change in use creates extreme hardship, risk and concern to the surrounding property owners. Since we have had so little notice as to this significant change in use that has been applied for, I am requesting that you either outright reject this outrageous request, or at the very least postpone this hearing for at least a 3 to 6-month period so that we can retain experts in these fields to analyze the effects this would have on our health, safety and property values.

I appreciate your commitment to this beautiful area and hope that you can understand my commitment to keeping the area as clean and healthy and beautiful as is possible.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bruce E. Krell". The signature is fluid and cursive, with a large initial "B" and "K".

BRUCE E KRELL

Hade, Jason

From: Leslie Velasco <lsv4733@gmail.com>
Sent: Monday, March 05, 2018 4:13 PM
To: Hade, Jason
Subject: UVDS Use Permit Modification

Jason R. Hade, AICP Planner III
Napa County Planning
Building and Environmental Services Dept.
1195 Third St
Ste 210
Napa, CA

Dear Jason,

We own 2 properties adjacent or near UVDS.

We along with our neighbors are very surprised to learn that the permit approval process is being pushed through the system. We have not heard until your letter of 22Feb that this was moving forward. With due consideration, we would like to request this be postponed until we can seek legal advice.

We are very concerned about health issues of a garbage disposal facility for food processing next to residential properties and what it brings along with it (pestilence, odors, and health hazards).

We are unable to join the meeting on March 7, due to lack of notice.
Please consider this request and let me know what the next steps are.

Thank you,
John Witt
Barbara Witt
Leslie Velasco

DAVID AND LESLIE MORELAND

March 5, 2018

Dear Commissioners:

Leslie and I have lived on South Whitehall Lane for over 15 years. In our short tenure in the neighborhood, we have seen significant changes in the character of our neighborhood including new houses and wineries, the loss of the nursery and increased traffic.

The biggest change to us, has been the increased noise from the UVDS. The expansion into glass recycling has provided us with listening to the crashing of glass, and the BEEP-BEEP of backing up equipment at all hours. In the summer, when our windows are open, we are blanketed with the rattle of old and poorly maintained circulation fans on the massive piles of recycled vegetation. We often smell the composting piles, and understand the need to compost in county and "live with it".

We own and operate a piece of commercial property in the Airport Industrial Park and are much further from the newly approved bus maintenance facility. The process of notification and evaluation of this project included several notifications to our office and ample time to evaluate and respond with our concerns. In the case of UVSD, it appears that the application has been recently completed, and I have not received any notification of this application at our house which is very close to the project.

The addition of a refueling station is not a minor issue. As we know from living next to UVDS, the trucks are on the road often before the crack of dawn. In preparation for their deployment, they must refuel and prepare for the day. Are we to now going to listen to the intentionally obnoxiously designed BEEP-BEEP of the trucks as they refuel in the wee hours of the morning? The need to recycle within the county is admirable, but, with an adequate facility to refuel in existence in a remote location, and the desired relocation solely for the financial benefit of the service provider, must we lower the value of our property, and deal with the health and safety concerns generated by this move?

The city of Napa recently discussed in the Register that they are spending a considerable sum to upgrade the drainage and infrastructure of their recycle facility to accommodate the regulations that the article said became effective this year. If I can see the compost pile, and smell it and see the drainage from it, is it a risk to our health that is not being discussed?

There is not sufficient time to evaluate the application that has just recently been completed and submitted. There is not sufficient time to allow for the neighbors of UVDS to respond. This looks like a repeat of the glass "minor modification" that none of us saw and has permanently changed our environment.

Please postpone the decision for a reasonable time to allow the neighborhood to analyze the application as submitted. There is nothing in the application that is time sensitive enough to demand a rapid and cursory approval. Your foresight for our future is appreciated.

Sincerely,



David Moreland

Hade, Jason

From: Beth Whybrow Leeds <leeds.elizabeth@gmail.com>
Sent: Monday, March 05, 2018 9:31 PM
To: Hade, Jason
Subject: March 7th Planning Commission, UVDS

Dear Planning Commissioners,

We are asking for a continuance on the hearing for UVDS that is scheduled for March 7th. We will be out of town at this time, and due to the short notice will be unable to attend this important meeting.

We live at 1579 St. Helena Highway and our family vineyard at 1581 St. Helena Highway shares a property line with the Pestoni's Upper Valley Disposal Service. Despite our home being over a quarter of a mile away from the UVDS's composting and glass recycling operation, we are constantly assaulted by overwhelming bad odors. In addition, we are awakened in the very early morning hours by the sound of tons of glass being dumped out of trucks.

We realize that the Pestoni's provide a very important service, however we have to object to any expansion at this site because they are not complying with the rules and regulations imposed upon their current operation. The putrid smells that waft over our neighborhood need to be controlled. The dumping of glass late at night needs to stop. The loud banging to empty the dump trucks needs to happen during normal business hours.

They need to comply with the restrictions and the hours of operation imposed upon them.

UVDS should not be granted any further expansion until they have proven that they are able to control the existing odor and noise that plague all their neighbors. Adding a blending barn for food waste is not a good idea for a company that cannot control negative side effects from pomace composting and glass recycling. Allowing them to expand their operations should not happen until they come into compliance with their current use permit.

Thank you for your consideration.

Frank and Beth Leeds
1579 St. Helena Highway
St. Helena, CA 94574
707 963-2474

Beth Whybrow Leeds
Illustration
707 963-2474
www.bethwhybrowleeds.com

Hade, Jason

From: John Williams <john@FrogsLeap.com>
Sent: Tuesday, March 06, 2018 9:40 AM
To: Hade, Jason
Cc: Tori Williams
Subject: UVDS hearing

Jason – we have years of odor and noise nuisance to share with the Board and Planning Commissioners but have just now become aware of this hearing please delay so that we can collect our comments.

Jason.Hade@countyofnapa.org

Dear Planning Commissioners,

We would respectfully request that a continuance be granted on the hearing for UVDS that is scheduled for March 7th. Several neighbors in the area are unable to attend as the notice regarding the meeting was only posted within a few days of the hearing itself.

We live at 1549 St. Helena Highway and are constantly assaulted by overwhelming bad odors. We have been in communication with both UVDS and local government about these and other issues, including the constant stream of loud noises outside of working hours.

The foul odors smells that waft over our neighborhood regularly need to be controlled. The late night and early morning noise outside of allowable operating hours needs to be addresses. This business should work more closely with neighbors regarding these issues which have a very real impact on quality of life. We would appreciate an opportunity to comment on what it's like to live side by side at the current size of this operation before granting expansion. Adding a blending barn for food waste is a serious concern for those of us who already experience the adverse effects of living next door to a company that cannot control negative side effects from pomace composting and glass recycling. Allowing them to expand their operations should not happen until they come into compliance with their current use permit.

Understanding that UVDS provides valuable services to our community at large, we are still unable to say that they have been ideal neighbors, and would like to be sure that we and others can represent our experiences in person at a hearing of any kind that would grant expansion to this already intrusive operation.

Thank you for your consideration.

John and Tori Williams
1549 St.Helena Highway
St. Helena, CA 94574
[707 312 1778](tel:7073121778)

TORI WILLIAMS Partner / Strategy
M. 707-227-8310

Offset

offsetpartners.com | commercebyfigure.com

Napa Valley / 523 Brown St. 94559
San Francisco / 547 Lyon St. 94117

featuring

FIGURE

February 26th, 2018

Subject: UVDS Use Permit Modification

TO: Planning Commissioners

Joelle Gallagher
Michael Basayne
Anne Cotrell
Terry Scott
Jeri Gill
David Morrison-Director

Dear Planning Commissioners,

My family and I are residents at 1480 So Whitehall Lane. We live within the 1000 ft. radius of UVDS.

We and other homeowners were notified of the permit modification request within the past week. We know that UVDS has been working on this application for several years but were not notified by UVDS or the County that the final application was complete until this past week.

We have had no time to review it in its entirety and have not been able to seek legal or expertise advice regarding anything we may find objectionable or not in the best interest of our community. The Planning Commission has an obligation to give the homeowners due process which we have not. I would hate to see this request locked up in litigation because the Commission did not give us proper due process as tax paying residents.

I would like to request a continuance or abeyance until we have had time to review the permit request in more detail and seek legal and expert advice. With the hearing on March 7th it will be impossible for us to prepare an adequate response to the permit request. We would like reasonable time to study the request, and related documents and attachments. I feel 90-120 days is a reasonable amount of time to give the homeowners an opportunity to agree, oppose or ask for reasonable mitigation of issues we may have.

It is also our belief that UVDS is not in compliance with their current permit regarding noise and odor which I know is a separate issue which the HOA will address at another time.

Thank you for the consideration. Unfortunately I am out of the country and cannot change my schedule on such short notice.

Cordially,


Matt Smith