

From: [Tittel/Caloyannidis](#)
To: [Ayers, Dana](#)
Cc: [C/ COUNTY PC Anne Cotrell](#); [C/ COUNTY Jeri Gill](#); [C/ COUNTY PC Joelle Gallagher](#); [C/ COUNTY PC Michael Basayne](#); [C/ COUNTY Terry Scott](#)
Subject: FW: Second hearing held on Genesee Valley heliport - Plumas News
Date: Tuesday, May 16, 2017 12:55:54 PM
Attachments: [PALMAZ - PLUMAS COUNTY HEARING.pdf](#)
[PALMAZ - P.C COMMENT #3.doc](#)

RE: Palmaz Application P14-000261 UP
Please consider this comment and insert into the Record.

George Caloyannidis
2202 Diamond Mountain Road
Calistoga, CA 94515

May 16, 2017

Dana Ayers
Napa County Planning
dana.ayers@countyofnapa.org

CC: Napa County Planning Commissioners

RE: Palmaz Personal Use Heliport Application UP # P14-000261-UP

RELEVANCE OF "APPLICANT'S" RECORD ON CODE COMPLIANCE

During the first Planning Commission hearing Commissioner Gill cut short Mr. Apallas' comment which argued that the Amalia Palmaz Living Trust's record of Code compliance is relevant to this application by stating that the merit of this application stands on its own.

I believe Commissioner Gill was incorrect in doing so.

Had the application been a purely land use issue with conditions solely related to the use of the property, she might have been correct. However, this is not the case here.

This particular application imposes conditions on the helicopter operator while in the air, conditions over which the County not only lacks authority and control but relies exclusively on records kept by the operator. Setting aside the discrepancies of who the actual "applicant" or permittee is but not the operator (see my comment "Enforcement" 5/12/2017), relying on records exclusively maintained by the "applicant" requires that the County have exclusive and complete trust on the "applicant" indeed abiding by the imposed conditions in the air.

To this extent, the "applicant's" prior record of compliance with the Code is relevant and material. I do not need to reiterate what that record is in Napa county.

I attach a report in Plumas County News in May 14, 2017 by Feather Publishing Co. publisher of four weekly papers in Plumas County.

The report offers a detailed account of the second public hearing on a citizens' complaint alleging that the heliport and helicopter hangar the Palmaz entity "Genesee Valley Ranch LLP" was constructed on its property without proper permits. While Palmaz argued that the summary exclusion of "airports" in Genesee Valley's General Plan is a term subject to interpretation, the construction of the hangar was clearly a building Code violation.

During the hearing, Plumas County Building Official Jim Green testified that the Palmaz hangar was "only permitted and inspected as a storage building". He further testified that although the

hangar is a type of storage building, "hangars must meet different building and fire codes" and allowing this structure to be used as a hangar "requires a change of use".

This is further evidence that the Palmaz family in whatever form of its various entities, continues to disregard codes and chooses to pay after the fact fines, restore compromised wetlands or rectify building code violations.

As previously mentioned, due to the particular nature of the conditions of the Use-Permit under consideration, the "applicant's" compliance record is material.

Enclosure: Plumas County News

Second Hearing on Genesee Valley Heliport, May 14, 2017

Plumas County News

NEWS SPORTS BIRTHS & OBITS CLASSIFIEDS / REAL ESTATE OPINION

BUSINESS PUBLICATIONS PUBLIC NOTICES MORE ... CONTACT US

News

Second hearing held on Genesee Valley heliport

May 14, 2017 Steve Wathen, Staff Writer 0 Comment

SHARE ...

The second public hearing concerning the heliport built by the Palmaz family in Genesee Valley took place at the county planning department in Quincy on May 3. Approximately 40 people filled the conference room, spilling out into the hallway.

A Special Management Area Plan was developed for Genesee Valley in 1993 that specifically prohibited the presence of airports in Genesee Valley. The area of the heliport is also zoned agriculture preserve.

A complaint was registered with the planning department against the heliport.

Plumas County Planning Director Randy Wilson asked the Palmaz family to submit an application for a "transport station" because this was the closest thing in the general plan to a heliport.

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The Palmaz family applied instead to have the helicopter, heliport and hanger declared an "appurtenant" (accessory) to agriculture.

The issues involved in the hearing were whether a helicopter is the "functional equivalent" of a tractor or other piece of agricultural equipment; whether a heliport is an airport; and whether the structure built by the Palmaz family to house the helicopter should have been permitted and inspected as a hanger.

Wilson opened the meeting by stating that he will accept written comments until 5 p.m. on May 17. Wilson has 40 days to announce his decision and litigants have 10 days after his decision to appeal to the board of supervisors.

Storage building vs. hangar

Plumas County Building Official Jim Green started the meeting by noting that the Palmaz hangar was permitted as a storage building rather than a hanger.

"The building was only permitted for storage and only inspected for storage," said Green.

Green noted that although a hangar is a type of storage building, hangars must meet different building and fire codes. He thought there had to be a change of use for the hangar.

Palmaz family

Christian Palmaz then read a statement that he supported maintaining the historic, environmental and community qualities of Genesee Valley and thanked those in the community who have supported him and his family. Palmaz also emphasized that, "The landing site has the potential to save lives."

Palmaz later added that the county planning department knew what the building, that houses his helicopter, was to be used for.

Critical Access Hospital & Clinic
130 Brentwood Drive, Chester CA

The advertisement features a blue and yellow color scheme. On the left is a large blue 'H' with a white arrow pointing right. To its right is a yellow banner with the text 'Critical Access Hospital & Clinic'. Below the banner is the logo for 'SHD' (Sierra Healthcare District) with the text 'Sierra Healthcare District' underneath. The background includes a DNA double helix and a heart rate line.

Plumas DISTRICT HOSPITAL

The logo consists of a blue mountain range with a red heart in the center. Below the mountains, the word 'Plumas' is written in a large, bold, blue font, and 'DISTRICT HOSPITAL' is written in a smaller, blue font below it.

FACTORY AUTHORIZED CLEARANCE
SAVINGS UP TO \$2,000
UP TO 3 Year Warranty
0% APR for 60 Months
CLICK FOR DETAILS

DuPont POWER TOOL
YOUR POWER SPORTS CONNECTION

The advertisement shows a blue and black utility vehicle (UTV) parked on a dirt path. The text is arranged in a vertical column on the left side of the image. At the bottom right, there is a red button with white text that says 'CLICK FOR DETAILS'.

Plumas Satellite
(530) 863-8929
"Serving Plumas, Lassen & Surrounding Counties since 1989"
www.gotdish.getdish.com
(530) 863-8929

The advertisement has a blue background with a faint map of the Plumas region. The text is centered and uses various font sizes and weights to highlight the business name, phone number, and website.

Gregory Sawyer, DDS
Family Dentistry & Orthodontics
No more "Metal Mouth"
invisalign
Now an Invisalign provider

The advertisement features a stylized line drawing of a human face in profile, focusing on the teeth. The text is arranged in a vertical column to the right of the drawing. The 'invisalign' logo is prominently displayed in its signature blue and white font.

"There was no bait and switch," said Palmaz.

Palmaz noted that the helicopter would be used to take high-altitude photographs of his property to help manage the ranch. He said, "We won't be slinging hay bales with the helicopter."

The Palmaz family attorney, Brian Russell, then gave his presentation. He emphasized that Plumas County does not have an ordinance against helicopters, that the Palmaz landing site is not a public facility, that the term "airport" is not defined in either the county's general plan or the Genesee Valley Special Management Area and the Palmaz helicopter is a functional part of the main use of the property as agricultural land and a residence.

Genesee Friends

Michael Jackson, attorney for the Genesee Friends, spoke next. Jackson started by saying that he supported the issues raised in a 17-page letter submitted by Diane McCombs to the planning director.

Jackson argued, "... use of a \$5.5 million helicopter is not a normal traditional agricultural function in Plumas County." He noted that allowing a heliport in the Palmaz case would open the door for airports all over Plumas County "site unseen."

Jackson cautioned the planning director that, because of impacts on wildlife, wetlands, and residents' desire to retain the rural and remote nature of Genesee Valley, "You are going to need an Environmental Impact Report."

Jackson added later, "If a helicopter was pertinent to agriculture in this county, it would have been used before. A helicopter is not a truck or a tractor. To determine otherwise would require a tremendous amount of discretion."

Citizen input



Wilson gave everyone who wanted to speak ample opportunity to do so. Over a dozen people got up to speak, both for and against the heliport, some more than once.

Residents of Genesee Valley disagreed on how much noise the helicopter made.

Palmaz said, "We are very responsible in the way we arrive and depart." One resident, who lives near the Genesee store, said she has only heard a helicopter five times and was not sure how many of those times it was the Palmaz helicopter. Another person commented that a helicopter makes a lot less noise than some of the motorcycles that go by his house.

On the other hand, two other residents said they heard the Palmaz helicopter coming in and landing at 7:40 p.m. the evening before the hearing.

Many other issues were raised at the hearing.

Those opposed to the Palmaz heliport brought up the amount of fuel used by the helicopter and its effect on global warming, the high price of the beef raised by the Palmaz family and its export out of the county. Opponents commented on the lack of community input sought by the Palmaz family. Other comments identified that the need for monitoring cattle for disease requires being on the ground, not in a helicopter. Others commented on the onset of corporate ranching in the valley and control in the valley shifting from those who helped to protect the valley to the wealthy.

Those in support of the Palmaz' right to fly their helicopter praised their generosity in funding part of the trip made by local children to Uganda, the potential for economic development coming to the valley, the fact that individuals have landed personal helicopters in Genesee Valley in the past and the rudeness and hostility shown to the Palmaz family.

The benefit of the Palmaz family having a heliport for getting people to the hospital was both touted and discounted.

Reaching a consensus

Near the end of the hearing, several people said that they wished that people could talk to each other and work out a reasonable compromise.

Jack Rosebush worked for two years on the Genesee Valley Special Management Area plan. He credited the plan with stopping the subdivision of the valley into one-acre ranchettes.

Rosebush said the plan's developers notified every landowner in the valley and each was given an opportunity to comment.

He said, "I sense a new level of caustic energy has entered the valley." Rosebush suggested that everyone lay out his or her ideas and the valley come up with a new plan.

David Hyde, who was more supportive of the Palmaz family, said that the valley needed a constructive approach so that both sides are heard and the right kind of growth can come to Genesee Valley.

Leave a Reply

Your email address will not be published. Required fields are marked *

Comment

From: [Tittel/Caloyannidis](#)
To: [C/ COUNTY PC Anne Cotrell](#); [C/ COUNTY Jeri Gill](#); [C/ COUNTY PC Joelle Galagher](#); [C/ COUNTY PC Michael Basayne](#); [C/ COUNTY Terry Scott](#)
Cc: [Ayers, Dana](#)
Subject: UP P14-000261
Date: Tuesday, May 16, 2017 3:10:02 PM
Attachments: [Napa County Code Compliance FAQ.pdf](#)

Palmaz Personal Use Heliport Application UP # P14-000261

RE: Permitting Testimony Relevant to the Propensity of the Owner to Abide by Permit Conditions

Dear Commissioners,

In further reviewing Commissioner Gill's refusal to allow testimony by Mr. Apallas regarding the relevance of the prior conduct of the Palmaz family in abiding by Code and Use-Permit conditions of the Palmaz family during the first Planning Commission hearing, we have no further to look than Napa County Code and Code FAQs:

Enforcement FAQs confirming that:

"Napa County Code section 18.124.040 allows the Planning Commission to admit and consider all "relevant evidence," which the provision defines as that "which reasonable persons are accustomed to rely upon in the conduct of serious affairs."

Evidence of past or ongoing violations (and the impact of such violations) is relevant and admissible.

Please see Napa County's Code Enforcement FAQs (copy enclosed) and relevant portions provided below, for further elaboration on this matter:

2. May the Planning Commission accept and consider evidence showing past or ongoing violations of the County Code or of use permit conditions as a basis to revoke or suspend a use permit?

Answer: **Yes.**

Napa County Code section 18.124.120 gives the Planning Commission the authority to suspend or revoke a use permit in certain circumstances, including instances where the operator is violating the use permit's conditions. Thus, during the Commission's hearing on possible revocation or suspension of the permit, the Commission would certainly hear and consider evidence relating to the violation of such conditions or violation of a provision of the County Code.

3. May the Planning Commission accept and consider evidence showing past or ongoing violations of use permit conditions in a hearing on an application for a use permit modification?

Answer: Yes.

For use permit modification applications that are heard by the Planning Commission (i.e., those that are more significant than minor modifications that may be considered by the Zoning Administrator upon notice but without a hearing or very minor modifications that may be approved administratively by the Planning Director without notice or hearing), Napa County Code section 18.124.040 allows the Planning Commission to admit and consider all “relevant evidence,” which the provision defines as that “which reasonable persons are accustomed to rely upon in the conduct of serious affairs.” Evidence of past or ongoing violations (and the impact of such violations) is relevant and admissible. Such evidence may provide insight into the extent to which the subject property and surrounding properties are negatively or positively impacted by uses that go beyond those allowed by the present permit conditions. Such evidence may also be relevant to determining the propensity of the owner or operator to abide by permit conditions.

CODE ENFORCEMENT

Frequently Asked Questions

1. If someone violates the County Code or is operating in violation of the conditions stated in his or her use permit, and if he or she seeks a permit modification to allow the violative use to continue, can the County require the Applicant to revert to what is allowed pursuant to the current code/use permit until such time as the modification application is decided?

Answer:

Yes. The County can order the Applicant to discontinue the unlawful activity that is in violation of the code/use permit. In addition, Napa County Code Section 18.124.120(C) enables the County (at a Planning Commission hearing) to consider suspension or revocation of a use permit in its entirety if “the use for which the use permit was granted is being, or has been, exercised contrary to the terms or conditions of such approval.” The suspension penalty for the *existing* use permit could be implemented at the time the individual applies for a use permit modification, as well as the imposition of an administrative penalty. Note that due process is required for any suspension or revocation of the permit.

2. May the Planning Commission accept and consider evidence showing past or ongoing violations of the County Code or of use permit conditions as a basis to revoke or suspend a use permit?

Answer:

Yes. Napa County Code section 18.124.120 gives the Planning Commission the authority to suspend or revoke a use permit in certain circumstances, including instances where the operator is violating the use permit’s conditions. Thus, during the Commission’s hearing on possible revocation or suspension of the permit, the Commission would certainly hear and consider evidence relating to the violation of such conditions or violation of a provision of the County Code.

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as that “which reasonable persons are accustomed to rely upon in the conduct of serious affairs.” Evidence of past or ongoing violations (and the impact of such violations) is relevant and admissible. Such evidence may provide insight into the extent to which the subject property and surrounding properties are negatively or positively impacted by uses that go beyond those allowed by the present permit conditions. Such evidence may also be relevant to determining the propensity of the owner or operator to abide by permit conditions.

4. On appeal of a Planning Commission decision on a use permit modification application to the Board of Supervisors, may the Board consider evidence of past or present violations of use permit conditions where such evidence is either in the administrative record or outside the record?

Answer:

Yes. Napa County Code section 2.88.090 provides that the Board of Supervisors shall exercise its independent judgment in determining whether the decision appealed from was correct. For Planning Commission hearings on use permit modification applications, there should always be a transcript of the hearing and an administrative record. In those cases, section 2.88.090 states that the Board’s decision on the appeal shall be based on a review of the documentary record and transcript of the hearing “and such additional evidence as may be presented which could not have been presented at the time the decision appealed was made.” Section 2.88.090, subsection B, provides that upon a showing of good cause, the Chair may authorize a de novo review “and/or the presentation of additional evidence which could not have been presented at the time of the decision appealed from.” This determination by the Chair is subject to being overruled by a majority of the Board.

Thus, on appeal, if the Board Chair finds good cause for doing so and is not overruled by the Board, extrinsic evidence – outside the administrative record before the Commission – including evidence of past or present use permit violations, may be considered by the Board.

5. May the Planning Commission or the Board deny a use permit modification application based solely on past or ongoing use permit violations?

Answer:

No. The Planning Commission and the Board have discretion in determining whether to issue a use permit or to grant a use permit modification. However, such discretion is tempered by the requirement that the determination be based on standards and criteria that are designed to promote the general welfare of the County’s citizens. In particular, the evaluation of an application’s merits is to be based on an analysis of the proposed use itself. In most cases, any past violations of use permit conditions by the owner or operator would not have a bearing on the advisability of allowing the proposed use into the future.

Furthermore, independent remedies are available to the County to address use permit violations. Ongoing violations already result – or can result – in the County’s imposition of fines or even revocation or suspension of the existing use permit under the procedures established in Napa County Code section 18.124.120. That provision also states that if a use permit is revoked or if a use permit is denied, then “no application for a use permit for the same or substantially the same use and design or use of the same or substantially the same site shall be filed within one year from the date of denial or revocation.”

6. If someone receives a citation and is assessed an administrative fine by the County, what rights – if any – does that person have to challenge the fine? Where can information pertaining to those appeal rights be found?

Answer:

An Individual who receives an assessment of an administrative fine from the County has the right to appeal that fine pursuant to the procedures provided in Section 1.28.090 of the County Code. Specifically, the individual may request a hearing by completing a “request for hearing form” and returning the form to the Clerk of the Board of Supervisors within thirty days from the date of the citation, along with an advance deposit of the full amount of the penalty.

Next, unless the matter is urgent, a hearing will be scheduled between fifteen and sixty days from the date the “request for hearing” is filed. The hearing officer will provide notice of the time and place of the hearing.

At the hearing, the individual may testify and present evidence regarding the fine. The hearing officer will then issue a written decision upholding or canceling the County’s issuance of the fine. While the hearing officer’s decision is final, his or her decision may be appealed to the Napa County Superior Court in accordance with Government Code Section 53069.4.

7. How are people supposed to know if they are in violation of the County Code before being subject to an administrative fine or penalty?

Answer:

At the time (or shortly after) an individual receives a notice of violation, citation, or letter that includes an order to comply, the County will inform the individual of the fine that will be imposed if the individual fails to timely cure the violation. In addition, the County Code is available online and includes the County’s ordinances for which a violation would subject a person to the imposition of penalties.

8. What are the current fines for violations of the County Code and where can these fines be found?

Answer:

The current administrative fines for most violations are \$100 for the first offense, \$200 for the second offense, and \$500 for the third and all subsequent offenses. This information can be found in the County's Schedule of Fines, Resolution Number 00-120, which is a public record and can be obtained from the Office of the Board of Supervisors. All other administrative fines can be found in the chapter related to the violation for which the individual or entity was cited. In certain areas of regulation, such as the County's role as the Local Primacy Agency charged with enforcing the Safe Drinking Water Act (SDWA), California statutes may govern the amount of administrative penalties that may be imposed (e.g., \$1,000 per day under the SDWA).

9. If I am assessed a fine after I receive a citation or notice of violation from the County, and I pay my fine, do I still have to correct the violation, even though the fine is paid?

Answer:

Yes. A violating party is required to cure the violation even if the fine is paid. A payment of a fine will not absolve an individual of a subsequent fine if the violation is not cured. For example, if the County imposes a \$100 fine against an individual for a violation of the County Code, and the person pays the fine but does not correct the condition giving rise to the violation within a reasonable period of time, ultimately the County will likely impose a second fine in the amount of \$200. Regardless of whether that \$200 fine is paid, if the violation is not cured within a reasonable period of time, then the County will likely impose a \$500 fine.

10. Does the County condition its land use approvals (for example, modification of a use permit to increase wine production or visitation limits) on the applicant's payment of fines for past or present code or permit violations?

Answer:

No. The County is afforded discretion in its ability to assess whether to approve a conditional use permit (CUP) or modification of a CUP. However, the adopted standards and criteria for determining whether to grant such an application must be designed to promote the general welfare of the people of the county. In particular, the evaluation is conducted as to the *proposed* use. Since fines or penalties are imposed (and independently enforceable) due to a violation that has already occurred, conditioning the issuance of a new entitlement on payment of already-binding penalties or fines does not constitute a condition that would have a reasonable relationship to determining the merits of the application or to mitigating the impacts of the entitlement being sought. Thus, the County does not condition land use approvals on the payment of fines for past or present code or

permit violations relating solely to the *existing* use permit or to other aspects of the County code. The County may at any time impose an administrative penalty for past or present code violations, pursuant to the County Code, even at the time in which an application for a use permit modification is submitted. However, the ultimate inquiry of whether the approval of a CUP promotes the general welfare is a separate and distinct issue independent of the penalty that is imposed for a failure to comply in the past.

From: [Christensen, Lars](#)
To: [Ayers, Dana](#); [McDowell, John](#)
Subject: Amalia Palmaz Living Trust/Palmaz Personal Use Heliport, Use Permit Application #P14-00261 - UP
Date: Tuesday, May 16, 2017 2:54:49 PM
Attachments: [Palmaz Heliport Napa County Planning Commission.docx](#)

Ms. Ayers,

Good afternoon...

Attached please find a copy of the comments I will make to the Planning Commission tomorrow with regard to the referenced Use Permit application.

Best,
Lars Christensen

Lars Christensen
1065 LaGrande Avenue
Napa, CA 94558
lekcheistensen@gmail.com
(707) 287-4367

To: Napa County Planning Commission
From: Lars Christensen
Re: Amalia Palmaz Living Trust/Palmaz Personal Use Heliport, Use Permit Application #P14-00261 – UP
Date: May 17, 2017

Good morning. My name is Lars Christensen and I have been a resident of Napa County since 1989 and have resided at 1065 LaGrande Avenue, since 2003. The LaGrande Avenue neighborhood and surrounding environs would be directly affected in a negative manner should the Planning Commission choose to positively certify the Final Environmental Impact Report (FEIR) and subsequently grant the requested use permit for the construction and operation of a personal use heliport on the Palmaz Estate on Hagen Road.

It is a privilege to speak before the Commission this morning.

In review of the Public Notices announcing this hearing and the hearing of the Airport Land Use Commission (ALUC), I will acknowledge that per the draft Environmental Impact Report (EIR) and the guidelines by which the Airport Land Use Commission must adhere to when making their “Consistency Determination” with regard to compatibility with airport regulations, that with proper mitigation measures, the Palmaz Heliport project would meet the minimum standards as established by Napa County for a project of this scope and impact.

However, more than just adherence to and compatibility with minimum standards and environmental regulation, the ramifications of the approval of such a project, particularly with regard to the health and safety of Napa County residents is significant.

As residents in an area surrounded by and zoned for agricultural purposes, we choose to accommodate and accept the sights and sounds associated with our chosen life style; namely the noise of agricultural machinery (tractors, trucks, and wind-turbines), dust blowing, the scent of fertilizers and even the sound of roosters crowing.

That said, there is not, nor should there be an expectation that area residents be subject to the impact of and risks associated with low flying aircraft, unless such action is carried out by professionally trained, emergency personnel, not an amateur, hobbyist pilot.

The Palmaz use permit is based solely on vanity, convenience and want, not need. Though the

permit seeks development of a private facility on private land, the impact of the proposed project has a direct effect on all area residents. Further, with a documented history of disregard for select County regulations, I have warranted concern that the Palmaz family will not adhere to the limitation of inbound and outbound flights per week, as detailed in the use permit application.

I would respectfully remind the Commission that the underlying basis for all County regulations and standards is the safety and well-being of County residents. To compromise these standards in any way, regardless of how small the measured risk, for the purpose of pleasure and the convenience of a select few, is simply unacceptable.

I thank you for your attention to this matter and for the opportunity to address the Commission this morning.

From: [Frost, Melissa](#)
To: ["gossm@att.net"](mailto:gossm@att.net)
Cc: [Ayers, Dana](#)
Subject: RE: Palmaz hearing May 17
Date: Tuesday, May 16, 2017 3:50:47 PM

Hi Michele,
Your email will be entered into the Administrative record.
Thank you,

Melissa Frost

Napa County
Planning, Building & Environmental Services
707.299.1380

From: gossm@att.net [mailto:gossm@att.net]
Sent: Tuesday, May 16, 2017 2:50 PM
To: Frost, Melissa
Subject: Palmaz hearing May 17

Dear Ms. Frost,

Although I am planning to be at the meeting tomorrow, I would also like to protest this helipad by email. My family's land lies just to the south of Mr. Palmaz' second choice on Mt. George.

Both options for the helipad are objectionable to me because no one should be allowed to have a private helipad for personal use. Mr. Palmaz may try to cloak his desire for his own helipad under the guise of a business expense, but there are how many vineyards in the Napa valley which have equal needs? Napa County would be opening up a can of worms if they approve this one.

My second main objection is on the noise level. Napa Valley and the hills surrounding it are too calm and serene to have the blasting of helicopters overhead. The wildlife will be spooked and driven away, and potential grazing lands will no longer be able to be used as such.

Please, please do not let the excitement of higher real estate taxes cause you to make a bad decision here. If this helipad is approved, Mr. Palmaz will build it as he wants, regardless of any zoning or restrictions, pay the penalties, and then abuse his use permit. You all know this from his past history of his doing so!

Thank you,

Michele Goss

Sent from [Mail](#) for Windows 10

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May 15, 2017

Planning Commission
County of Napa
1195 Third Street
Napa, CA 94559

RE: Palmaz Heliport

Dear Commissioners:

Many thanks for providing the agenda and related documents one week prior to the hearing on May 17th. It is most helpful to have extra time to research, reach out to staff and/or commissioners, and gather your thoughts.

According to Mr. Russell's presentation at the previous hearing, Napa County has not approved a helistop, emergency medical landing sites, or heliports since the 1980s. Yet he clearly implies that the Palmaz Heliport application will set the standard for any future applications.

I don't believe it is appropriate nor reasonable to rely upon one applicant to set the standard. In fact, there are no guidelines for you to use in your decision process. There is no minimum parcel size, type of helicopter, noise limits, amenities, number of flights, proximity to rural residents or wineries established.

If you believe as I do, that the approval of this application will quickly open the door to many others, then you should not make a determination until you first agree on a set of guidelines.

I strongly disagree with the staff report regarding the Definition of Personal Use Heliport (pages 4 & 5) that concludes that the Palmaz application meets the definition of **Personal Use**.

- The helicopter is owned and licensed by Cedar Knolls Vineyards, DBA Palmaz Vineyards – a Delaware corporation and a commercial enterprise. And I would expect that it is depreciated on their corporate taxes along with other business assets.
- The pilot's license issued by the FAA is in the name of Christian Palmaz, President of Palmaz Vineyards.
- The use of the helicopter is not to take the Palmaz family shopping or on vacation in Palm Springs or Tahoe. It is used to transport persons to other sites, such as Plumas County, for a corporate business purpose – **which by California Code defines a Commercial Activity**.
- And thus is clearly inconsistent with Napa County General Plan and County Zoning Codes.

Questions regarding Recommended Conditions of Approval:

Project condition 2.3 indicates that “the Planning Director is authorized to review and requested change in flight paths (& # flights?) to determine whether new EIR analysis and modification of the use permit is warranted.” **Will this also trigger public hearings? Or will this be a ministerial action?**

Project Condition 2.6 What is the threshold for violations of the conditions of approval that will revoke the applicant’s permit?

Project Condition 2.73 “The personal use heliport is restricted to **residential purposes only...**” The term **residential purposes** has not been used nor introduced elsewhere in the documentation.

While you may consider it speculative, the value of property in Napa County is strongly influenced by location, location, location. A beautiful parcel with spectacular views that is subject to Hyw 29 or Silverado Trail road noise, for example, would not have the same value as one that doesn’t. And ALL property owners who live near a helipad or flightpath of a helicopter MUST disclose this in their CA State required disclosure documents.

Will your approval spawn other applications – YES. What will this do to the attraction of living and working here? I can’t predict – but I know it is not the future I wish to see. And hope you agree.

Please vote NO on this application.

Thanks and regards,

Eve Kahn, Chair
Get a Grip on Growth
PO Box 805
Napa, CA 94559

From: [Morrison, David](#)
To: [Ayers, Dana](#); [Gallina, Charlene](#); [Frost, Melissa](#)
Subject: FW: HELIPORT? aren't we really talking about TRAFFIC issues?
Date: Tuesday, May 16, 2017 10:17:59 AM

-----Original Message-----

From: Comcast [<mailto:jlmlynar@comcast.net>]
Sent: Tuesday, May 16, 2017 10:11 AM
To: Morrison, David
Subject: HELIPORT? aren't we really talking about TRAFFIC issues?

Dear Napa County Planning Commission c/o David Morrison

Nothing against the family making the heliport request, I am OPPOSED to approval of any aircraft--small plane, helicopter--taking off or landing on private property in Napa County. We all know what happens when an inch is given.....over time it will become miles and miles. The AG PRESERVE has protected county land from non-agriculture uses, making Napa Valley the most desirable place to live in the world. It appears that we now need an AIR PRESERVE to protect all Napa County residences from NOISE POLLUTION, not to mention air pollution.

The BEST outcome for all residents of Napa County would be to address the REAL REASON for this request....ONGOING and CHRONIC TRAFFIC issues. If we can solve the commuter issue, like using the wine train to ferry commuters to their jobs up-valley, using tech solutions to improve the flow of traffic, and other ideas persons much more informed than I could suggest. How about this CRAZY idea--like the Golden Gate Bridge during peak commuter times-- make Highway 29 and Silverado Trail TWO lanes one-way...probably too crazy...but I hate complaining without offering solutions.

Say NO to the heliport proposal and YES to resolve traffic issues.

Sincerely,
Janet Mlynar
1157 Division Street
Napa, CA. 94559

Sent from my iPad

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From: [Christopher Poggi](#)
To: [Ayers, Dana](#)
Cc: [Cecilia Delapierre Poggi](#)
Subject: Palmaz Private Helipad and Hanger Project
Date: Monday, May 15, 2017 11:45:33 PM

To: Napa County Planning Commission

My wife Cecilia and I are at 1071 La Londe Lane. We would like to inform you that we are very much opposed to the Palmaz Private Helipad and Hanger Project. The proposed flight path would run very close to our home and will undoubtedly be a major nuisance. Considering that there is an airport nearby, it seems unreasonable to expose the local residents to this nuisance so that one person can avoid driving to the local airport. Furthermore, in addition to the nuisance factor this would most certainly have a negative impact to the value of local properties, including ours.

We also have serious reservations about the ability of anyone to effectively monitor and regulate the helicopter flight path. Should this project be approved, we can certainly expect more helipad requests throughout the Napa Valley region. Please vote against the Palmaz Private Helicopter and Hanger Project.

Respectfully,
Chris and Cecilia Poggi