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## **Recommended Conditions of Approval**

**PLANNING COMMISSION HEARING – SEPTEMBER 2, 2020  
RECOMMENDED CONDITIONS OF APPROVAL**

**Balloons Above The Valley  
Use Permit P19-00303-UP  
5360 Washington Street, Napa  
APN: 036-130-029-000**

This Permit encompasses and shall be limited to the project commonly known as Balloons Above the Valley Hot Air Balloon Launch Site, located at 5360 Washington Street. 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 A hot air balloon launch site with the following operational characteristics:
- a. Days of operation – 365 days per year
  - b. Number of daily launches – Up to 8 balloons
  - c. Hours of operation:
    - 6:00 a.m. - Arrive at site.
    - 7:00 a.m. - Use of noise generating equipment (including, but not necessarily limited to fans and burners) and launches of balloons.
    - 9:30 a.m. - Site must be vacated.

The Hot Air Balloon Launch Site shall be utilized 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 **[RESERVED]**
- 4.2 AMPLIFIED MUSIC  
There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, buildings.
- 4.3 TRAFFIC **[RESERVED]**
- 4.4 PARKING **[RESERVED]**
- 4.5 BUILDING DIVISION – USE OR OCCUPANCY CHANGES **[RESERVED]**
- 4.6 FIRE DEPARTMENT – TEMPORARY STRUCTURES **[RESERVED]**
- 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 **[RESERVED]**

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. Environmental Health Division operational conditions as stated in their Memorandum dated August 19, 2020.

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. Days of operation – 365 days per year
- b. Number of daily launches – Up to 8 balloons
- c. Hours of operation:
  - 6:00 a.m. - Arrive at site.
  - 7:00 a.m. - Use of noise generating equipment (including, but not necessarily limited to fans and burners) and launches of balloons.
  - 9:30 a.m. - Site must be vacated.
- d. Limit of 24 vehicles per day accessing the site.
- e. No use of the residential facilities by employees or guests.
- f. No food or beverage service.
- g. Access to the site is limited to the permittee and employees and guests participating in the launch.
- h. The permittee shall maintain records of the number of daily launches and the information shall be provided to the County upon request.
- i. Any future change of operators or users at the launch site shall require notification to the PBES Department prior to use of the site. The permittee, owner, or operator shall provide the PBES Department with the items required in County Code Section 18.104.400, items B, E, F, and G, regarding compliance with the Code of Conduct, certificate of insurance, intended landing areas, and remaining in good standing with the County, as well as any other information deemed necessary by the PBES Department.
- j. Administrative Permit P19-00235 shall become null and void if and when the applicant begins launches under Use Permit P19-00303.

4.13 PREVIOUS CONDITIONS **[RESERVED]**

**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 [RESERVED]**

6.1 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - PLAN REVIEW, CONSTRUCTION AND PREOCCUPANCY CONDITIONS **[RESERVED]**

6.2 BUILDING DIVISION – GENERAL CONDITIONS **[RESERVED]**

6.3 LIGHTING – PLAN SUBMITTAL **[RESERVED]**

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

6.5 COLORS **[RESERVED]**

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES **[RESERVED]**

6.7 MECHANICAL EQUIPMENT **[RESERVED]**

6.8 TRASH ENCLOSURES **[RESERVED]**

6.9 ADDRESSING **[RESERVED]**

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 [RESERVED]**

7.1 SITE IMPROVEMENT **[RESERVED]**

7.2 ARCHEOLOGICAL FINDING **[RESERVED]**

7.3 CONSTRUCTION NOISE **[RESERVED]**

7.4 CONSTRUCTION MITIGATION MEASURES **[RESERVED]**

**8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES [RESERVED]**

**9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES [RESERVED]**