

**From:** [George Bachich](#)  
**To:** [Dillon, Diane](#); [Ramos, Belia](#); [Wagenknecht, Brad](#); [Gregory, Ryan](#); [Pedroza, Alfredo](#)  
**Cc:** [Valdez, Jose \(Louie\)](#); [pal@lamoreauxp.com](mailto:pal@lamoreauxp.com)  
**Subject:** Use Permit P19-00303  
**Date:** Saturday, January 9, 2021 1:04:00 PM

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[External Email - Use Caution]

I hope you can find a way to over-rule the Planning Commission's DENIAL of the Use Permit P19-00303, to allow hot air ballooning in the Ag Preserve. Hot air balloons are a beautiful and iconic part of Napa Valley, as important to Napa culture as is the wine. Tourists and locals are delighted by the presence of the balloons, and they should be allowed to fly.

I appreciate the privacy concerns of some property owners, but I hope you can find some way to mitigate their concerns. Perhaps imposing altitude restrictions over any property whose owner gives official notice of desire to have such restrictions imposed might help overcome objections. Perhaps requiring launch sites to have approval from immediate neighbors could help. I urge you to be creative and make every effort to find an acceptable solution. It would be a sad day if balloon traffic over the valley were to be prohibited or unduly restricted.

George Bachich  
4271 Dry Creek Road  
Napa, CA 94558

**From:** [Hedge, Emily](#)  
**To:** [Valdez, Jose \(Louie\)](#)  
**Subject:** FW: BALLOONS ABOVE THE VALLEY  
**Date:** Monday, January 11, 2021 8:26:38 AM

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Emily Hedge  
Planner III  
Planning, Building, & Environmental Services  
County of Napa | 1195 Third Street, Room 210 | Napa, CA 94559  
(707) 259-8226 | [emily.hedge@countyofnapa.org](mailto:emily.hedge@countyofnapa.org)

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**From:** william <billthepill@q.com>  
**Sent:** Sunday, January 10, 2021 9:22 PM  
**To:** Gregory, Ryan <Ryan.Gregory@countyofnapa.org>; Pedroza, Alfredo <Alfredo.Pedroza@countyofnapa.org>; Dillon, Diane <Diane.DILLON@countyofnapa.org>; Ramos, Belia <Belia.Ramos@countyofnapa.org>; Wagenknecht, Brad <BRAD.WAGENKNECHT@countyofnapa.org>; Anderson, Laura <Laura.Anderson@countyofnapa.org>; Bordona, Brian <Brian.Bordona@countyofnapa.org>; Hedge, Emily <Emily.Hedge@countyofnapa.org>; Claudino, Lisa <Lisa.Claudino@countyofnapa.org>; Tran, Minh <Minh.Tran@countyofnapa.org>; sgreenwood-meinert@coblentzlaw.com <sgreenwood-meinert@coblentzlaw.com>; tkscottco@gmail.com <tkscottco@gmail.com>; Barbarick, Bob <bob@balloonrides.com>  
**Subject:** BALLOONS ABOVE THE VALLEY

[External Email - Use Caution]

**To:** The Napa County Board of Supervisors and their Staff  
**Subject:** Robert Barbarick's appeal for approval to launch from private property

Napa County is known for two things.....Wine and balloons.

I wear balloon t-shirts when the mood arises and, on several occasions, I have had total strangers come up and ask me "Did you go up in a balloon in Napa too?" or similar questions. This in and of itself could be described as a common anecdote, until you realize I am from UTAH. I am two states away and still everyday people know about Napa, their wine of course, and yes, balloons. They are synonymous with each other.

Robert has been a citizen of Napa for over 60 years. Ballooning was a dream of his ever since high school and he made that dream come true. He has worked extremely hard to be the best at what he does, and, through longevity, he has proved it.

He played with hot air balloons until he was called to serve his country and upon his return, he decided to make a life out of what he loved and still loves. A lot of us should have been so lucky to have found a career that was still exciting to saddle up to decades later.

I am sure the lack of potential revenue secured through taxes, permits, utilities, tourism, and a myriad of other sources will be felt should you deny Robert's request to partner with the City and County of Napa. The denial of Roberts request will also affect jobs, something sorely missed lately. Something that will be in critical demand very soon (hopefully).

With all this in mind, Robert's intentions to maintain the highest degree of professionalism will be evident in dealing with any roadblocks or problems which may arise from any unfortunate inconveniences.

It is, at this time, that I ask you, the board, to allow Robert Barbarick the ability to conduct his business from a safe and secure location. Namely.....Hy 29 and South of Yountville and North of Napa at 5360 Washington Street, Napa, California.

I grew up in Napa, have flown many times with my brother Bob. He will go above and beyond when called for and will maintain a steady course for many more years to come if given the opportunity.

Sincerely Yours,

William Barbarick  
649w 300n  
Clearfield, Utah 84015

**From:** [Lesley Berglund](#)  
**To:** [Dillon, Diane](#); [Wagenknecht, Brad](#); [Gregory, Ryan](#); [Ramos, Belia](#); [Pedroza, Alfredo](#)  
**Cc:** [Valdez, Jose \(Louie\)](#)  
**Subject:** Support Denial of "Balloons Above the Valley" Use Permit  
**Date:** Monday, January 11, 2021 8:17:15 AM  
**Importance:** High

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[External Email - Use Caution]

Dear Board of Supervisors,

Please support the DENIAL of the Use Permit P19-00303, to allow hot air ballooning in the Ag Preserve.

The Ag Preserve is a critical component of preserving the Valley from more encroachment of commercial activities.

Article 1, Section 1 of the State of California Constitution ends with: "the people are entitled to pursuing and obtaining safety, happiness and privacy".

Uncontrolled ballooning is violating privacy rights. Ban it from the Ag Preserve.

We believe that the Planning Commission formed the correct decision denying this use permit request.

The voluminous materials provided for the Planning Commission hearings tell the complete story.

Please feel free to contact me if you have any questions regarding our support of the denial.

Sincerely,

**Lesley P Berglund**  
1711 Soth Avenuen, Napa, CA 94559  
(707) 246-6827 mobile  
[lesley@wineindustrysaleseducation.com](mailto:lesley@wineindustrysaleseducation.com)

[www.WineIndustrySalesEducation.com](http://www.WineIndustrySalesEducation.com)  
[www.SolveServices.com](http://www.SolveServices.com)





**From:** [morgan morgan](#)  
**To:** [Dillon, Diane](#)  
**Cc:** [Valdez, Jose \(Louie\)](#)  
**Subject:** Denial of Use Permit No. P19-00303 Hot Air Balloon Launching  
**Date:** Sunday, January 10, 2021 2:55:00 PM  
**Attachments:** [Outlook-lifxiqwb](#)

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**[External Email - Use Caution]**

Dear Supervisor Dillon:

I implore you to uphold the decision by the Planning Commission to DENY the use permit to launch hot air balloons daily (up to 8 hot air balloons per day) in the Ag Preserve.

1. Ag Preserve Integrity – It is the role of the Supervisors to uphold the laws and ordinances of Napa – and in particular that includes not allowing commercial activity to encroach on the Ag Preserve. The Vote of the People clearly upholds no non-Ag commercial use in the Ag Preserve.

2. FAA Regulations – the FAA has deemed that a hot air balloon is a manned aircraft. They have also deemed that a manned aircraft launched daily from a specific site requires the FAA to be involved in determining the appropriateness of the site as an AIRPORT. The applicant and the County have not consulted the FAA. Additionally, the County Airport Land Use Commission has not been involved and should be.

3. Measure D – In 2018 the Voters overwhelmingly passed an ordinance that states there are to be NO NEW private use AIRPORTS. Since the FAA deems a full time hot air balloon launch site as an airport this use permit should be denied.

4. Tourist Dollars Pressure – There are approximately 3.85 MILLION visitors that come to Napa annually. The hot air balloon industry brings in less than 1 PERCENT. If hot air balloons disappeared completely from the Napa landscape it would not make a dent in the annual tourist revenue of the County.

In comparison, the absurdity of this balloon request is that one cannot have a commercial wedding on their land which would provide significant hotel, restaurant, bar, and winery and retail tourist dollars. So it is inconceivable that you would allow full time balloon launching.

5. Current Ordinance and Launch Sites – Napa County currently has an ordinance (flawed) that allows a temporary 50 day launch permit for hot air balloons. Many of the balloon companies including the Applicant have applied for and received these permits even when they have falsified their applications. Additionally, they have alternate launch sites that they use throughout the County and other Counties based on weather, wind, etc. Upholding the denial of this use permit will NOT put anyone out of business. The applicant has functioned

for 40 years in the Napa Valley without requiring launching in the Ag Preserve.

The Supervisors have significant and serious issues to deal with in 2021. Please Uphold this denial and get back to work on the real issues that will support our economy, health, and well fare.

**Morgan Morgan**  
(415) 640-6535 cell  
(707) 226-6515 home



**From:** [Donna Gordon](#)  
**To:** [Valdez, Jose \(Louie\)](#)  
**Subject:** Hot Air Balloon Permit/ please deny!  
**Date:** Sunday, January 10, 2021 4:12:41 PM

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[External Email - Use Caution]

**From:** [Hedge, Emily](#)  
**To:** [Valdez, Jose \(Louie\)](#)  
**Subject:** FW: Balloons Above the Valley  
**Date:** Monday, January 11, 2021 8:27:33 AM

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Emily Hedge  
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Planning, Building, & Environmental Services  
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**From:** elena hall <elenamhall@gmail.com>  
**Sent:** Sunday, January 10, 2021 9:41 PM  
**To:** Gregory, Ryan <Ryan.Gregory@countyofnapa.org>; Pedroza, Alfredo <Alfredo.Pedroza@countyofnapa.org>; Dillon, Diane <Diane.DILLON@countyofnapa.org>; Ramos, Belia <Belia.Ramos@countyofnapa.org>; Wagenknecht, Brad <BRAD.WAGENKNECHT@countyofnapa.org>; Anderson, Laura <Laura.Anderson@countyofnapa.org>; Bordona, Brian <Brian.Bordona@countyofnapa.org>; Hedge, Emily <Emily.Hedge@countyofnapa.org>; Claudino, Lisa <Lisa.Claudino@countyofnapa.org>; Tran, Minh <Minh.Tran@countyofnapa.org>  
**Cc:** sgreenwood-meinert@coblenzlaw.com; tkscottco@gmail.com  
**Subject:** Balloons Above the Valley

[External Email - Use Caution]

**My hot air balloon ride over Napa Valley in September 2019 was a lifelong aspiration since watching the balloons fly overhead on my Napa vacation in 1987. Every morning we had coffee on Cheri's patio watching the brightly colored balloons float through the blue skies and I felt joyful every time they appeared! I wanted desperately to take that balloon ride then but sacrificed doing it so we could afford other activities with my children. Cheri further whetted my appetite for the balloons by getting up before dawn one morning, going to the vineyard to watch the crews prep the balloons for their ascent- the fiery torches filling the flaccid balloons with hot air until they rose from the ground like the Phoenix! The colorful sight of multiple balloons inflating and the roaring sounds of the torches were awesome! I never lost my fascination with having a hot air balloon adventure and the balloons remained a significant memory of Napa Valley. So much so, I really didn't want to do it in other places I later had access to, like Holly, MI.**

**When I returned to Napa in September of 2019, Cheri had the balloon ride scheduled with Balloons Above the Valley, the company her daughter, Tina, worked for on Monday, two days before my return home. Then on that Monday morning, I was confronted with the cancelation of all balloon flights due to RAIN! Mind you, Napa had not had one drop of rain for months!**

Then Tina surprised me: The Tuesday balloon flight had been full, booked weeks ahead of time, had a last-minute cancellation and she arranged for me to take that spot! The balloon pilot and crew were so accommodating helping me in and out of the gondola and assuring we were all safe throughout the flight. The pilot was not only very skillful, but he was also most entertaining, regaling us with past flight stories, the components and principles of air ballooning, and pointing out details of the surrounding landscapes as we watched the sunrise over the horizon. There is something uniquely special about the Napa ride, floating over those beautiful vineyards and villas with the blue of the Pacific in the far-off distance. From laying in the gondola watching and feeling the balloon inflate, the 3-hour ride in the skies with several other balloons floating around us, to the excitement of the landing- it all exceeded my excited anticipation of what this would be like! **Balloons Above the Valley is a definite asset to tourism in Napa Valley and one I always recommend to friends and others visiting Napa!** I will never forget that balloon ride, the expert Balloons Above the Valley Napa crew that made it so enjoyable, and Tina's effort in making it all possible!

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*Elena Maria Hall*

*LIFE isn't about waiting for the storm to pass, it's about Learning to DANCE in the RAIN.....*

**From:** [Phil Lamoreaux](#)  
**To:** [Pedroza, Alfredo](#)  
**Cc:** [Valdez, Jose \(Louie\)](#)  
**Subject:** DENY B. BARBARICK'S APPEAL OF USE PERMIT P19-00303 (Launching hot air balloons in the Ag. Preserve.)  
**Date:** Sunday, January 10, 2021 3:44:53 PM

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[External Email - Use Caution]

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**From:** Phil Lamoreaux <[pal@lamoreauxp.com](mailto:pal@lamoreauxp.com)>  
**Sent:** Sunday, January 10, 2021 3:37 PM  
**To:** Phil Lamoreaux <[pal@lamoreauxp.com](mailto:pal@lamoreauxp.com)>  
**Subject:** DENY B. BARBARICK'S APPEAL OF USE PERMIT P19-00303 (Launching hot air balloons in the Ag. Preserve.)

Why this Appeal should be Denied.

My name is Phil Lamoreaux and I live at 2200 West Oak Knoll Avenue, Napa, Ca. 94558. We have been harassed by Mr. Barbarick almost daily for a very long time and will not endure it any longer. I will be brief in the respect for your time.

First the Big Picture.

Article 1, Section 1 of the State of California Constitution states:

"All People are by nature free and independent and have inalienable rights. Among there are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness and privacy."

Napa County has increased substantially in density over the last 20 or 30 years with new wineries and housing. Balloon activity in is in direct conflict with these our Constitutional principles. *Flights should be banned from the inhabited part of the Valley.* The last time I recall the BoS having a hearing on balloons only two of you were present. A former supervisor proposed an idea that was flawed from the beginning. It was for the pilots to use self-enforcement ! Letting the Balloon Pilots Association handle citizen complaints was like "letting the fox guard the hen house". Our misguided government agencies still tell citizens who are invaded and harassed to write to the organization. *You should know that the group was "dissolved" over 5 years ago and I guess you might have noticed that you were not receiving your quarterly reports. (?)*

The standard response we have heard from County Officials is that this activity is managed by the FAA. We have gone to the FAA's northern California office in Sacramento. They do not have very many people and have responsibility to

oversee all aircraft activity from SFO to the Oregon border. They say that FAR 91.119 requires that balloons must maintain a minimum altitude of 1000' above the highest part of a house and a 2,000' radius, creating a cylinder. We showed them many photographs including of Balloons Above the Valley and Gabe Gundling's Napa Valley Balloons' gondolas skimming barely over the tops of our cherished 300 year old Quercus Lobata, and other photos of gondolas below 50' skimming our wind machines which are exactly 30' high. You can see 15 to 20 passengers with cameras taking pictures of us and our property which is also violating the new paratazxi law enacted 3 years ago.

*The FAA says our County has to enforce the laws as they have no staff to do that. The County needs to completely and thoroughly rethink their policy regarding ballooning. Suits will be increasing and it is just a matter of time before we have another death.*

To the immediate issue at hand.

Barbarick has have the worst safety record in the Valley. It is a matter of record according the FAA and the National Safety Transportation Board. A recent example, his current application says he has safely operated from this site since June 2019. He does not Disclose that only 2 months earlier (on April 1, 2019) he had a very serious accident by flying into high power lines where three people were injured and one woman who tried to hold the gondola off of the lines pushed on the cables severely burning herself and having to be helicoptered to a critical burn care hospital. It is a wonder she was not electrocuted. *In addition, under the Planning Commission rules he should have not been allowed to have his permit renewed, but he did not disclose it.*

You have much bigger issues to deal with currently as Covid-19 is ravishing the citizens of our country and many many businesses are, and will be, going bankrupt. Can the rollout of critical vaccinations be improved? You need to develop a coherent fire protection and response plan to not let a 50 acre Glass Fire turn into a 65,000 acre disaster. Timely response is critical. Did you know that there were 37 quick response air tankers that are used for Agriculture with skilled pilots just sitting on the ground that could have been used during our disaster? Our Governor did not. I have written to him about it. Where our Government has failed us on so many levels, our local government could really help. I will share more if desired.

With all the vital issues your tribune should be focused on, it pains me that this appeal and its truly intricate complexities is taking your time. It speaks to the character of this applicant that he is so arrogant and greedy. Not only does he still pack passengers shoulder to shoulder into his gondolas that can hold 16-20 passengers with only a flimsy piece of plastic between the rows, he is asking you to approve increasing his flights +700% so he can profit even more.! I don't even have any words for that.

Reject his appeal and we can clean up your Ordinance when the pandemic is behind us.

Thank you for your time.

*Phillip A. Lamoreaux*



**From:** [Hedge, Emily](#)  
**To:** [Valdez, Jose \(Louie\)](#)  
**Subject:** FW: Hot Air Balloons in Napa Valley  
**Date:** Monday, January 11, 2021 8:27:58 AM

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Emily Hedge  
Planner III  
Planning, Building, & Environmental Services  
County of Napa | 1195 Third Street, Room 210 | Napa, CA 94559  
(707) 259-8226 | [emily.hedge@countyofnapa.org](mailto:emily.hedge@countyofnapa.org)

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**From:** Adam Montez <[adamdmontez@gmail.com](mailto:adamdmontez@gmail.com)>  
**Sent:** Monday, January 11, 2021 7:27 AM  
**To:** Hedge, Emily <[Emily.Hedge@countyofnapa.org](mailto:Emily.Hedge@countyofnapa.org)>  
**Cc:** [tkscottco@gmail.com](mailto:tkscottco@gmail.com); [sgreenwood-meinert@coblentzlaw.com](mailto:sgreenwood-meinert@coblentzlaw.com); [info@balloonrides.com](mailto:info@balloonrides.com)  
**Subject:** Hot Air Balloons in Napa Valley

[External Email - Use Caution]

Dear Emily,

I am writing to you today in support of the hot air balloons in Napa Valley. My wife and I took our first hot air balloon flight a few years back after contemplating it for quite a while. The hot air balloon experience was unforgettable and something we have ended up doing at least once a year since. When I think of Napa I think of two things; wine and hot air balloons. Even when not in flight, the site of the balloons in the air creates a calming feeling and gives travelers something to marvel at even from the ground. I would be devastated if the hot air balloons were no longer able to launch and fly in Napa Valley. I ask you today to please reconsider and especially in a time such as this during a world pandemic. Please, please, please approve a permit for unlimited launching at 5360 Washington Street in Napa.

I and the many other balloon travelers, as well as those who have yet to, but will fly in Napa Valley someday would be forever grateful.

Sincerely,  
Adam D Montez

**From:** [Hedge, Emily](#)  
**To:** [Valdez, Jose \(Louie\)](#)  
**Subject:** FW: Letter of Support for Balloons Above the Valley Permanent Launching  
**Date:** Monday, January 11, 2021 8:26:26 AM

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Emily Hedge  
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**From:** Melissa Tuttle <[melissa93.t@gmail.com](mailto:melissa93.t@gmail.com)>  
**Sent:** Sunday, January 10, 2021 7:38 PM  
**To:** Gregory, Ryan <[Ryan.Gregory@countyofnapa.org](mailto:Ryan.Gregory@countyofnapa.org)>; Pedroza, Alfredo <[Alfredo.Pedroza@countyofnapa.org](mailto:Alfredo.Pedroza@countyofnapa.org)>; Dillon, Diane <[Diane.DILLON@countyofnapa.org](mailto:Diane.DILLON@countyofnapa.org)>; Ramos, Belia <[Belia.Ramos@countyofnapa.org](mailto:Belia.Ramos@countyofnapa.org)>; Wagenknecht, Brad <[BRAD.WAGENKNECHT@countyofnapa.org](mailto:BRAD.WAGENKNECHT@countyofnapa.org)>; Anderson, Laura <[Laura.Anderson@countyofnapa.org](mailto:Laura.Anderson@countyofnapa.org)>; Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>; Hedge, Emily <[Emily.Hedge@countyofnapa.org](mailto:Emily.Hedge@countyofnapa.org)>; Claudino, Lisa <[Lisa.Claudino@countyofnapa.org](mailto:Lisa.Claudino@countyofnapa.org)>; Tran, Minh <[Minh.Tran@countyofnapa.org](mailto:Minh.Tran@countyofnapa.org)>; [sgreenwood-meinert@coblentzlaw.com](mailto:sgreenwood-meinert@coblentzlaw.com); [tkscottco@gmail.com](mailto:tkscottco@gmail.com); [bob@balloonrides.com](mailto:bob@balloonrides.com)  
**Subject:** Letter of Support for Balloons Above the Valley Permanent Launching

[External Email - Use Caution]

To whom it may concern,

I am reaching out to you today to let you know that I support Balloons Above the Valley and feel they should be allowed to launch hot air balloons year around from their launch spot in Napa Valley.

Napa Valley is a tourist destination location and along with wine the Napa Valley is also known equally for hot air ballooning. How else can you get an amazing view of the grape vines and Valley floor than from a hot air balloon? Hot air ballooning in general has been around for a very long time and Balloons Above The Valley has helped build and grow ballooning to what it is today by being the first hot air balloon company in the Valley to give someone an experience like no other.

Hot Air Ballooning is one of the most looked for tourist attractions here in Napa as people from all over plan their trip to the Napa Valley for hot air ballooning and then do other things like wine tasting or shopping while here on vacation. I have heard that several people extend their vacations by a couple days as they see hot air balloons flying above while enjoying their breakfast or morning walk and look into booking this experience before they head home.

Not only is being able to fly hot air balloons in Napa year around good for Balloons Above the

Valley but it is good for hotels who house the tourists who come in for this experience, the restaurants who feed these people 3 meals a day during their stays, also wineries as people fly in the morning and get an earlier start to their day enjoying wine tastings, tour companies also benefit from more tourists, shops benefit from more people visiting the Napa Valley and shopping during their down time from wine tasting. While the Napa Valley did not have as many people visit during the 2020 year and all industries have felt that, having something as beautiful as hot air ballooning that is an attraction many people travel far distances just to be able to experience is something that can help hotels, restaurants, tour companies etc see more people again sooner when safe to do so.

I have personally been able to take a hot air balloon ride experience a few years ago and that is something I will forever remember and be thankful for. I thought I knew what Napa Valley had to offer tourists and the residence who live here but once seeing everything from above I had a new found appreciation for the Napa Valley. Growing up here you always see the balloons flying in the morning and think just how beautiful they are and being in one it is so quiet and breathtaking. Being up so high and seeing all of the Valley in a 360 view everyone is just so quiet in the baskets as they try to drink in everything they are seeing. It is just a peaceful unforgettable experience that I would advise everyone to do at least once in their life.

Napa Valley is known for two things, wine and ballooning. You can't have one without the other. Napa Valley to me personally would not be where they are today without both wine and ballooning growing and expanding together as the years have come and gone and the tourist attraction of both grow and grow.

Thank you for taking the time to read this and I hope you take all of this into consideration when reviewing Balloons Above The Valley's request to launch year around. They are an amazing company and they help bring so much to the Napa Valley.

Sincerely,  
Melissa Tuttle

**From:** [Harry Heitz](#)  
**To:** [Dillon, Diane](#); [Wagenknecht, Brad](#); [Gregory, Ryan](#); [Ramos, Belia](#); [Pedroza, Alfredo](#)  
**Cc:** [Valdez, Jose \(Louie\)](#)  
**Subject:** Support Denial of "Balloons Above the Valley" Use Permit  
**Date:** Monday, January 11, 2021 1:09:51 PM

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[External Email - Use Caution]

Dear Board of Supervisors,

Please support the DENIAL of the Use Permit P19-00303, to allow hot air ballooning in the Ag Preserve. The Ag Preserve is a critical component of preserving the Valley from more encroachment of commercial activities. Article 1, Section 1 of the State of California Constitution ends with: "the people are entitled to pursuing and obtaining safety, happiness and privacy". Uncontrolled ballooning is violating privacy rights. Ban it from the Ag Preserve.

We believe that the Planning Commission formed the correct decision denying this use permit request. The voluminous materials provided for the Planning Commission hearings tell the complete story.

Please feel free to contact us if you have any questions regarding our support of the denial.

Sincerely,

Brian G. Cunat  
President

and

Harry Heitz  
General Manager

Materra | Cunat Family Vineyards  
4326 big ranch rd | napa, ca | 94558  
p: 707.224.4900 | [www.materrawines.com](http://www.materrawines.com)

**From:** [Hedge, Emily](#)  
**To:** [Valdez, Jose \(Louie\)](#)  
**Subject:** FW: Support Of Balloons Above the Valley for additional launch sites  
**Date:** Monday, January 11, 2021 12:19:02 PM

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Emily Hedge  
Planner III  
Planning, Building, & Environmental Services  
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**From:** Rory Ayne Mellow <rorymell@aol.com>  
**Sent:** Monday, January 11, 2021 12:14 PM  
**To:** Gregory, Ryan <Ryan.Gregory@countyofnapa.org>; Alfredo@aol.com; Pedroza@countyofnapa.org; Dillon, Diane <Diane.DILLON@countyofnapa.org>; Ramos, Belia <Belia.Ramos@countyofnapa.org>; Wagenknecht, Brad <BRAD.WAGENKNECHT@countyofnapa.org>; Anderson, Laura <Laura.Anderson@countyofnapa.org>; Brian.Berdona@countyofnapa.org; Hedge, Emily <Emily.Hedge@countyofnapa.org>; Claudino, Lisa <Lisa.Claudino@countyofnapa.org>  
**Subject:** Support Of Balloons Above the Valley for additional launch sites

[External Email - Use Caution]

Dear Supervisor Members:

I was born and raised in the Napa Valley and worked for the Napa Fire Department for thirty years. Over the course of my 74 years I have seen a tremendous amount of change within the Valley. People come from around the world to visit the beautiful Valley and everything it offers, from its world class restaurants, winery's, Hotels, and a number of activities. One of the greatest opportunities available is to float above the Valley in a Hot Balloon. It is a view that can not be seen from any other vantage point. There is also a joy from just observing the balloons flying overhead from the ground.

I have had a number of opportunities to fly in one of Bob's balloons over the years. On each occasion it has been a new and exciting experience. I fully understand that there may be a few individuals who oppose his launch site request. Be assured, they are in the extreme minority. In these extreme trying economic times we should be looking for all means possible to increase the income to the City and County coffers.

I wholeheartedly urge your support of Bob Barbarick's request for additional launch sites within the County. With your approval this will bring much needed additional revenue into our County and City alike.

Thank You for your consideration in this matter.

Sincerely,

David and Rory Mellow

**From:** [tanazmedia@aol.com](mailto:tanazmedia@aol.com)  
**To:** [Valdez, Jose \(Louie\)](#)  
**Subject:** Appeal-PermitUse for Balloons Above the Valley  
**Date:** Monday, January 11, 2021 10:28:52 AM  
**Attachments:** [NapaValleyUse PermitRequestNVBAgenda.01112021.docx](#)

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[External Email - Use Caution]

*Hello Mr. Jose Luis Valdez:*

*Attached is a letter which I submit for the Board of Supervisors, dated January 11, 2021 regarding the appeal from Balloons Above the Valley. Our experience has been the same with this Balloon Company, as in my letter and we do reside in Napa.*

*Regards,*

*Tanaz Pinilla*

January 11, 2021

ATTN: Mr. Jose Luis Valdez-Clerk of the Board Of Supervisors

Napa County Board Of Supervisors

1195 Third Street, Ste 210, Napa, CA. 94558

RE: Appeal-Use Permit Request-Balloons Above the Valley

**To:** Board of Supervisors Napa County,

We are Tanaz and Nicholas Pinilla, we live in the Altavina/Abbruzzini Development, in Northwest Napa. This is a tranquil and peaceful neighborhood, that is until the Balloons land on the corner of Haven and Verona Way, within 15 feet from our house and structure, often breaking branches off our trees.

This has happened at least (5) times in the past. Each time their basket full of passengers, hit these trees on our corner of haven Way, 15 feet away from our house, as they attempted to land on the street. They tear huge branches off these trees and just leave them on the street. I have called each time to complain and have the Napa Valley Balloons at the least pick up the broken branches from Haven Way and they have intentionally ignored my request.

I've had to contact the City of Napa Parks and Recreation, Tree Cutters to come out and make sure these trees were not dying from the damage they sustained by the balloon baskets so many times.

These Balloons come so close to our roof and windows that the sound of the flames wake us up. They block the entire intersection to traffic usually its around 7:30-8:00am during the peak morning exodus. This creates much anxiety and havoc in our

neighborhood. Once the balloon passes our rooftop and we can actually see it, and at this point, we never know where they are going to land or which house they may hit, this landing and clearing process usually takes at least 45 minutes.

We've had the Balloon basket full of crammed passengers directly over our swimming pool and backyard on numerous times, with people taking pictures of our swimming pool and us in our pajamas having breakfast and coffee. This is an absolute invasion of our privacy and airspace.

Another time, while we were on vacation, several of our neighbors witnessed the balloon basket full of passengers hit our rooftop and then proceeded to hit the same trees on Haven Way. Once we were told about this incident, I called Napa Valley Balloons and inquired about this incident, they completely denied everything and again I requested for the "Owner" to call me, which he never did!

Furthermore, Napa Valley Balloons have demonstrated that they have no control with regards to landing, due to climate and wind pattern. Therefore, they should never be allowed to be so close to our neighborhood ever again, it is foreseeable that they will crash into one or more homes in our community.

Additionally, Napa Valley Balloons has demonstrated, that they feel immune to our complaints and concerns by ignoring our calls.

In closing, Napa Valley Balloons is a business which is profiting at the peril of our neighborhood's safety and privacy.

We urge the Council to consider the negative impact of granting permission for the



Napa Valley Balloons Company for a launch site, and urge you to study the environmental impact of these balloons upon our neighborhood.

Thank you in advance, for your attention to this very important safety and privacy matter for our neighborhood.

*Sincerely,*

Tanaz and Nicholas Pinilla

**From:** [Bordona, Brian](#)  
**To:** [Morrison, David](#); [Anderson, Laura](#); [Gallina, Charlene](#); [Hedge, Emily](#); [Valdez, Jose \(Louie\)](#)  
**Subject:** FW: AGENDA ITEM 13B - SUPPORT of Planning Commission Denial of Permit to BATV and Decision to Protect the Ag Preserve  
**Date:** Monday, January 11, 2021 11:41:09 AM  
**Attachments:** [image001.png](#)  
[Exhibits N-14 through N-19 comp.pdf](#)  
[Exhibits N-20 through N-22.pdf](#)  
[20201214 Letter to Board wo ex.pdf](#)

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**From:** Andrew Rauch <rauch@rauchapc.com>  
**Sent:** Monday, January 11, 2021 11:34 AM  
**To:** PublicComment <publiccomment@countyofnapa.org>  
**Cc:** Pedroza, Alfredo <Alfredo.Pedroza@countyofnapa.org>; Gregory, Ryan <Ryan.Gregory@countyofnapa.org>; Ramos, Belia <Belia.Ramos@countyofnapa.org>; Dillon, Diane <Diane.DILLON@countyofnapa.org>; Wagenknecht, Brad <BRAD.WAGENKNECHT@countyofnapa.org>  
**Subject:** AGENDA ITEM 13B - SUPPORT of Planning Commission Denial of Permit to BATV and Decision to Protect the Ag Preserve

[External Email - Use Caution]

TO THE HONORABLE MEMBERS OF THE NAPA COUNTY BOARD OF SUPERVISORS

RE: January 12, 2021 Board Agenda Item 13B  
Appeal of Decision of Planning Commission denying permanent Balloon Airport in AG Preserve

Dear Board Members:

In reviewing the Board packet and documents for tomorrow's meeting, I do not see that our organization's letter and exhibits submitted for the prior Board meeting were included. Therefore, I am submitting them again with our request that you deny the appeal. We ask that you SUPPORT the decision of the Planning Commission denying the creation of a permanent airport for commercial balloon launching in the Ag Preserve.

Our organization contains a broad membership of grape growers, small businesses, and homeowners who support the Planning Commission's decision. I am honored to represent this group of concerned Napa citizens who live in the County which I hold dear to my heart. Though my personal family members have since moved away, I still consider Napa to be my hometown. I attended schools in Napa and graduated from Vintage High School in 1976. I worked at the former Montgomery Wards store in the shopping center near the intersection of Trancas and Highway 29, did landscaping at the Napa Sanitation District at its former location near the Imola Bridge, bused tables at Mustard's Grill north of Yountville, and managed a Youth Employment Training Program in St. Helena. After graduation from college, I worked for State Senator Jim Nielsen for five years when

he represented Napa County. During the first ten years of my legal career, I was an attorney for the State of California defending its legal interests in Napa County. This included resolving litigation regarding safety conflicts on the State highways in Napa and securing property to improve public infrastructure projects there.

After 32 years, my law practice still involves the representation of public entities and real property rights. I am pleased to be an author of the textbook, *California Easements and Boundaries, Law and Litigation*, published by the Continuing Education of the Bar (CEB). As explained in my prior correspondence to the Board and the Planning Commission, granting the appeal of the Balloons Against the Valley (BATV) would almost certainly expose the County to civil liability and expensive litigation. This is due to the often-overlooked fact that the citizens of Napa own the area immediately above their land to the limits of “navigable airspace” which is typically 2,000 feet above their property. The County may not establish an airport (which this permanent balloon launch site would be under federal law) without securing the property rights (“avigation easements”) for anticipated take-off and landing activities. As the County of San Diego learned to its great dismay in the 1986 Court of Appeal decision of *County of San Diego v. Bressi* (184 Cal.App.3d 112), these avigation easements to cross private airspace can be very expensive.

The voters of Napa have made it clear through many initiatives that they want the Board to refrain from allowing commercial intrusions into the Ag Preserve. Most recently, the Napa voters confirmed their desire to prevent the proliferation of private airports in the County. The Planning Commission and Staff understand these concepts. That is why the Board should support the wise decision of the Planning Commission and recommendation of County staff to reject the BATV permit application.

I look forward to speaking to you tomorrow.

**ANDREW K. RAUCH**

[Rauch@RauchAPC.com](mailto:Rauch@RauchAPC.com)



**ANDREW RAUCH, APC**

A Professional Law Corporation

**WE'VE MOVED!**

(Note new address)

12526 High Bluff Drive, Suite 300

San Diego, CA 92130

Telephone: (619) 515-1140  
Facsimile: (619) 235-9100

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law, including under the litigation exemptions of the Brown Act. If this message is a transmission error, was sent to an incorrect party or for any other reason is received or viewed by an unauthorized or unintended person, please advise immediately by phone at (619) 515-1140 or e-mail reply, delete any such unauthorized receipt and return any hard copy by U.S. mail to the address shown above. THE USE OF THIS TRANSMISSION IS NOT A CONSENT, EXPRESS OR IMPLIED, TO ACCEPT SERVICE OF PROCESS VIA EMAIL. Thank you.

Este correo electrónico es confidencial; su utilización corresponde exclusivamente al/los destinatario/s. Si Vd. lo ha recibido por error, por favor, notifiquenoslo inmediatamente y no lo copie ni difunda su contenido a otras personas o entidades. El correo electrónico vía Internet no permite asegurar ni la confidencialidad de los mensajes que se transmiten ni la correcta recepción de los mismos. En el caso de que el destinatario de este mensaje no consintiera la utilización del correo electrónico vía Internet, rogamos lo ponga en nuestro conocimiento de manera inmediata.



**Think Green! Before printing this e-mail ask the question, is it necessary?**



Andrew K. Rauch, APC.  
rauch@rauchapc.com

12526 High Bluff Drive, Suite 300  
San Diego, CA 92130  
Phone: (619) 515-1140  
Fax: (619) 235-9100

December 14, 2020

**SENT VIA ELECTRONIC MAIL**

Diane Dillon, Chair  
Board of Supervisors  
County of Napa  
1195 Third Street, Suite 310  
Napa, California 94559  
[publiccomment@countyofnapa.org](mailto:publiccomment@countyofnapa.org)

RE: ***SUPPORT FOR PLANNING COMMISSION'S DENIAL OF USE PERMIT REQUEST***  
**Napa County Board of Supervisors Agenda Item 9I – December 15, 2020**  
**Use Permit P19-00303**

Dear Chair Dillon:

I am writing you on behalf of a coalition of homeowners, business owners and farmers in the Napa Valley who ***SUPPORT*** the wise and well-supported decision of the Napa County Planning Commission to deny the above referenced Use Permit Request. We also generally support the report prepared by County staff for this agenda item (9I) which lends further support to that administrative denial of Use Permit P19-00303.

Our organization is known as the Neighbors Against Privacy Abuse (N.A.P.A.) Coalition. This letter is a continuation of our correspondence of August 31, 2020 regarding the proposed permit before the Napa County Planning Commission. Our group members include many citizens of Napa who are extremely grateful that the Commission's action served to protect the County's Agricultural Preserve (Ag Preserve) and saved local citizens from the substantial negative impacts which would have been caused by the proposed operations of Balloons Against the Valley (BATV) and its owner, Robert "Bob" Barbarick.

I respectfully request that this letter, the prior letter of August 31, 2020 and all exhibits attached to both letters and referenced therein be included in the administrative record related to the Board's consideration of this request. (See, California Code of Civil Procedure §1094.5; Public Resources Code §21167.6(e); *Madera Oversight Coalition Inc. v. County of Madera* (2011) 199 Cal.App.4th. 48, 63-64.) Please anticipate any Board action to overturn the Planning Commission's decision or to provide approval of the proposed Use Permit could result in litigation.

The permit application has not obtained the requisite review by the FAA, fails to acknowledge that parts of public safeguards in the applicable zoning ordinance are not functioning, fails to acknowledge the true dangerous history of the applicant's operations, fails to acknowledge the true

negative impacts to the Ag Preserve, and fails to mitigate impacts to property and privacy rights of the citizens of Napa.

Permit Not Authorized Without Soliciting Input from the FAA

The federal government asserts that navigable airspace is a limited national resource. Navigable airspace is defined as the airspace at or above the minimum altitudes of flight that includes some airspace needed to ensure safety in the takeoff and landing of aircraft. Congress has charged the Federal Aviation Administration (FAA) with administering this airspace in the public interest as necessary to ensure the safety of aircraft and its efficient use.

Private-use airports are subject to the notification requirements under Federal Regulation Title 14 Part 157, Notice of Construction, Alteration, Activation, and Deactivation of Airports. Section 157.1 states that Part 157 applies to persons proposing to construct, alter, activate, or deactivate a civil airport or to alter the status or use of such an airport. Exceptions to this regulation exist for sites which are not intended to be used for no more than 3 days in any one week. (§157.1(c)(1).) As the applicant is applying for a year-round permit, the exception from compliance does not apply.

As discussed in our earlier correspondence, there are different definitions of “airports” in various federal, state or local regulations. For the purposes of Part 157, an “*Airport* means any airport, heliport, helistop, vertiport, gliderport, seaplane base, ultralight flightpark, **manned balloon launching facility**, or other aircraft landing or takeoff area. (§157.2 Definition of terms [emphasis added].)

Each person who intends to establish an airport (as that term is defined above, as a launching facility for manned balloon operations) must notify the FAA Administrator with a submission on FAA Form 7480-1. (§157.3 (a) and §157.5.) Once notified, the provisions of §157.7(a) state:

The FAA will conduct an aeronautical study of an airport proposal and, after consultations with interested persons, as appropriate, issue a determination to the proponent and advise those concerned of the FAA determination. The FAA will consider matters such as the effects the proposed action would have on existing or contemplated traffic patterns of neighboring airports; the effects the proposed action would have on the existing airspace structure and projected programs of the FAA; and the effects that existing or proposed manmade objects (on file with the FAA) and natural objects within the affected area would have on the airport proposal. While determinations consider the effects of the proposed action on the safe and efficient use of airspace by aircraft and the safety of persons and property on the ground, the determinations are only advisory. Except for an objectionable determination, each determination will contain a determination-void date to facilitate efficient planning of the use of the navigable airspace. A determination does not relieve the proponent of responsibility for compliance with any local law, ordinance or regulation, or state or other Federal regulation. Aeronautical studies

and determinations will not consider environmental or land use compatibility impacts.

Here, the proponent did not comply with these federal requirements and the County has not received the recommendations of any required aeronautical study. The Commission rightly concluded that the 365-day proposed use is substantively different than the existing, limited 50-day permit in the Ag Preserve. The impacts of such a launch site has been classified under federal regulations as one which will require the input of the FAA for this site which would be federally defined as a private use airport.

The current staff report correctly notes that the proposed use must be considered as a proposal for 2,920 operations per year. Aviation operations are classified as either local or itinerant. Itinerant operations are those performed by aircraft with a specific origin or destination away from the airport. Thus, all the proposed operations would be classified as itinerant. By way of comparison, the Airport Master Plan Feasibility and Alternate Site Selection Study for Angwin Airport/Parrett Field accepted by the Board of Supervisors on March 2, 2010 contemplated fewer itinerant operations than those in the current proposal in the Ag Preserve. (Said 158-page Study is a public document currently available on the County's website (<https://www.countyofnapa.org/DocumentCenter/View/1983/Angwin-Airport-Study-PDF>) and is hereby incorporated by reference.) Yet, the extensive analysis required for the Angwin Airport is not being applied here.

The Commission got it right, the proposed permanent permit is substantively and materially different than the limited temporary permits currently allowed in the Ag Preserve.

#### Request to Include County's Responses to Request #19-323

Most of this letter will not repeat the many other reasons our Coalition supported the decision of the Planning Commission, as they are detailed in the many public letters considered, including our August 31, 2020 transmittal which attached exhibits "N-1" through "N-13." We had also requested County staff to include the County's responses to our requests previously made to the County of Napa under the California Public Records Act (Government Code § 6250, *et seq.*). However, we were disappointed that request was apparently ignored and, in its place, misleading information about the subject matter was presented by staff to the Commission in support of the applicant (BATV).

We believe that this misleading or incomplete information led some commissioners to express support for the permit. It is respectfully suggested that had the true facts been provided, a greater number would have opposed the application. To now clarify the record, we are attaching the County's official responses of December 2, 2019 to Public Record Act Request #19-323. A copy of this response is attached as Exhibit N-14. This response corresponds with our request of November 22, 2019, attached as Exhibit N-15.

In this request, we explained that pursuant to Section 18.104.400 of the Napa County Code, a permittee is required to comply with the Code of Conduct for Balloon Operation in Napa County ("Code

of Conduct"). The Code of Conduct, in turn, imposes reporting obligations on the Professional Balloon Pilots Association of Napa County, Inc. (PBPANC). As part of the PBPANC Responsibilities, the PBPANC is required to provide a record of all calls/contacts and how they were handled to the County Board of Supervisors on a quarterly basis. For the purpose of this request, those reports are referred to as "PBPANC quarterly calls logs." (PBPANC Responsibilities, Item 1, page 10, Code of Conduct.)

We requested a copy of all PBPANC quarterly calls logs for the prior five (5) years. The County's response was: "After conducting a reasonable search, Napa County did not locate any records..." In other words, as of December 2, 2019, the County had not received any of the required quarterly reports for the prior five years.

Remarkably, the County staff advised the members of the Napa County Planning Commission that they prepared an "Attachment I" which "was a summary of the complaints both that the County has received over the past year as well as a summary of the records we received from the association." (See, Testimony of Emily Hedge, record of Commission Hearing, page 48, lines 21-23.) Note that the alleged records of PBPANC contain 7 alleged reports created before the County advised the public on December 2, 2019 that it had received no such reports, at all.

Unfortunately, these "logs" or "reports" only appeared after our Coalition contacted David Morrison of the Planning, Building & Environmental Services Department on December 4, 2019. That letter is attached as Exhibit N-16. We advised the County that BATV had not told the County in a June 6, 2019 application of the April 1, 2019 accident as was required under the zoning ordinance.

At the public hearing, County staff remained evasive about the accident record of BATV. Under direct questioning of Planning Commissioner Andrew Mazotti about balloon crashes or "horrific events," County staff did admit to one accident of April 1, 2019. Yet, staff did not disclose that this information was not initially provided by BATV or PBPANC, but rather by our Coalition. Staff also did not disclose the severity of the event to the Commissioners.

To assist the Board, we are providing Exhibit N-17, a press report including statements from eyewitnesses. The operator or pilot of the BATV balloon was identified as "Bob" who said he had 42 years' experience piloting hot air balloons. (The applicant's name is Robert.) One witness said Bob seemed "out of it" who "...didn't take control of anything..." during the flight. Bob flew his balloon into a power line and dragged the bare, steel wire for about a minute or two before it cracked and arced. The electrical charge severely burned a passenger on her left arm and torso. The victim was taken by helicopter to the burn unit at UC Davis Medical Center in Sacramento.

Two weeks later, on April 14, 2019, another balloon company flying in St. Helena also severely injured one of its passengers in a hot air balloon crash. Exhibit N-18 is a copy of the official accident report. That report was not shared with the Commission as staff indicated it did not involve the applicant. According to the County's response to our Public Records Act Request, no report of the later accident was provided to the Board as required by its own land use regulations.



As explained in our prior letter, the staff report did not analyze prior accidents of BATV, including one in which one of its balloons caught fire in flight. The Commission was not advised that BATV was also responsible for another balloon flight in which passengers were injured. One severely injured passenger filed litigation in Napa County Superior Court for those injuries. (Attached Exhibit N-19 from the Napa Register provides further detail about this incident.)

#### False Representations about the Professional Balloon Pilots Association

In our prior correspondence, we explained that the PBPANC is a defunct entity which does not file quarterly reports with the Board, as required by County Ordinance. We identified the public record that shows the entity has been suspended by the California Secretary of State and has not filed any required reports since 2014. The applicant's counsel disputed these facts and essentially contended that a late filing was immaterial. (September 1, 2020 correspondence to the Commission.)

Yet, three months later, the PBPANC has not attempted to correct its status with the State. Exhibit N-20 is the recent status of the organization, still suspended by the Secretary of State. Contrary to the applicant's protestations, a suspended corporation may not prosecute or defend an action in a California court. (*Ransome-Crummey Co. v. Superior Court* (1922) 54 Cal.App.4th 1366; 188 Cal. 393; *Alhambra-Shumway Mines, Inc. v. Alhambra Gold Mine Corp.* (1957) 155 Cal.App.2d 46, 317 P.2d 649.) Further, PBPANC cannot legally transact any business and will have its powers, rights, and privileges suspended until it files for revival of its entity. (Cal. Corp. Code § 17713.10 (c).)

As further evidence of its inactivity, the California State Franchise Tax Board revoked the group's nonprofit status in 2013. See Exhibit N-21 extracted from the State's official records. Despite representations of County staff to the Commission to the contrary, PBPANC is a non-functioning entity and legal nullity. It has not performed its functions to keep the County apprised of the true state of balloon activity, complaints, or accidents caused by its pilots.

Additionally, it has not performed its functions to respond to inquiries from the public. Our office has written the PBPANC on multiple occasions without any response. For example, please see attached Exhibit N-22 in which we requested the balloon pilots to halt operations in times of high fire danger. No agreement or acknowledgement to the request was received.

The PBPANC also has a specific duty to respond to public inquiries about the ownership of balloons flying in the valley. Exhibit N-23 is an example of one such request to which the organization is required to provide a response under the existing ordinance. Again, the truly non-operating PBPANC failed to provide the required information.

The Board should take particular note of the fact that the applicant is not marking the base of its gondolas with the required 12-inch-high identification numbers required by the ordinance. This contention raised by our organization multiple times to the County has never been refuted by the applicant. Thus, the record should be clear that the applicant, nor the PBPANC, can be trusted to fulfill their obligations to the County or public as envisioned by the zoning ordinance.

The Public has Mandated the Board to Protect the Ag Preserve

As explained on the website, [www.napaagpreserve.org](http://www.napaagpreserve.org), the Ag Preserve was established in 1968 by the Napa County Board of Supervisors and the Napa County Planning Commission. The goal of the Preserve was clearly spelled out in the first section of the ordinance: “This district classification is intended to be applied in the fertile valley and foothill areas of Napa County from Napa to Calistoga in which agriculture is and should continue to be the predominant land use, where uses incompatible to agriculture should be precluded and where development of urban type uses would be detrimental to the continuance of agriculture and the maintenance of open spaces which are economic and aesthetic attributes and assets of the County of Napa.”

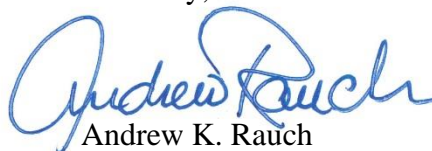
Worried that future politicians might not always have in mind what is best for agriculture in the Napa Valley, local voters enacted Measure J in 1990. Measure J gave the electorate the final say on whether agricultural land can be converted to other uses, stripping that power from governmental officials, in this case the Napa County Board of Supervisors. In 2008, local voters overwhelmingly passed Measure P, extending the provisions of Measure J until 2058.

To conservationists and the members of our Coalition, these historic measures have, in essence, constructed a protective wall around the Ag Preserve to block out development, and given citizens the key to the gate. “The voters hold the vision for the community,” Supervisor Mark Luce said at the time.

Consistent with this same philosophy, the voters have recently adopted Measure D, to prevent the proliferation of new private use airports, which is what is being proposed by BATV in its application for this use permit. The Commission correctly understood that the voters have repeatedly instructed public officials to protect this precious resource from unwanted burdens or intrusions. In denying the permit, the Commission properly complied with the will of the people.

The members of our Coalition request that the Board do the same by rejecting the BATV appeal.

Sincerely,



Andrew K. Rauch

# **EXHIBIT N-14**

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

## County of Napa Public Records

**Hi there**

Documents have been released for record request  
#19-323 along with the following message:

The County received your Public Records Act request which contained six parts. This email constitutes the County's response to your request. The County's responses to the six individual parts of your request are addressed below.

1. Please provide copies of all "PBPANC quarterly calls logs" for the last five (5) years.

After conducting a reasonable search, Napa County did not locate any records responsive to part 1 of your request.

2. Please provide a copy of the current PBPANC contact information on file with the County of Napa.

Napa County has the following phone number for the PBPANC on file: (707)-944-8793.

3. Please provide a copy of all quarterly reports received from the PBPANC, if any, of launch and landing data submitted by individual balloon companies for the last five (5) years.

After conducting a reasonable search, Napa County did not locate any records responsive to part 3 of your request.

4. Please provide a copy of any log received from the PBPANC, if any,

of any and all reported third party damage that occurs as the result of a balloon flight or ground operation for the last five (5) years.

After conducting a reasonable search, Napa County did not locate any records responsive to part 4 of your request.

5. Please provide a copy of any permit issued by the County of Napa for a Balloon Launch permit in the last five (5) years.

Enclosed, please find a link to download the records responsive to part 5 of your request.

6. Please provide a copy of any avigation easements obtained by the County of Napa related to a Balloon Launch permit in the last five (5) years.

After conducting a reasonable search, Napa County did not locate any records responsive to part 1 of your request.

This concludes your Public Records Act request. If you have any trouble accessing the records provided, please reply to this email.

- P19-00012 - PBES-DD - 4-17-2019 - 018-070-010-000 - KIMBALL JAYSON ETAL-PLANNING-ADM-2019.pdf
- P15-00119 - PBES-DD - 5-13-2015 - 018-250-021-000 - HESS COLLECTION WINERY-PLANNING-ADM-0000.pdf
- P15-00146 - PBES-DD - 7-10-2015 - 017-130-047-000 - GODWARD RITA S TR-PLANNING-ADM-0000.pdf
- P15-00314 - PBES-DD - 7-28-2016 - 017-120-038-000 - GODWARD RITA S TR-PLANNING-ADM-0000.pdf
- Balloons Above the Valley #P19-00235 pdf.DOC.pdf

## View Request 19-323

<http://countyofnapa.nextrequest.com/requests/19-323>

Document links are valid for one month. After January 2, you will need to sign in to view the document(s).



**POWERED BY NEXTREQUEST**

*The All in One Records Requests Platform*

*Questions about your request?* Reply to this email or sign in to contact staff at County of Napa.

*Technical support:* See our [help page](#)

# **EXHIBIT N-15**

✓ Success! Your email was confirmed.

×

## Request #19-323

 OPEN

As of November 20, 2019, 12:11pm

Request Visibility: Unpublished

### Details

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#### INTRODUCTION AND DESCRIPTION OF DOCUMENTS

Pursuant to Section 18.104.400 of the Napa County Code, a permittee is required to comply with the Code of Conduct for Balloon Operation in Napa County ("Code of Conduct"). The Code of Conduct, in turn, imposes reporting obligations on the Professional Balloon Pilots Association of Napa County, Inc. (PBPANC). As part of the PBPANC Responsibilities, the PBPANC is required to provide a record of all calls/contacts and how they were handled to the County Board of Supervisors on a quarterly basis. For the purpose of this request, those reports are referred to as "PBPANC quarterly calls logs."

#### REQUEST FOR DOCUMENTS

1. Please provide copies of all "PBPANC quarterly calls logs" for the last five (5) years.
2. Please provide a copy of the current PBPANC contact information on file with the County of Napa.
3. Please provide a copy of all quarterly reports received from the PBPANC, if any, of launch and landing data submitted by individual balloon companies for the last five (5) years.
4. Please provide a copy of any log received from the PBPANC, if any, of any and all reported third party damage that occurs as the result of a balloon flight or ground operation for the last five (5) years.
5. Please provide a copy of any permit issued by the County of Napa for a Balloon Launch permit in the last five (5) years.
6. Please provide a copy of any avigation easements obtained by the County of Napa related to a Balloon Launch permit in the last five (5) years.

— [Read less](#)

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*Received*

November 20, 2019 via web

---

*Departments*

None Assigned

---

*Requester*

Andrew Rauch

✉ rauch@rauchapc.com

📍 110 West C Street, Suite #2200, San Diego, CA 92101

📞 (619) 515-1140

👤 Andrew Rauch, APC, A Professional Law Corporation

## Documents

---

*Public (pending)* ⓘ

(none)

---

*Requester*

(none)

## Staff

---

*Point of Contact*

Jose Valdez

### External Message

Thank you for contacting the County of Napa, CA. We are in receipt of your Public Records Request. Pursuant to Govt. Code

## Timeline

---

section 6253, we anticipate providing you a response to your request within 10 days.

Requester + Staff

Should you have any questions, if you would like to provide further information or clarification regarding your request, please reply to this email.

Thank you.

*November 20, 2019, 12:09pm*

---

Request Opened

Public

Request received via web

*November 20, 2019, 12:09pm*

---

# **EXHIBIT N-16**



Andrew K. Rauch  
Attorney at Law  
rauch@rauchapc.com

110 West C Street, Suite 2200  
San Diego, CA 92101  
Phone: (619) 515-1140  
Fax: (619) 235-9100

December 4, 2019

**VIA U.S. Mail and Email**

David Morrison  
COUNTY OF NAPA  
Planning, Building & Environmental Services  
1195 Third Street, 2nd Floor  
Napa, CA 94559  
Email: [David.Morrison@countynapa.org](mailto:David.Morrison@countynapa.org)

**Re: Balloons Above the Valley – Balloon Launching Permit #P19-00235-BAL  
Request for Revocation of Permit**

Dear Mr. Morrison:

Thank you for your email to me of November 25, 2019. This letter serves to provide a partial response to your questions.

In your email you indicated: "It would be helpful if you could indicate why you believe that the hot air balloon launch permit was issued illegally." And you also asked: "...if there are any legal vulnerabilities in the County's regulations, I want to know about them so that they can be remedied."

As these two questions appear to be directed to an approval of a balloon launching permit, I will direct my responses to the permit identified above for Balloons Above the Valley. Your files will indicate that the permit was tentatively approved on June 6, 2019.

You kindly acknowledged that Napa County Code Sections 18.126.060 (O)(2) and 18.104.400(B)(1) and (2) require operators to comply with the County's adopted Code of Conduct ("CoC"). In fact, in order for the subject permit to be issued, Balloons Above the Valley was required to certify that all its activities within the prior year at any other sites operated by it have complied with the CoC.

I must assume that the company's owner, Bob Barbarick did provide such a certification. If he did not, the permit could not have been issued. If he did, his certification would have been false. The CoC required the company to: "Immediately report any and all third party damage occurring as the result of a balloon flight and/or ground operations to Professional Balloon Pilots Association of Napa County, Inc. ("PBPANC"), along with a description of how the incident was resolved." The PBPANC, in turn, is required to report quarterly to the County of Board of Supervisors regarding all calls or contacts about such flight operations.

The County has promptly responded to my Public Records Act Request (#19-323) indicating that the PBPANC has not provided a single quarterly report to the County in the last five (5) years. Since there have been no reports, it could be concluded that Balloons Above the Valley has not contacted the PBPANC in the last five (5) years, either.

This means that Mr. Barbarick certified that his company had not been involved in any balloon flight operations resulting in damages for one year prior to June 6, 2019. If there were such an incident, his company would have been required to report it to the PBPANC and that entity would have reported it to the County in accordance with the CoC.

The National Transportation Safety Board ("NTSB") has provided information confirming the inaccuracy of Mr. Barbarick's presumed certification. In their Aviation Accident Preliminary Report (Accident Number WPR19LA104), the NTSB confirmed that Balloons Above the Valley operated a balloon on April 1, 2019, resulting in serious injuries to one of its passengers and other injuries to two others. A copy of this report is attached. The report also contains the notation that the flight originated from a private vineyard in Napa.

Since Balloons Above the Valley did not have a launching permit in April, it appears that the launch from a "private vineyard" was also illegal and/or a violation of the CoC. For these reasons alone, the permit should not have been issued. Accordingly, I respectfully request that the permit be revoked.

It is my understanding that this same company is now applying for a permit to allow year-round balloon launchings. I request to be notified of any public hearing on this permit. I also request that the County obtain the log book (or similar record) documenting the number of launch days and dates of said launches at the site to confirm that the operator did not exceed the previously allowed use. A pattern of continued disregard for Napa County's regulations should not be rewarded.

You also asked me about vulnerabilities in the County's Ordinance. Napa County Code section 18.104.400(G) which purports to define the phrase "in good standing with the county" is defectively ambiguous. At first, it appears to relate to the proper compliance by the permittee with all provisions of the CoC and complaints related thereto. Then, it inexplicably requires any complaint to be related to an improper landing of a balloon, disregarding all other requirements of the CoC.

I do thank you for promptly sending me the official form entitled "Certification of Unauthorized Trespass (*sic*) Associated with Hot Air Balloon Operations." I will pass this form along to my clients. It will be used to make complaints, if any, regarding unauthorized landings.

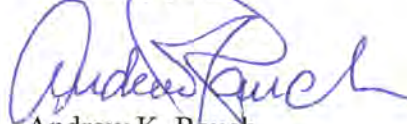
The County should have a procedure to log all other types of complaints regarding violations of the CoC or illegal balloon flight operations. For example, the CoC requires pilots to comply with FAA flight rules which prohibit flights below 1000 feet above homes or populated areas; requires adequate marking of balloons for easy identification; and requires compliance with noise abatement procedures. State law, including Civil Code §1708.8, prohibits low balloon flights as an invasion of privacy rights.

David Morrison  
COUNTY OF NAPA  
December 4, 2019  
Page 3

Since there does not appear to be such an effective system currently in place to document these other types of violations, I will notify you and the PBPANC of my additional concerns.

I would be happy to discuss this with you directly. Please let me know if you would be willing to seek an informal resolution of these issues with me.

Very truly yours,



Andrew K. Rauch

Enclosure: NTSB Report Accident Number WPR19LA104





## National Transportation Safety Board Aviation Accident Preliminary Report

Location:	Napa, CA	Accident Number:	WPR19LA104
Date & Time:	04/01/2019, 0757 PDT	Registration:	N6954Y
Aircraft:	Cameron A-400	Injuries:	1 Serious, 2 Minor, 17 None
Flight Conducted Under:	Part 91: General Aviation - Business		

On April 1, 2019, about 0757 Pacific daylight time, a Cameron Balloons US, A-400 hot air balloon, N6954YA, impacted power lines during flight near Napa, California. The pilot and 16 passengers were not injured, one passenger sustained serious injuries and two passengers sustained minor injuries. The balloon was not damaged. The balloon was registered to and operated by Balloons Above the Valley under the provisions of Title 14 *Code of Federal Regulations* Part 91 as a sightseeing flight. Visual meteorological conditions prevailed and no flight plan was filed for the local flight that originated at 0730 from a private vineyard in Napa.

In a telephone conversation with the National Transportation Safety Board investigator-in-charge, the pilot stated that the balloon encountered a sudden downdraft and the bottom of the basket contacted the nearby power lines. The pilot subsequently landed the balloon uneventfully.

The passenger with serious injuries reported to the police officer that she grabbed onto the power line when she tried to push the basket away from it.

The pilot reported no mechanical failure or malfunction with the balloon that would have precluded normal operation.

### Aircraft and Owner/Operator Information

Aircraft Make:	Cameron	Registration:	N6954Y
Model/Series:	A-400 No Series	Aircraft Category:	Balloon
Amateur Built:	No		
Operator:	On file	Operating Certificate(s) Held:	None

## Meteorological Information and Flight Plan

Conditions at Accident Site:		Condition of Light:	
Observation Facility, Elevation:	KAPC, 14 ft msl	Observation Time:	
Distance from Accident Site:	10 Nautical Miles	Temperature/Dew Point:	
Lowest Cloud Condition:		Wind Speed/Gusts, Direction:	/ ,
Lowest Ceiling:		Visibility:	
Altimeter Setting:		Type of Flight Plan Filed:	None
Departure Point:	Napa, CA	Destination:	Napa, CA

## Wreckage and Impact Information

Crew Injuries:	1 None	Aircraft Damage:	None
Passenger Injuries:	1 Serious, 2 Minor, 16 None	Aircraft Fire:	None
Ground Injuries:	N/A	Aircraft Explosion:	None
Total Injuries:	1 Serious, 2 Minor, 17 None	Latitude, Longitude:	38.375000, -122.336667 (est)

## Administrative Information

Investigator In Charge (IIC): Maja Smith

Additional Participating Persons:

Note: The NTSB did not travel to the scene of this accident.



# **EXHIBIT N-17**

# Passengers Describe Harrowing Hot Air Balloon Ride Into Live Power Lines

By [Andria Borba](#) April 1, 2019 at 7:14 pm

**Filed Under:** [Hot air balloon](#), [Napa County](#), [Napa Valley](#), [Power Line](#), [Wine Country](#), [Yountville](#)

<https://sanfrancisco.cbslocal.com/2019/04/01/napa-hot-air-balloon-accident-power-lines-yountville-injuries/>

YOUNTVILLE (KPIX 5) — Passengers who were riding in the hot air balloon that hit live power lines near Yountville and injuring three people were still shaken Monday night, describing how they felt the balloon pilot failed to do his job.

One person was seriously burned and two more were injured during the late Monday morning incident, according to a Cal Fire captain said.

The incident happened around 8:10 a.m. on a balloon carrying 19 passengers and a pilot. The hot air balloon — owned by Napa-based company Balloons Above the Valley — was descending and at least one passenger in the basket came into direct contact with a live power line.

“The 911 caller was actually on the balloon and so she did not know where she was at,” said Battalion Chief Jason Martin of CalFire.

Passengers Anton Lang and his wife Joanne, who are vacationing in the Napa Valley from New Jersey, thought the pilot was flying toward lines as a joke.

“He just never pulled up. He just never operated the balloon. I thought he was going to pull, like seriously, an April Fool’s joke,” Anton Lang told KPIX 5. “We all thought he was going to give us a scare or something silly. And he ... I don’t know what happened. He just flew right into the power lines.”

Lang said it felt like a slow-motion disaster.

“We hit the power line. It was a bare, steel wire and we hit and we dragged it for a distance,” explained Lang. “Time went by — a minute or two — before it cracked. The wire cracked. And when it cracked, it arced, and that arc is what burned the woman. “

A woman suffered severe burns to her torso and left arm and was taken by helicopter the burn unit at UC Davis Medical Center in Sacramento. Two others aboard suffered minor injuries from the power line arcing.

The pilot identified himself to passengers at “Bob” and said he had 42 years experience piloting hot air balloons. Lang said the pilot seemed “out of it.”

“We hit the tops of trees after the first set of power lines. ‘Bob, you’ve got another set of power lines coming. You’ve gotta get up!’ And then, you know, he got us up,” remembered Lang. “It was at our request, not his action. He failed us.”

“He didn’t take control of anything,” said Joanne Lang, referring to the pilot.

Anton Lang estimated that the balloon was still traveling at 10 to 15 miles per hour when the basket finally hit the ground with a thud. He then tried to help the burned woman out of the basket.

The incident happened in full view of construction workers building a home just south of Yountville. At first, they were unfazed because hot air balloons landing are a near daily occurrence in the few open spaces between grape stakes in the Napa Valley.

“I didn’t see the flash. It was one of those things that happened and we didn’t know it was an emergency until we started seeing the emergency responders. And boy, there was a lot of them,” witness Franz Gorski told KPIX 5.

Monday evening the Langs were still shaken and have questions.

“Did he not see it? Was he depressed? Was he on medication? Was he....it’s been haunting me all day,” said Anton Lang.

According to FAA records, the balloon in question was built in 2017. Under FAA rules, it must be inspected after every 100 hours of flight.

The FAA is investigating the incident. KPIX 5 reached out to Balloons Above the Valley for comment Monday night, but the company refused to respond.

# **EXHIBIT N-18**



## National Transportation Safety Board Aviation Accident Preliminary Report

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Location:	St. Helena, CA	Accident Number:	WPR19TA110
Date & Time:	04/14/2019, 1213 PDT	Registration:	N355WC
Aircraft:	Kubicek BB100	Injuries:	1 Serious, 2 Minor, 14 None
Flight Conducted Under:	Part 91: General Aviation - Business - Sightseeing		

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On April 14, 2019, at 1213 Pacific daylight time, a Balony Kubicek SPOL SR BB100Z hot air balloon, N355WC, sustained minor damage during a landing in St. Helena, California. The commercial pilot and 13 passengers were not injured. Two passengers received minor injuries and one passenger was seriously injured. The balloon was registered to Eagle Point Endeavors and operated by Wine Country Balloons under the provisions of Title 14 *Code of Federal Regulations* Part 91 as a revenue sightseeing flight. Visual meteorological conditions prevailed and a flight plan was not filed for the local flight, which departed Charles M. Schulz – Sonoma County Airport (STS), Santa Rosa, California at 0938.

According to the pilot, his weather planning had showed that prevailing winds were from the northwest about 3,000 ft, which was his planned cruise altitude. Additionally, the owner of the balloon company had independently determined that the wind was traveling towards STS. After delivering a safety briefing to his passengers, the pilot uneventfully launched from his position about 4 nm north of STS. Shortly after departure, the pilot discovered the balloon was moving to the northwest. He climbed and descended to find more favorable winds, but was unsuccessful. The winds then started to push the balloon towards the east into a series of hills. He informed the ground crew that he would be landing in an area about 9 nm southeast of his departure site, but overflew it.

Approximately 55 minutes into the flight, the pilot's two-way radio stopped functioning and he was forced to communicate with the ground crew using his cell phone. Global positioning system data furnished by the operator showed the balloon momentarily head northeast and descend to the surface and then climb to the southeast. The balloon traversed a ridge and the pilot informed a separate crew that he intended to land in St. Helena as he did not want the balloon to reach Napa. As the balloon was hooking backward into a hillside, the pilot rotated the balloon 180° and observed an open area near a vineyard. He advised the passengers to secure themselves and bend their knees, as they had discussed previously. The balloon descended over power lines and a residence, but the winds started blowing the balloon to the north toward the vineyard. The pilot intentionally descended the balloon onto a blackberry bush to land. After it made contact, the balloon got stuck in the bush and the momentum from

the balloon canopy pulled the basket forward and caused it to swing like a pendulum. The basket impacted the ground at an angle and came to rest.

#### Aircraft and Owner/Operator Information

Aircraft Make:	Kubicek	Registration:	N355WC
Model/Series:	BB100 Z	Aircraft Category:	Balloon
Amateur Built:	No		
Operator:	Wine County Balloons	Operating Certificate(s) Held:	None

#### Meteorological Information and Flight Plan

Conditions at Accident Site:	Condition of Light:
Observation Facility, Elevation: , 117 ft msl	Observation Time: 1153 PDT
Distance from Accident Site: 15 Nautical Miles	Temperature/Dew Point: 17° C / 9° C
Lowest Cloud Condition: Few / 25000 ft agl	Wind Speed/Gusts, Direction: 6 knots / , 160°
Lowest Ceiling:	Visibility: 10 Miles
Altimeter Setting: 29.94 inches Hg	Type of Flight Plan Filed:
Departure Point:	Destination:

#### Wreckage and Impact Information

Crew Injuries:	1 None	Aircraft Damage:	Minor
Passenger Injuries:	1 Serious, 2 Minor, 13 None	Aircraft Fire:	None
Ground Injuries:	N/A	Aircraft Explosion:	None
Total Injuries:	1 Serious, 2 Minor, 14 None	Latitude, Longitude:	38.443333, -122.046667

#### Administrative Information

Investigator In Charge (IIC):	Stephen R Stein
Additional Participating Persons:	
Note:	The NTSB did not travel to the scene of this accident.

# **EXHIBIT N-19**

• Jan 24, 2016 Updated Apr 3, 2019

[Maria Sestito](#)

A woman from El Paso, Texas, has filed a lawsuit in Napa County Superior Court against Balloons Above the Valley, claiming she was injured during a hard landing and dragged under the basket.

Melanie Rodriguez filed her suit on Jan. 8 against the Napa-based ballooning company. She continues to incur medical and hospital bills and suffers from lost income, the suit contends.

Due to “bad weather” over Napa Valley, passengers, including Rodriguez and her friend, took off from Winters in Yolo County on the morning of Feb. 15, 2014. The balloon was piloted by Robert Barbarick, the founder of Balloons Above the Valley, according to the suit.

After an hourlong ride, Barbarick allegedly instructed the male passengers to get to the outside of the basket and the women to get in the middle as he prepared to land.

According to the suit, a worker on the ground told Barbarick not to land, saying, “Don’t land – landing other baskets – can’t help you now.”

“Instead of waiting for assistance, Robert Barbarick disregarded the warning and decided to land without aid in an open field,” the suit alleges, “causing (the balloon) to hit the ground and pitch the basket



violently forward, throwing Plaintiff out onto the ground and into the way of the oncoming basket.

“The basket subsequently collided against her person, then dragged her underneath for a period of time before the balloon aircraft was able to lift the basket and the occupants back off the ground.”

According to the suit, Rodriguez sustained “great physical and mental pain and suffering,” with injuries to her “neck, shoulders, arms, back, hips, legs and feet.”

She is suing Balloons Above the Valley and Barbarick for general and special damages, including the cost of medical services and supplies as well as lost income, past and future, according to the suit.

“Robert Barbarick was unfit and incompetent” to pilot the hot air balloon, and Balloons Above the Valley knew, or should have known, the risk involved with allowing him to pilot the aircraft, the complaint asserts.

Barbarick is a pioneer of Napa Valley hot air ballooning. He started flying balloons in 1977 and has over 6,800 hours of flying, according to the company’s website. “He works hard and is dedicated to keeping the balloon business safe, exciting and enjoyable for every passenger that flies with Balloons Above the Valley,” it reads.

Thomas Chesus, a Balloons Above the Valley representative, confirmed that Rodriguez did fly with the company, but said he did not immediately have any information regarding the alleged incident.

Company protocol is that passengers sign a passenger awareness form before taking off, which explains the risks that may be associated with

the activity, Chesus said. He also reported that the company will obtain discovery information and plans to respond appropriately.

The ballooning company has not yet filed response to the suit.

Register attempts over two days to get comments from Rodriguez's attorney were unsuccessful. Rodriguez is represented by Eric Arevalo and Nathaniel J. Patterson of Schumann Rosenberg out of Costa Mesa.

A case management conference is scheduled for June 16.

# **EXHIBIT N-20**

Alex Padilla  
California Secretary of State

## Business Search - Entity Detail

The California Business Search is updated daily and reflects work processed through Sunday, December 13, 2020. Please refer to document [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity. Not all images are available online.

### C1521682 PROFESSIONAL BALLOON PILOTS ASSOCIATION OF NAPA COUNTY

<b>Registration Date:</b>	01/03/1992
<b>Jurisdiction:</b>	CALIFORNIA
<b>Entity Type:</b>	DOMESTIC NONPROFIT
<b>Status:</b>	<b>SOS SUSPENDED</b>
<b>Agent for Service of Process:</b>	GABRIEL KRISTIAN GUNDLING 2433 TROWER AVE NAPA CA 94558
<b>Entity Address:</b>	4086 BYWAY E NAPA CA 94558
<b>Entity Mailing Address:</b>	PO BOX 2206 YOUNTVILLE CA 94599

*This entity is not eligible for online records requests. To order a Certificate of Status, please complete and return the [Business Entities Records Order Form](#)*

Document Type	↕	File Date	↕	PDF
SI-COMPLETE		01/30/2014		
SI-COMPLETE		01/31/2012		
REGISTRATION		01/03/1992		

\* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code [section 2114](#) for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to [Name Availability](#).
- If the image is not available online, for information on ordering a copy refer to [Information Requests](#).
- For information on ordering certificates, status reports, certified copies of documents and copies of documents not currently available in the Business Search or to request a more extensive search for records, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Frequently Asked Questions](#).

[Modify Search](#)
[New Search](#)
[Back to Search Results](#)

# **EXHIBIT N-21**



# Revoked exempt organizations list

Use this list to find a California organization whose tax-exempt status has been revoked by Franchise Tax Board. The list is updated monthly and replaced when updated.

The list contains the following information:

- Entity ID – Corporation or organization number.
- Entity name – No punctuation or symbols displayed.
- City – City from entity mailing address.
- Revocation Status Date – Date Franchise Tax Board revoked tax-exempt status.

**Important:** Due to the large size of these files, they may take a few minutes to open.

Total number of organizations on this list: 108,140

## Revoked Exempt Organizations Lists

# – M	N – Z
<a href="#">XLSX (Microsoft Excel Workbook format)<sup>4</sup> (2.87 MB)</a>	<a href="#">XLSX (Microsoft Excel Workbook format)<sup>5</sup> (2.31 MB)</a>

### Related content

- [Charities and nonprofits<sup>1</sup>](#)
- [Revoked exempt organizations list<sup>2</sup>](#)
- [Types of exemptions<sup>3</sup>](#)

### Links in this document / Enlaces en este documento

1. <https://www.ftb.ca.gov/file/business/types/charities-nonprofits/index.html>
2. <https://www.ftb.ca.gov/file/business/types/charities-nonprofits/revoked-entity-list.html>
3. <https://www.ftb.ca.gov/file/business/types/charities-nonprofits/types-of-exemptions.html>
4. <https://www.ftb.ca.gov/file/business/types/charities-nonprofits/revoked-exempt-organizations-list1.xlsx>
5. <https://www.ftb.ca.gov/file/business/types/charities-nonprofits/revoked-exempt-organizations-list2.xlsx>

1587794	PRODUCTIVE YOUTH UNLIMITED	OAKLAND	6/1/2012
2240856	PROE SOUTHERN CALIFORNIA USER GROUP	PLACENTIA	12/3/2003
2500619	PROF BK SHRIVASTAVA INTERNATIONAL DRUG CONTROL FOUNDATION	SAN FRANCISCO	5/29/2008
2673127	PROFAMILY LAW CENTER	TEMECULA	7/12/2012
0565442	PROFESSIONAL ACTION FOR COMMUNITY EDUCATION AND RESEARCH FO	SN DIEGO	2/3/2010
3141633	PROFESSIONAL ARTISTS FOR COMMUNITY THEATRE INC	ANAHEIM	11/22/2016
1225465	PROFESSIONAL ASSOCIATION OF COMPUTER EDUCATORS	SAN FRANCISCO	11/9/2004
2294981	PROFESSIONAL ASSOCIATION OF PARASAIL OPERATORS	SAN DIEGO	4/8/2010
1511267	PROFESSIONAL ASSOCIATION OF SECRETARIAL SERVICES OF NORTHERN CALIFOR	EL SOBRANTE	6/1/2011
9766982	PROFESSIONAL ASSOCIATION OF TULARE COUNTY PHYSICIANS	EXETER	5/16/2013
1226554	PROFESSIONAL ATHLETES MINISTRY INC	CONCORD	8/19/2011
0689909	PROFESSIONAL AVIATION FLYING CLUB	NEWARK	6/7/2001
1521682	PROFESSIONAL BALLOON PILOTS ASSOCIATION OF NAPA COUNTY	YOUNTVILLE	5/16/2013
0588292	PROFESSIONAL BASEBALL SCOUTS OF NORTHERN CALIFORNIA INC	SAN MATEO	9/6/2001
3112380	PROFESSIONAL BASEBALL SCOUTS OF SOUTHERN CALIFORNIA INC	LONG BEACH	5/17/2016
1883566	PROFESSIONAL BOOKKEEPERS ASSOCIATION OF CONTRA COSTA COUNTY	PLEASANTON	11/13/2001
1675333	PROFESSIONAL BUSINESS SCHOOLS INC	SACRAMENTO	7/5/2001
2167601	PROFESSIONAL CAREER DEVELOPMENT INC	PARAMOUNT	3/5/2002
2587799	PROFESSIONAL CHRISTIAN WOMENS CONNECTION	SAN DIEGO	9/24/2019
3220977	PROFESSIONAL CLIMBERS INTERNATIONAL	SANTA ROSA	9/3/2013
2154187	PROFESSIONAL COACHES OF BEACHSAND VOLLEYBALL INCORPORATED	HERMOSA BEACH	11/17/2015
0918765	PROFESSIONAL COLLEGE WOMENS ORGANIZATION	PORT HUENEME	3/5/2002
1813779	PROFESSIONAL COMMUNICATIONS ASSOCIATION	PASADENA	9/6/2001
1541356	PROFESSIONAL CREDIT UNION WOMENS ASSOCIATION	CITRUS HTS	6/7/2001
2443737	PROFESSIONAL DANCE HALL OF FAME	W HOLLYWOOD	9/9/2015
3873501	PROFESSIONAL DEVELOPMENT COLLECTIVE	SAN DIEGO	5/21/2019
0735746	PROFESSIONAL EDUCATION RESEARCH PROGRAM	EL GRANADA	11/20/2017
0585482	PROFESSIONAL EDUCATORS ASSOCIATION	ACTON	4/2/1990
0596329	PROFESSIONAL EDUCATORS GROUP OF CALIFORNIA INC	LIVERMORE	3/5/2002
0564993	PROFESSIONAL EDUCATORS OF LANCASTER	LANCASTER	10/1/1990
0802850	PROFESSIONAL EDUCATORS OF LONG BEACH	LAKEWOOD	8/8/2001
0626552	PROFESSIONAL EDUCATORS OF LOS ANGELES	VAN NUYS	1/22/2010
9793718	PROFESSIONAL EMBALMERS UNION LOCAL 9049 TRUST FUND	SN FRAN	3/1/1985

# **EXHIBIT N-22**





Andrew K. Rauch, APC.  
rauch@rauchapc.com

110 West C Street, Suite 2200  
San Diego, CA 92101  
Phone: (619) 515-1140  
Fax: (619) 235-9100

November 18, 2019

**VIA U.S. MAIL & EMAIL**

The Professional Balloon Pilots Association of Napa County, Inc.  
P.O. Box 2206  
Yountville, CA 94599  
Email: info@napavalleyballoons.com

**RE: *Request to Halt Balloon Activities During High Fire Danger Weather***

Dear Ladies and Gentlemen:

I represent homeowners, business owners and farmers in the Napa Valley. Our organization is known as the Neighbors Against Privacy Abuse Coalition or the NAPA Coalition.

We are reaching out to you as your neighbors in the Napa Valley and ask that you respond immediately to an urgent concern. Specifically, we ask that you suspend all balloon flight operations for Wednesday and Thursday of this week.

We have just been notified by the Napa County Office of Emergency Services that PG&E is preparing a Public Safety Power Shutoff ("PSPS") from early Wednesday morning into Thursday for Napa County. PG&E explains on its official website the reasons for such actions:

No single factor drives a Public Safety Power Shutoff, as each situation is unique. PG&E carefully reviews a combination of many criteria when determining if power should be turned off for safety. These factors generally include, but are not limited to:

- A Red Flag Warning declared by the National Weather Service
- Low humidity levels, generally 20 percent and below
- Forecasted sustained winds generally above 25 mph and wind gusts in excess of approximately 45 mph, depending on location and site-specific conditions such as temperature, terrain and local climate
- Condition of dry fuel on the ground and live vegetation (moisture content)
- On-the-ground, real-time observations from PG&E's Wildfire Safety Operations Center and field crews

As your neighbors, we believe that these conditions demand cessation of your operations while these conditions are in effect. As the public utility has recognized that we all must do our part to reduce the risk of fire danger, we believe that it is your responsibility to do so, as well. The National Weather Service warns in these conditions: "Sparks or embers can blow into leaves or grass, ignite a fire, and quickly spread."

November 18, 2019

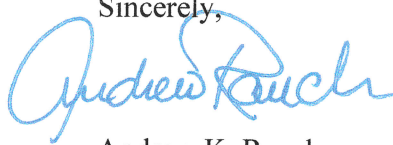
You should certainly be cognizant of the tremendous loss and devastation that resulted to our neighbors up valley and in nearby Sonoma County. Any risk at these times to those who love the Napa Valley should be treated seriously.

Every hot air balloon uses one or more burners to heat up the air inside the balloon. These burners are usually fueled by liquid propane. The burners mix the fuel with air and ignites the mixture, which creates a flame directly underneath the bottom opening of the hot air balloon. These are large and powerful open flames, just the type to be avoided in high fire danger.

At the time our community is exercising all caution to prevent wildfires, we ask you to temporarily shut down the air flights over the Valley propelled by the large open flames on your balloons. Please let me know immediately that you will comply with our request.

We are certain that you don't want us to take legal action to compel you to do the neighborly thing to protect us all. Thank you for your anticipated cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Andrew Rauch". The signature is fluid and cursive, with the first name "Andrew" and last name "Rauch" clearly distinguishable.

Andrew K. Rauch

Email copy to: [melissa@balloonrides.com](mailto:melissa@balloonrides.com)

**From:** [Bordona, Brian](#)  
**To:** [Morrison, David](#); [Anderson, Laura](#); [Gallina, Charlene](#); [Hedge, Emily](#); [Valdez, Jose \(Louie\)](#)  
**Subject:** Fwd: Balloons Above the Valley appeal  
**Date:** Saturday, January 9, 2021 7:15:29 PM

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**From:** Don Rickard at Platypus Tours Limited <djrnickard@yahoo.com>  
**Sent:** Saturday, January 9, 2021 3:34:29 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** re: Balloons Above the Valley appeal

[External Email - Use Caution]

January 9, 2021

Dear Mr. Bordona:

Happy new year, and thanks so much for your service to our county!

I am writing today to express my support of my colleagues at Balloons Above the Valley in their effort to gain approval to launch their balloons from their property.

As the operator of my own visitor-oriented service company, I can attest that even notwithstanding this past horrific year, it has become increasingly difficult to operate such a business profitably.

In addition to providing tax revenues and much-needed jobs, companies like mine and BATV contribute a great deal to generating enthusiasm for our area among those considering a visit to our magnificent area. In fact, almost no one does this in a more inspiring fashion than do our friends in the hot air balloon business.

I hope you will take this into account when considering their application.

Warmest wishes,

Don

Don Rickard (founder)  
Platypus Tours Limited  
(707) 927-0672



**From:** [Hedge, Emily](#)  
**To:** [Valdez, Jose \(Louie\)](#)  
**Subject:** FW: Balloons over the Valley use permit  
**Date:** Monday, January 11, 2021 12:13:35 PM

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Emily Hedge  
Planner III  
Planning, Building, & Environmental Services  
County of Napa | 1195 Third Street, Room 210 | Napa, CA 94559  
(707) 259-8226 | [emily.hedge@countyofnapa.org](mailto:emily.hedge@countyofnapa.org)

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**From:** djsurvey4u <djsurvey4u@yahoo.com>  
**Sent:** Monday, January 11, 2021 11:51 AM  
**To:** Gregory, Ryan <Ryan.Gregory@countyofnapa.org>; Pedroza, Alfredo <Alfredo.Pedroza@countyofnapa.org>; Dillon, Diane <Diane.DILLON@countyofnapa.org>; Ramos, Belia <Belia.Ramos@countyofnapa.org>; Wagenknecht, Brad <BRAD.WAGENKNECHT@countyofnapa.org>; Anderson, Laura <Laura.Anderson@countyofnapa.org>; Bordona, Brian <Brian.Bordona@countyofnapa.org>; Hedge, Emily <Emily.Hedge@countyofnapa.org>; Claudino, Lisa <Lisa.Claudino@countyofnapa.org>; Tran, Minh <Minh.Tran@countyofnapa.org>; sgreenwood-meinert@coblentzlaw.com; tkscottco@gmail.com; bob@balloonrides.com  
**Subject:** Balloons over the Valley use permit

[External Email - Use Caution]

Monday  
1/11

To whom it may concern:

I am writing to ask that the use permit for Balloons over the Valley be approved.

I took a balloon rides once with Balloons Over the Valley several years ago and to this day it is still a cherished memory.

I encourage the Board to approve the appeal to allow this business to launch from its property.

Sincerely,  
Douglas Scranton