

EXHIBIT “A” (Clean)

BOARD OF SUPERVISORS APPEAL HEARING JANUARY 26, 2021 FINAL CONDITIONS OF APPROVAL

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

This Permit encompasses and shall be limited to the project commonly known as Balloons Above the Valley Hot Air Balloon Launch Site, located at 5360 Washington Street. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved.

Where conditions are not applicable or relevant to this project, they shall be noted as “Reserved” and, therefore, have been removed.

When modifying a legally established entitlement related to this project, these conditions are not intended to be retroactive or to have any effect on existing vested rights except where specifically indicated.

PART I

1.0 PROJECT SCOPE

This Permit encompasses and shall be limited to:

- 1.1 A hot air balloon launch site with the following operational characteristics:
 - a. Days of operation –225 days per year
 - b. Number of daily launches – Up to 8 balloons
 - c. Hours of operation:
 - 6:00 a.m. - Arrive at site.
 - 7:00 a.m. - Use of noise generating equipment (including, but not necessarily limited to fans and burners) and launches of balloons.
 - 9:30 a.m. - Site must be vacated.

The Hot Air Balloon Launch Site shall be utilized in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved. Any expansion of or change in use or alternative locations for

fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

2.0 STATUTORY AND CODE SECTION REFERENCES

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

3.0 MONITORING COSTS

All Staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions of approval and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the property owner or permittee. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until issuance of a Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee’s contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the permittee’s expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation proceedings in accordance with the County Code.

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

Permittee shall comply with the following during operation of the project:

- 4.1 GROUND WATER MANAGEMENT – WELLS **[RESERVED]**
- 4.2 AMPLIFIED MUSIC
There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, buildings.
- 4.3 TRAFFIC **[RESERVED]**
- 4.4 PARKING **[RESERVED]**
- 4.5 BUILDING DIVISION – USE OR OCCUPANCY CHANGES **[RESERVED]**
- 4.6 FIRE DEPARTMENT – TEMPORARY STRUCTURES **[RESERVED]**
- 4.7 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**

4.8 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, MECHANICAL EQUIPMENT, AND TRASH ENCLOSURE AREAS **[RESERVED]**

4.9 NO TEMPORARY SIGNS
Temporary off-site signage, such as “A-Frame” signs are prohibited.

4.10 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies’ requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

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

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify this permit.

4.11 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.12 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Days of operation –225 days per year. For purposes of this condition, the one year period commences on January 27th of each calendar year.
- b. Number of daily launches – Up to 8 balloons
- c. Hours of operation:
 - 6:00 a.m. - Arrive at site.
 - 7:00 a.m. - Use of noise generating equipment (including, but not necessarily limited to fans and burners) and launches of balloons.
 - 9:30 a.m. - Site must be vacated.
- d. Limit of 24 vehicles per day accessing the site.
- e. No use of the residential facilities by employees or guests.
- f. No food or beverage service.
- g. Access to the site is limited to the permittee and employees and guests participating in the launch.
- h. The permittee shall maintain records of the number of daily launches and the information shall be provided to the County upon request.
- i. Balloon launching activities and operations shall only be performed by permittee and its successors and assigns. The site shall not be subleased or rented by the permittee to any other entity for purposes of conducting any balloon launch and related activities.
- j. Administrative Permit P19-00235 shall become null and void when Use Permit P19-00303 becomes effective.

- k. In addition to the Federal Aviation Administration (FAA) balloon identification requirements, prior to any launches under this Permit the permittee shall place identifying information on all balloon baskets launched from the site. The identifying information shall include the letters “BATV” and be no less than 4-foot in size and identifiable from a minimum distance of 500 feet. The identifying letters shall be regularly maintained and repaired as necessary.
- l. The permittee shall undergo an administrative review with the Planning Division within one year of the issuance of the Use Permit to confirm the permittee is in good standing with the County pursuant to Section 18.104.400(G) of the Napa County Code. At a minimum, the following information shall be submitted to the Planning Division at least ten days in advance of the one year review to facilitate the review:
 - Launch records including the number of balloon launches and corresponding dates;
 - Landing site records including dates for landings that occurred at locations outside of intended landing sites;and
 - PBPANC records for the time period under review.
- m. Prior to commencing any launching operations authorized under this Permit, the permittee shall comply with Title 14 CFR Part 157 by submitting compliance with FAA Form 7480-1, and providing evidence of compliance with the FAA notification requirement to the Planning Division.

4.13 PREVIOUS CONDITIONS **[RESERVED]**

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full. This includes all fees associated with plan check and building inspections, associated development impact fees established by County Ordinance or Resolution, and the Napa County Affordable Housing Mitigation Fee in accordance with County Code.

6.0 GRADING/DEMOLITION/ENVIRONMENTAL/BUILDING PERMIT/OTHER PERMIT PREREQUISITES [RESERVED]

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

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

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

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

- 6.5 COLORS **[RESERVED]**
- 6.6 OUTDOOR STORAGE/SCREENING/UTILITIES **[RESERVED]**
- 6.7 MECHANICAL EQUIPMENT **[RESERVED]**
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- 6.14 PARCEL CHANGE REQUIREMENTS **[RESERVED]**
- 6.15 FINAL MAPS **[RESERVED]**
- 6.16 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS **[RESERVED]**
- 7.0 PROJECT CONSTRUCTION [RESERVED]**
 - 7.1 SITE IMPROVEMENT **[RESERVED]**
 - 7.2 ARCHEOLOGICAL FINDING **[RESERVED]**
 - 7.3 CONSTRUCTION NOISE **[RESERVED]**
 - 7.4 CONSTRUCTION MITIGATION MEASURES **[RESERVED]**
- 8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES [RESERVED]**
- 9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES [RESERVED]**

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PART I

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- a. Days of operation – ~~365~~ 225 days per year
 - b. Number of daily launches – Up to 8 balloons
 - c. Hours of operation:
 - 6:00 a.m. - Arrive at site.
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A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

MEMORANDUM

To: Emily Hedge, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: August 19, 2020	Re: Balloons Above the Valley APN 036-130-029 File #P19-00303

Environmental Health staff has reviewed an application requesting approval to launch hot air balloons from the parcel as described and depicted in application materials. Please incorporate the following conditions if the application is approved:

1. The use of the wastewater system disposal area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.