



Agenda Date: 3/19/2008  
Agenda Placement: 8C

## Planning Commission Board Agenda Letter

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**TO:** Planning Commission  
**FROM:** John McDowell for Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** John McDowell, Deputy Director - 299-1354  
**SUBJECT:** Hot Air Balloon Ordinance Extension

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### **RECOMMENDATION**

#### **ORDINANCE #P08-00116-ORD - EXTENSION OF BALLOON LAUNCHING ORDINANCE**

**Request:** Proposed Ordinance #P08-00116-ORD of the Board of Supervisors of the County of Napa, State of California, amending sections 18.120.010 and 18.126.070 of the Napa County Code to remove the two-year limitation and sunset provision regarding permits for hot air balloons

**Staff Recommendation:** Approval of the ordinance with inclusion of a new sunset provision of 5 years rather than no sunset provision.

### **EXECUTIVE SUMMARY**

On May 2, 2008, the ordinance allowing hot air balloons to launch from private property will expire. The proposed ordinance will extend the current standards that originally went into effect in May, 2006. The current ordinance allows balloon companies to obtain use permits and administrative permits within any zoning district upon completion of a public review process. In the last two years, three administrative permits have been granted allowing up to 50 attempted launches. No use permits have been requested. Use permits are required to launch greater than 50 times per year from a designated site. The ordinance also requires hot air balloon companies to operate in accordance with a code of conduct. Two complaints have been received by the Planning Department in the last two years. One in June of 2006, and one in April of 2007. Both issues appears to have been satisfactorily resolved. Although not contained in the proposed ordinance language (attached), staff is recommending that the new ordinance include a 5 year sunset clause to address comments raised by the agricultural community.

**Recommendation:** That the Planning Commission recommend to the Board of Supervisors adoption of the Hot Air Balloon Launching Site Ordinance, #P08-00116-ORD, as revised to include a 5 year sunset clause.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

**Environmentat Determination:** Categorically Exempt pursuant to Section 15305 of the California Environmental Quality Act. (Class 5) - Minor Alterations in Land Use Limitations [ See Guidelines for the implementation of CEQA at 14 CCR Section 15305; see also Napa County's Local Procedures for Implementing CEQA, Appendix B.]

### **BACKGROUND AND DISCUSSION**

**Ordinance History:** In April, 2006, after several contentious hearings before the Planning Commission, the Board of Supervisors adopted a hot air balloon ordinance which created standards for launching balloons on privately owned property within any zoning district. The Ordinance established two permitting processes. Administrative permits approved by the Director of Conservation, Development and Planning were allowed on properties where 50 or fewer attempted launchings per year would occur. A use permit granted by the Planning Commission was required if greater than 50 attempted launches per year would occur at a property.

Over the last two years, three administrative permits have been issued with launch sites located at Provenance Winery on Highway 29, Jaeger Vineyards on Big Ranch Road, and the very recent approval of a site at Combs Brothers Vineyard on Solano Avenue at Hoffman Lane. The current ordinance will expire on May 2, 2008. If the ordinance is not extended, launching from privately owned unincorporated property will not be permitted, and the three existing administrative permits will be nullified. Launching from within city limits and the County Corporation Yard near Rector Reservoir will not be impacted.

**Proposed Ordinance:** The proposed ordinance simply perpetuates the standards and processes currently in effect. If approved, the three existing administrative permits would remain and no re-processing of their permits would be necessary. None of the existing requirements would change.

Staff is recommending that a 5 year sunset clause be included in the final version of the ordinance forwarded to the Board of Supervisors to address comments raised by agricultural interests who are concerned that code of conduct violations may increase should launching be permanently allowed. Staff is recommending the sunset clause because it will maintain the status quo and truce between balloon advocates and agriculture. At present, neither farmers nor balloonist are completely satisfied with the current ordinance and there is insufficient time and resources available to undertake a full-scale re-evaluation of balloon launching standards at this time. A comprehensive zoning code update is planned to occur within the upcoming five years, which would be an appropriate forum to fully address and vet hot air balloon launching standards, and consider those standards in context with all other zoning updates. Adoption of this ordinance will simply bridge the gap until that comprehensive code update occurs.

**Zoning Compliance History:** In April 2007, a neighbor informally complained about a launch that occurred at Provenance Winery, a site permitted to Calistoga Balloon Company. The launching apparently occurred on a portion of the site much closer to the neighbors than the location approved in the permit. According to the gentleman complaining it only happened one time.

In June 2006, shortly after the original ordinance was adopted, a complaint from a winery/vineyard owner was submitted after a landing occurred within the complainant's vineyard that damaged vines and property improvements. Balloons Above the Valley indicated that they had a malfunction in the fuel system and had to make an emergency landing in the vineyards. Balloons Above the Valley paid for all damages to the property (as well as their balloon) and the case was closed. Staff is of the understanding that the vineyard owner considered the matter fully resolved in 2006.

### **SUPPORTING DOCUMENTS**

A . Proposed Hot Air Balloon Launching Site Ordinance

Planning: Approve  
Reviewed By: John McDowell