

ORDINANCE NO. _____

**AN ORDINANCE 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 BALLOON LAUNCHING SITES**

WHEREAS, on May 2, 2006, the Board of Supervisors adopted Ordinance No. 1276 allowing: (1) hot air balloon launching sites in any zoning district upon grant of a use permit; and (2) a maximum of fifty balloon launchings per year at the same location in any zone upon issuance of an administrative permit;

WHEREAS, Ordinance No. 1276 contained a two year sunset clause and further provided that any permits issued for hot air balloon launchings would remain in effect on a trial basis for two years or until May 2, 2008, at which time the Board could consider extending the ordinance or making it permanent;

WHEREAS, members of the hot air balloon industry have requested that Ordinance No. 1276 be extended or made permanent;

WHEREAS, the Board desires to adopt an ordinance making the provisions of Ordinance No. 1276 permanent by removing the two year sunset clause on permits issued for hot air balloon launchings;

NOW, THEREFORE, the Board of Supervisors of the County of Napa, State of California, ordains as follows:

SECTION 1. Section 18.120.010 (Exceptions to Use Limitations) of Chapter 18.120

(Exceptions) of Title 18 of the Napa County Code is amended to read in full as follows:

18.120.010 Exceptions to use limitations.

A. The following uses, in addition to those hereinbefore set forth, shall be allowed without a use permit in any zoning district:

1. Category 1 and 1A temporary events, as defined in Section 5.36.015;
2. Category 2A, 2B, 3, 4, and 5 and Subsequent Category 2A, 2B, 3, 4 and 5 temporary events as defined in Section 5.36.015 and conducted in accordance with Chapter 5.36; and special events as defined in Section 10.24.010 and conducted in accordance with a special events permit obtained in accordance with Chapter 10.24;
3. Commercial excavation or extraction of natural materials including, without limitation, geothermal, oil and gas resources so long as a surface mining permit has been issued pursuant to the provisions of Chapter 16.12 for those operations involving surface mining;
4. Distribution lines installed to convey gas and/or electricity locally to individual services or to another such line;

5. Cable television lines, and telephone lines other than long distance cables;
6. Cultivation of gardens;
7. Temporary sheds for the retail sale of agricultural products lawfully produced on the premises;
8. Hand-held, vehicular, or other portable transmitters or transceivers, including, but not limited to, cellular phones, CB radios, emergency services radio, and other similar devices;
9. Helicopter emergency use facility landing sites; and
10. Helicopter landings solely in support of direct agricultural production activities such as aerial spraying and frost protection.

B. The following uses may be permitted in any zoning district (or where restricted to certain zoning districts, in accordance with such restrictions) upon the grant of a use permit in each case:

1. (Reserved);
2. Personal use airports and heliports, and emergency medical services landing sites, provided, that such use permit is not effective unless and until any required permits, licenses, or other approvals from other federal, state, and local agencies (including the airport land use commission) have been obtained;
3. Commercial excavation or extraction of natural materials including, without limitation, geothermal, oil and gas resources;
4. Timber harvesting;
5. Sanitation treatment plants and oxidation ponds;
6. Electric transmission lines designed to carry large blocks of electric energy at a voltage of thirty-three kv or above from generating stations, between points of interchange, between transmission substations, to distribution stations or to large individual customers;
7. Gas transmission lines installed for the purpose of transmitting gas from a source or sources of supply to one or more distribution centers or to one or more large volume customers or to interconnect sources of supply;
8. Other public utility uses including, without limitation, warehouses, storage yards, gas holders, substations, electric generating plants, reservoirs, storage tanks, pumping stations and communication equipment buildings;
9. Other public and quasi-public uses not included elsewhere in this section other than telecommunication facilities;
10. Other provisions of this section to the contrary notwithstanding, the undergrounding of any electric, gas or telephone line shall require a use permit except:
 - a. Where the entire length of the line to be underground is covered by an encroachment permit, or
 - b. The entire length of the line to be undergrounded lies between a distribution line on a street and an individual service connection;
11. Churches;
12. Cemeteries;
13. Child day care center in existing structures developed for public assembly (i.e., churches, meeting halls, public and private schools) and in existing nonconforming commercial buildings;
14. Temporary real estate offices for the sale of properties developed pursuant to a development plan for the site;
15. Provided that the property to be developed is located within a railroad right-of-way in existence as of January 1, 1988, and notwithstanding any other provision of this code,

tourist and excursion transportation facilities may be permitted, subject to the issuance of a conditional use permit pursuant to Sections 18.124.010 through 18.124.080; and

16. Hot air balloon launching sites so long as the approving agency can make all of the findings contained in Section 18.104.400 ~~provided, however, that the use permit shall be valid for only two years from the date of issuance, or until May 2, 2008 or until said permit is revoked, whichever date comes first.~~

C. Minimum lot area regulations applicable to any zoning district may be waived by the commission in connection with issuance by it of a use permit for any use set forth in subsections (B)(7) and (8) of this section.

D. The following uses shall be allowed in any zoning district upon issuance of an administrative permit in accordance with Chapter 18.126:

1. A home occupation; provided, however, that notwithstanding Section 18.08.310, a bed and breakfast shall not be considered a home occupation;

2. Directional, identification, temporary off-site and agricultural signs;

3. A temporary trailer;

4. An application for an extension of time for a previously issued administrative permit for a temporary trailer; and

5. Hot air balloon launching sites involving fifty or fewer days of launches or attempted launches at the same site per year and in accordance with the standards contained in subsection (O) of Section 18.126.060.

SECTION 2. Section 18.126.070 (Expiration and renewal) of Chapter 18.126

(Administrative Permits) of Title 18 of the County Code is amended to read as follows:

18.126.070 Expiration and renewal.

A. A permit for a construction trailer, farm labor trailer, medical or caregiver trailer, office trailer or watchman trailer shall be valid for one year from the date of issuance. Upon expiration of the permit, the trailer shall be immediately removed from the property. A permittee with a valid permit for a temporary trailer may, at least thirty days prior to expiration of the permit, apply for a one year extension of said permit in the same manner and according to the same procedures as herein provided for issuance of the original permit. An application for renewal shall be accompanied by a fee in the amount established by resolution of the board of supervisors.

B. Except as provided in subsection (A) or (C) of this section, all other administrative permits issued pursuant to this chapter shall be valid for an indefinite period of time unless otherwise indicated.

C. A permit for a hot air balloon launching site shall be valid for an indefinite period of time unless only two years from the date of issuance, or May 2, 2008 or until the permit is revoked, whichever comes first. ~~A permit may be~~ revoked or suspended by the zoning administrator upon ten days prior notice to the permittee of a hearing before the zoning administrator for a violation of any of the standards contained in subsection (O) of Section 18.126.060 or if the continued use of the property for hot air balloon launchings will be injurious to the public health, safety or welfare and/or if the permittee or a balloon operator using the permittee's site is no longer in good standing with the county as defined in subsection (G) of Section 18.104.400.

SECTION 3. Any hot air balloon launching permits issued pursuant to Ordinance No. 1276 prior to May 2, 2008, and in good standing shall be considered valid and remain in effect indefinitely until the permit is revoked or suspended by the zoning administrator.

SECTION 4. After a preliminary review of the Project, the Planning Department determined that this ordinance would not have a significant effect on the environment and is exempt from the California Environmental Quality Act. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, will not cause substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works. [See Class 5 (“Minor Alterations in Land Use Limitations”) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15305; see also Napa County’s Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

SECTION 5. If any section, subsection, sentence, clause, phrase or word of this chapter is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of the County of Napa hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 6. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 7. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

The foregoing ordinance was introduced and public hearing held thereon before the Napa County Conservation, Development and Planning Commission at a regular meeting of the Commission on the ____ day of _____, 2008, and was passed at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the ____ day of _____, 2008, by the following vote:

AYES:	SUPERVISORS	_____
NOES:	SUPERVISORS	_____
ABSTAIN:	SUPERVISORS	_____
ABSENT:	SUPERVISORS	_____

BRAD WAGENKNECHT, CHAIR
Napa County Board of Supervisors

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: _____

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Laura J. Anderson (by e-signature)</u> Deputy County Counsel</p> <p>By: <u>Sue Ingalls (by e-signature)</u> County Code Services</p> <p>Date: <u>March 3, 2008</u></p>
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<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____</p> <p>Processed by: _____ Deputy Clerk of the Board</p>
