



A Tradition of Stewardship
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Agenda Date: 1/26/2021
Agenda Placement: 13B
Set Time: 11:30 PM
Estimated Report Time: 15 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Laura Anderson for Jeffrey Brax - County Counsel
County Counsel
REPORT BY: Laura Anderson, Deputy County Counsel - 259-8252
SUBJECT: Balloons Above the Valley Appeal Findings of Fact

RECOMMENDATION

County Counsel requests consideration and adoption of a Resolution of Findings of Fact and Decision on Appeal regarding an appeal filed by Robert Barbarick on behalf of Balloons Above The Valley to a decision by the Napa County Planning Commission to deny Use Permit No.P19-00303 regarding a hot air balloon launching and related activities on the property located at 5360 Washington Street, Napa, California, APN: 036-130-029.

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5.

(CONTINUED FROM JANUARY 12, 2021)

EXECUTIVE SUMMARY

At the appeal hearing on January 12, 2021, the Board received a staff report and heard and considered evidence submitted from Appellant (Applicant) and members of the public regarding the Appeal. After considering all of the evidence presented, the Board closed the public hearing and adopted a motion of intent to: (1) uphold the Appeal; (2) reverse the Planning Commission's decision; and (3) approve the Project and Use Permit No. P19-00303 subject to Revised Conditions of Approval (COA). The Board directed Staff to return on January 26, 2021, with a Resolution of Findings of Fact and Decision on Appeal (the Resolution) reflecting the Board's intent as expressed.

Staff has prepared a proposed Resolution (Attachment A) that reflects the Board's intent as expressed on January 12, 2021, which was shared with Appellant's counsel. Appellant concurred in writing that the Resolution accurately reflected the Board's intent and agreed to the Revised Conditions of Approval (See Attachments B and C). The

public hearing is closed. Public comment is limited to whether or not the proposed Resolution accurately reflects the Board's intent as expressed on January 12.

PROCEDURAL REQUIREMENTS

1. Staff Report.
2. Chair invites Appellant and interested parties to comment on the proposed findings.
3. Motion, second, discussion and vote on the findings.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No
County Strategic Plan pillar addressed: Effective and Open Government

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5.

BACKGROUND AND DISCUSSION

At the appeal hearing on January 12, 2021, the Board received a staff report and heard and considered evidence submitted from Appellant (Applicant) and members of the public regarding the Appeal. After considering all of the evidence presented, the Board closed the public hearing and adopted a motion of intent to: (1) uphold the Appeal; (2) reverse the Planning Commission's decision; and (3) approve the Project and Use Permit No. P19-00303 subject to Revised COA.

Attachment B reflects the Revised COA as follows:

1. The maximum number of hot air balloon launch days has been reduced from 365 days per year to 225 days per year (See Revised COA Project Scope No.1.1 (a) and COA No. 4.12 (a)).
2. The Appellant's voluntary agreement to self-identify the balloon baskets so that they are readily and easily identifiable (See Revised COA No. 4.12 (k)).
3. An administrative review of BATV's compliance with the Project conditions of approval one year after approval (See Revised COA No. 4.12 (l)).
4. A prohibition on subletting use of the launch site to other hot air balloon companies or operators except for successors or assigns of BATV (See Revised COA No.4.12 (i)).
5. The Appellant's requirement to submit FAA Form 7480-1 to the FAA, comply with FAA notification requirements and to provide evidence of such compliance to the Planning Division prior to commencing operations (See Revised COA No. 4.12 (m)).

Staff has prepared a proposed Resolution (Attachment A) that reflects the Board's intent as expressed on January 12, 2021, which was shared with Appellant's counsel. Appellant's counsel concurred in writing that the Resolution

accurately reflected the Board's intent and agrees with the Revised Conditions of Approval (Attachment C). The public hearing is closed. Public comment is limited to whether or not the proposed Resolution accurately reflects the Board's intent as expressed on January 12. Staff recommends that the Board adopt the Resolution.

SUPPORTING DOCUMENTS

- A . Resolution of Findings and Decision on Appeal
- B . Final BOS Revised COA
- C . Appellant's Concurrence

CEO Recommendation: Approve

Reviewed By: Helene Franchi