



Agenda Date: 3/21/2006  
Agenda Placement: 8B  
Set Time: 10:30 AM PUBLIC HEARING  
Estimated Report Time: 45 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** Steven Lederer, Deputy Planning Director, 253-4417  
**SUBJECT:** Public Hearing - Balloon Ordinance

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### **RECOMMENDATION**

First and final reading and adoption of an ordinance adding a new Section 18.104.400 (Hot Air Balloon Launching Site - Findings) and amending Sections 18.120.010, 18.126.030, 18.126.060 and 18.126.070 of the Napa County Code to allow: (1) Balloon launching sites in any zone upon grant of a use permit; and, (2) A maximum of thirty-six balloon launchings per year at the same location in any zone upon issuance of an administrative permit.

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption Class 5: It has been determined that this type of project does 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 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, 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.]

### **EXECUTIVE SUMMARY**

The proposed ordinance would permit balloon launching with a use permit where launches would occur more than 36 days per year, and would permit balloon launching with an administrative permit where launches would occur on 36 days or less. For launch sites requiring a use permit, the Planning Commission would hold a public hearing and would make certain findings. For launch sites requiring an administrative permit, the proposed ordinance would establish a noticing procedure and a certain conditions would have to be met. The proposed ordinance and any permits issued pursuant to the ordinance would remain in effect on a trial basis for two years.

On March 15, 2006, the County Planning Commission recommended that the Board of Supervisors not adopt the proposed ordinance.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: **Categorical Exemption Class 5:** It has been determined that this type of project does 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 will have 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, 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.]

**BACKGROUND AND DISCUSSION**

Supervisor Diane Dillon has suggested that the County address the need of hot air balloonists to find legal launch areas within the County by modifying Section 18.120.010 (Exceptions) of the zoning ordinance to permit establishment of balloon launching sites within any zoning district upon granting of a use permit, provided that certain conditions are met. At a hearing of the County Planning Commission on January 18, 2006, balloonists indicated that they felt this was too restrictive a process, and it became clear that there were a host of different possible outcomes, including:

1. Make no change and do not permit balloon launching in agricultural areas.
2. Allow new balloon launching sites to be established, but only with a use permit.
3. Allow new balloon launching sites to be established without a use permit.
4. Provide balloon companies with a license to launch from any site where the property owner consents.

At Planning Commission hearings on January 18, March 1, and March 15, balloon companies have advocated Option 4, and agricultural interests (Farm Bureau, Vintners) have advocated Option 1.

After some deliberation, County staff prepared a draft ordinance which would implement a blend of Options 2 and 3. Specifically, the draft ordinance would permit balloon launching with a use permit where launches would occur more than 36 days per year, and would permit balloon launching with an administrative permit where launches would occur on 36 days or less. The thinking behind this hybrid proposal is that (a) some additional launching sites are required if this important industry is to thrive; (b) neighbors need to receive notice of new launching sites, so simply issuing a license to a company who can use that license anywhere is not sufficient; but (c) a launch site that is used less frequently requires less in terms of processing and review than a site that is used more frequently.

On March 15, 2006 the Planning Commission heard testimony from a number of speakers representing various perspectives, including farmers, balloon operators, and neighbors. The Commission also received correspondence from the Balloon Pilots Association and the County's Agricultural Commissioner. Many

commenters suggested that balloon activities are *not* consistent with agricultural activities, and urged either no change to County regulations or only changes which constrain balloon launching activities to a few sites. The Commission voted to recommend that the Board of Supervisors not adopt the proposed ordinance, effectively keeping agricultural areas off-limits to balloon launching.

The proposed ordinance is attached, as is a staff report from the Planning Commission hearing. The staff report describes specific conditions that would be required for each launching facility under the proposed ordinance, and also includes a discussion of General Plan conformity.

### **SUPPORTING DOCUMENTS**

- A . March 15, 2006 Planning Commission Staff Report
- B . Draft Ordinance/Redline Version
- C . Draft Ordinance/No Redlines

CEO Recommendation: Approve

Reviewed By: Andrew Carey