



Agenda Date: 4/1/2008  
Agenda Placement: 9F  
Set Time: 9:45 AM PUBLIC HEARING  
Estimated Report Time: 1 Hour

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Gitelman, Hillary - Director  
Conservation, Development & Planning  
**REPORT BY:** John McDowell, Deputy Director - 299-1354  
**SUBJECT:** Public Hearing - Balloon Ordinance Extension

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### **RECOMMENDATION**

First and final reading and adoption of an ordinance 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 balloon launching sites and replace it with a five-year limitation and sunset provision.

**ENVIRONMENTAL 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 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**

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 launch days per site per year. 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. (The Planning Department was not involved in a complaint handled by the County's Public Works Department that was related to an unauthorized landing at Napa County Airport.) Both issues appears to have been satisfactorily resolved. The Planning Commission conducted a public hearing on the proposed ordinance on March 19, 2008, and recommended approval of the proposed ordinance and included a 5 year sunset clause recommended by staff to address comments raised by the agricultural community.

### **Procedural Requirements:**

1. Chair announces agenda item.

2. Chair declares the Public Hearing open.
3. Staff reports on the item.
4. Questions by the Board.
5. Chair invites public comments.
6. Chair declares the Public Hearing closed.
7. Chair reads the Ordinance Title.
8. Chair invites a motion to waive the balance of the reading of the ordinance.
9. Member moves waiving the balance of the reading of the ordinance.
10. Another member seconds the motion waiving the balance of the reading of the ordinance.
11. Chair calls for the Vote on the motion waiving the balance of the reading of the ordinance.
12. Chair announces the result of the vote on the motion waiving the balance of the reading of the ordinance.
13. Chair invites a motion to adopt the ordinance.
14. Member moves to adopt the ordinance.
15. Another member seconds the motion to adopt the ordinance.
16. Board discussion and debate on the motion to adopt the ordinance.
17. Chair calls for the Vote on the motion to adopt the ordinance.
18. Chair announces the result of the vote on the motion to adopt the ordinance.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

**Environmentatl 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**

Attached is the Planning Commission staff report which provides a background discussion of the existing ordinance. The proposed ordinance simply extends the current ordinance for five additional years. The current ordinance allows balloons to launch from any unincorporated property upon obtaining property owner permission, and grant of an administrative permit or use permit.

The Planning Commission conducted a public hearing on March 19, 2008. Staff, representatives of the balloon industry, and a representative of the Farm Bureau gave testimony. Most of the testimony centered around whether to extend the ordinance permanently, or to continue to include a sunset clause. Staff advocated inclusion of the sunset clause as a means to allow the currently proposed ordinance to move forward within the time available and maintain peace between balloon advocates and the agricultural community. As noted in the Planning Commission staff report, neither side is completely happy with the current ordinance and both are interested in seeking changes. It appears the agricultural community would like additional assurances that balloon launching and accessory uses to balloon launchings do not result in commercial activities expanding into agriculturally-designated areas. Staff believe the balloon industry would like to expand the number of launches allowed by administrative permits, and that permitting be simplified with reduced fees. Since the current ordinance expires on May 2nd, and since there is a 30-day period before the new ordinance can take effect, April 1st is the last day for

the Board to take action on the proposed ordinance without the existing ordinance lapsing.

At the conclusion of the hearing the Planning Commission voted unanimously (4-0-1) to recommend approval of the ordinance with inclusion of a five year sunset clause. The Commission gave serious consideration to extending the ordinance permanently, but ultimately agreed with staff that a permanent balloon ordinance would best be vetted at a later date with a more thorough public process. Staff noted that should the balloon industry wish to seek a permanent ordinance before any future County-initiated update, an application for a zoning text amendment can be made at any time.

#### **SUPPORTING DOCUMENTS**

- A . Proposed Ordinance - Document Original
- B . Proposed Ordinance - Tracked Changes Version
- C . Planning Commission Staff Report - March 19, 2008

CEO Recommendation: Approve

Reviewed By: Helene Franchi