



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 7/10/2018
Agenda Placement: 9B
Set Time: 9:05 AM PUBLIC HEARING
Estimated Report Time: 5 Minutes
Continued From: December 19, 2017

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Dana Ayers, Planner III - (707) 253-4388
SUBJECT: Amalia Palmaz Living Trust Appeal

RECOMMENDATION

Consideration and possible action regarding an appeal filed by Amalia Palmaz Living Trust to a decision by the Napa County Planning Commission on September 6, 2017 to deny the Amalia Palmaz Living Trust/Palmaz Personal Use Heliport (Use Permit #P14-00261-UP). The project requested approval for construction and operation of a personal use heliport and related facilities on approximately 0.5 acres on a 220.4-acre property located approximately two miles east of the City of Napa municipal boundary in the Agricultural Watershed (AW) zoning district. The property address is 4031 Hagen Road, Napa, California (Assessor's Parcel No. 033-110-808). In denying the project, the Planning Commission also denied an alternative location for the heliport, proposed by the applicant/appellant on a 46-acre parcel located on Assessor's Parcel No. 033-110-079, approximately one mile east of the project site.

ENVIRONMENTAL DETERMINATION: Draft and Final Environmental Impact Report prepared but not certified. (FEIR; State Clearinghouse No. 2015122030). This proposed project site is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5. State CEQA Guidelines Section 15270 provides: CEQA does not apply to projects which a public agency rejects or disapproves. A denial is not subject to CEQA review.
(CONTINUED FROM DECEMBER 19, 2017; APPELLANT AND STAFF REQUEST CONTINUANCE TO AUGUST 14, 2018 AT 11:00 AM)

EXECUTIVE SUMMARY

The matter before the Board involves the applicant's appeal of the Planning Commission's decision (4:1) to deny a use permit application for construction and operation of a personal use heliport and related facilities on approximately 0.5 acres of the 220.4-acre property located at 4031 Hagen Road, Napa. The Planning Commission also denied an alternative location for the heliport, proposed on a 46-acre parcel located on Assessor's Parcel No. 033-110-079, approximately one mile east of the project site. Pursuant to the County's appeals ordinance (Napa County Code Chapter 2.88) a public hearing on the appeal must be scheduled not less than fifteen days nor more

than ninety calendar days from submittal of an appeal. At Appellant's and staff's request, on December 19, 2017, the Board of Supervisors opened and continued the public hearing to July 10, 2018. The July date was selected so that the outcome of the Primary Election held on June 5, 2018, would be known. The heliport initiative known as Measure D which bans personal use heliports was one of the items on the ballot.

Elections Code Section 15372 provides that the elections official shall prepare a certified statement of the results of the Primary Election held on June 5, 2018 and submit it to the governing body within 30 days of the election. The Assessor-Recorder-County Clerk, in his capacity as ex-officio Registrar of Voters, sent the certified statement to the Board of Supervisors. Elections Code Section 15400 provides that the governing body (Board of Supervisors) shall declare the results of each measure voted on at the election. It is expected that on July 10th that the Board of Supervisors will declare that Measure D passed. Measure D will then become an ordinance that takes effect ten days thereafter. Once effective, the ordinance prohibits personal use heliports and therefore the pending appeal becomes moot. Staff and Appellant request that the appeal hearing be continued to August 14th at 11:00 a.m. at which time the Board is expected to dismiss the appeal as moot unless a legal challenge regarding the outcome of Measure D is filed.

PROCEDURAL REQUIREMENTS

- 1) Chair introduces item and opens public hearing.
- 2) Motion by a Board member and second by another Board member to continue the item to August 14, 2018 at 11:00 a.m.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

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BACKGROUND AND DISCUSSION

This matter involves the applicant's appeal of the Planning Commission's denial of a use permit application for construction and operation of a personal use heliport and related facilities. The project was denied by the Planning Commission on September 6, 2017. A single timely appeal was filed by the applicant subsequent to the Commission's action. Pursuant to the County's appeals ordinance (Napa County Code Chapter 2.88) a public hearing on the appeal must be scheduled not less than 15 days nor more than 90 calendar days from submittal of an appeal. It is requested that the appeal be heard on July 10, 2018. At Appellant's and staff's request, on December 19, 2017, the Board of Supervisors opened and continued the public hearing to July 10, 2018. The July date was selected so that the outcome of the Primary Election held on June 5, 2018, would be known. The heliport initiative known as Measure D which bans personal use heliports was one of the items on the ballot.

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SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: David Morrison