



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 8/14/2018  
Agenda Placement: 9C  
Set Time: 11:00 AM PUBLIC HEARING  
Estimated Report Time: 15 Minutes  
Continued From: December 19, 2017

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Jeffrey Brax - Acting County Counsel  
County Counsel  
**REPORT BY:** Laura Anderson, Deputy County Counsel - 259-8252  
**SUBJECT:** Amalia Palmaz Living Trust Appeal

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### **RECOMMENDATION**

Deny 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 helipad 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. 033-110-080). In denying the project, the Planning Commission also denied an alternative location for the helipad, 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:** Public Resources Code Section 20180(b)(5) and State California Environmental Quality Act (CEQA) Guidelines Section 15270 provide that 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, AND JULY 10, 2018)**

### **EXECUTIVE SUMMARY**

Staff recommends that the Board deny 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 helipad 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 helipad, 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 15 days nor more than 90 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 helipad initiative known as Measure D, which bans personal use airports and helipads, was one of the items on the ballot.

On July 10, 2018, Staff and Appellant requested that the appeal hearing be continued to today's date so that the results of the Measure D Initiative could be declared by the Board and the ordinance adopting the Measure D Initiative (Ordinance No. 2018-02) could take effect. Ordinance No. 2018-02 adopting the Measure D Initiative became effective on July 20, 2018.

The pending appeal is now moot because personal use helipads such as the one requested by Appellant are no longer allowed in Napa County. County Counsel's office has prepared a Resolution of Findings of Fact and Decision on Appeal for the Board's consideration. The Resolution provides the factual and legal basis for the Board to dismiss the appeal as moot. Staff recommends that the Board adopt the Resolution.

### **PROCEDURAL REQUIREMENTS:**

1. Chair introduces item and opens public hearing.
2. Chair invites Appellant and interested parties to comment on the Resolution.
3. Motion, second, discussion and vote on the Resolution.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

Public Resources Code Section 20180(b)(5) and State CEQA Guidelines Section 15270 provide that CEQA does not apply to projects which a public agency rejects or disapproves. A denial is not subject to CEQA review.

### **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 helipad and related facilities. The project was denied by the Planning Commission on September 6, 2017. A single timely appeal was filed by the Amalia Palmaz Living Trust and Amalia Palmaz Trustee (Appellant) 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. 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 helipad initiative known as Measure D, which bans personal use airports and helipads, 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. On July 10, 2018, Staff and Appellant requested that the appeal hearing be continued to August 14th so that the results of Measure D and that Ordinance No. 2018-02 adopting Measure D would have time to take effect. Ordinance No. 2018-02 codifying Measure D became effective on July 20, 2018.

The pending appeal is now moot because, as a result of the passage of Measure D, personal use helipads such as the one sought by Appellant are no longer allowed in Napa County. County Counsel's office has prepared a Resolution of Findings of Fact and Decision on Appeal for the Board's consideration. The Resolution provides the factual and legal basis for the Board to dismiss the appeal as moot. Staff recommends that the Board adopt the Resolution.

### **SUPPORTING DOCUMENTS**

A . Resolution of Findings

CEO Recommendation: Approve

Reviewed By: Helene Franchi