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A Commitment to Service

Agenda Date: 9/2/2020

Agenda Placement: 7A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: Emily Hedge, Planner III - 259-8226

SUBJECT: Balloons Above the Valley Hot Air Balloon Launching Site Use Permit P19-00303

RECOMMENDATION

BOB BARBARICK / BALLOONS ABOVE THE VALLEY / USE PERMIT #P19-00303-USE

CEQA Status: Consideration and possible adoption of a Negative Declaration. According to the Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: The Use Permit would allow daily launching of up to eight hot air balloons. Hours of operation would be 6:00 a.m. and 9:30 a.m. with launches starting no earlier than 7:00 a.m. Guests are picked up from prearranged locations such as lodging facilities or public sites (i.e. Oxbow Public Market) and driven to the site. Multiple balloons can be launched simultaneously depending on the weather. Following the launch, the transport vehicle(s) and equipment truck follow the balloon to the landing site, and then return guests to their pick up location and equipment to the equipment storage location. The project is located on a 2.03-acre parcel within the Agricultural Preserve zoning district, with a General Plan land use designation of Agricultural Resource (AR). The site address is 5360 Washington Street, Napa. APN: 036-130-029

Staff Recommendation: Adopt the proposed Negative Declaration and approve the requested Use Permit as conditioned.

Staff Contact: Emily Hedge, Planner III, 707-259-8226 or Emily.Hedge@CountyofNapa.org

Applicant Contact: Bob Barbarick, 603 California Boulevard, Napa, CA 94559, (707) 258-8888, bob@balloonrides.com

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Negative Declaration based on recommended Findings 1-7 in Attachment A; and
2. Approve the Use Permit based on recommended Findings 8-19 in Attachment A, and subject to the recommended Conditions of Approval in Attachment B.

Discussion:

On June 6, 2019, the Zoning Administrator approved Administrative Permit P19-00235 to allow balloon launchings on the site, in compliance with County Code Section 18.126.060(O). The administrative permit allows 50 or few launch days per year, based on the approval date. Hours of operation are between 5:30 a.m. and 9:30 am. Following approval, the applicant submitted the current Use Permit application to allow for unlimited annual launches on the site.

The Use Permit would allow daily launching of up to eight hot air balloons on the property. Hours of operation would be 6:00 a.m. and 9:30 a.m. with launches starting no earlier than 7:00 a.m. Guests are picked up from prearranged locations such as lodging facilities or public sites (i.e. Oxbow Public Market) and driven to the site. Generally, there are two transport vehicles per balloon to transport guests and one vehicle per balloon carrying equipment. Equipment, including balloons, trailers, fuel, and propane tanks, is brought to the site from the business' offsite storage site and set up for launching. According to the applicant, preparing for a launch takes approximately 15 minutes for the crew to unload the equipment and approximately 20 minutes for inflation of the balloon. Passengers are then loaded into the balloons and given a briefing from the pilot. Multiple balloons can be launched simultaneously depending on the weather. Following the launch, the transport vehicle(s) and equipment truck follow the balloon to the landing site. Guests are taken back to their pick up location and equipment is returned to the equipment storage location. Vehicles do not return to the launch site. As proposed, the permit would allow daily launches, throughout the year, however the applicant has estimated that due to seasonal variability and weather, actual launch days are estimated to be closer to 229 days per year. Additionally, scheduling appointments varies and potentially not all eight balloons would launch every day of operation. The applicant notes that summertime is busier due to more favorable weather conditions and higher tourist volumes; typically between one and eight balloons launch during a day. Wintertime is less favorable and typically between one and four balloons launch during a day.

Staff has reviewed the proposal and found it to be consistent with the Zoning Ordinance and applicable General Plan policies. Use of the site is limited to the hours of 6:00 a.m. to 9:30 a.m. which is consistent with County Code. The operations would not utilize any onsite resources, there is no physical development proposed to alter the site, no equipment is stored on the site, and all vehicles and equipment are removed from the site following the launches. All potential environmental impacts were found to be less than significant. Based on the reasons stated above, staff recommends approval of the project subject to the recommended conditions of approval.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Negative Declaration. According to the Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Property Owner/Applicant: Robert Barbarick, 603 California Boulevard, Napa, CA 94559, (707) 258-8888, bob@balloonrides.com

Zoning: Agricultural Preserve (AP)

General Plan Designation: Agricultural Resource (AR)

Filed: June 28, 2019; **Resubmittals:** September 4, 2019; November 11, 2019; January 1, 2020; **Complete:** February 7, 2020

Property Area: 2.03 acres

Existing Development: An approximately 1,500 square foot single family residence with an attached garage and a detached storage shed. The eastern 1.25 acres is undeveloped grass with some trees.

Proposed Development: None. Existing structures will not be used.

Launch Days: 365 days per year. Actual launch days are estimated to be closer to 229 days per year.

Hours of Operation:

6:00 a.m. - Arrive at site.

7:00 a.m. - Use of noise generating equipment (including, but not necessarily limited to fans and burners) and launches of balloons.

9:30 a.m. - Site must be vacated

Number of Employees: 48 employees. Includes the 8 balloon pilots; 16 drivers for transport vehicles; and 24 employees operating the equipment vehicles (3 employees per vehicle).

Adjacent General Plan Designation/ Zoning / Land Use:

All adjacent parcels have a General Plan designation of Agricultural Resource (AR) and a Zoning designation of Agricultural Preserve (AP). The adjacent properties to the north and west are developed with residential structures. The property is bordered to the east and south by one parcel, developed with a residence, agricultural structures, and planted in vineyards. Residential neighborhoods are located approximately 950 feet to the south of the site and across State Highway 29 and Solano Avenue approximately 800 feet to the southwest.

Parcel History:

On June 6, 2019, the Zoning Administrator approved Administrative Permit P19-00235 to allow balloon launchings in compliance with County Code Section 18.126.060(O). The permit allows 50 or fewer launch days per year. The one-year period begins on the approval date. Hours of operation are between 5:30 a.m. and 9:30 am. Between June 6, 2019, and June 5, 2020, the applicant launched on 47 days.

The current application, Use Permit P19-00303-UP, was submitted June 28, 2019. Upon issuance of this Use

Permit, the Administrative Permit would become null and void.

Code Compliance History:

Refer to discussion below.

Discussion Points

Setting - The 2.03-acre parcel is located in the unincorporated County, approximately 1.4 miles north of the City of Napa and 1.75 miles south of the Town of Yountville. The site is accessed via a private driveway off of Washington Street. The parcel is currently developed with an approximately 1,500 square foot single family residence with an attached garage and a detached storage shed. The eastern 1.25 acres is undeveloped grass with some trees. At the closest location, Dry Creek is approximately 1,300 feet from the southeastern corner of the property. The applicant is currently launching balloons from the proposed site under Administrative Permit P19-00235, which allows balloons to be launched on 50 or fewer launch days per year. Hours of operation are between 5:30 a.m. and 9:30 a.m. Between June 6, 2019, and June 5, 2020, the applicant launched on 47 days.

Hot Air Balloon Launch Requirements - In 2006, the Napa County Board of Supervisors approved Ordinance #1276, which created an Administrative Permit for a hot air balloon launching site involving fifty or few days of launches or attempted launches per year (County Code Section 18.126.030.G) and permitted hot air balloon launchings in any zoning district upon grant of a Use Permit (County Code Section 18.120.010.B.16) as long as the required findings can be made (County Code Section 18.104.400). Balloon launch operations are permitted between the hours of 5:30 a.m. and 9:30 a.m. The County regulates the land use, which permits the launching site and launch activity. Once the launch occurs, the balloon operation is subject to Federal Aviation Administration (FAA) Regulations.

The FAA was created to promote aviation safety by establishing safety standards for civil aviation. The FAA accomplishes this goal through the Code of Federal Regulations (CFR). Title 14 of the Code of Federal Regulations (14 CFR) part 61 pertains to the certification of pilots, flight instructors, and ground instructors. 14 CFR part 61 defines the eligibility, aeronautical knowledge, flight proficiency, as well as training and testing requirements for each type of pilot certificate issued. 14 CFR part 91 contains general operating and flight rules. The focus of interaction between the FAA Flight Standards Service and the aviation community and general public is the Flight Standards District Office (FSDO). These offices provide information and services for the aviation community, as well as perform accident investigation and the enforcement of aviation regulations. The FAA has an online hotline for reporting issues related to aviation safety or FAA personnel and facilities https://www.faa.gov/about/office_org/headquarters_offices/aae/programs_services/faa_hotlines/.

With the 2006 Ordinance, the County adopted the Code of Conduct for Balloon Operations in Napa County (Attachment E). The Code of Conduct describes that the Professional Balloon Pilots Association of Napa County, Inc. (PBPANC) was created to serve as a central contact point for local residents, landowners, and government officials, and to be a clearinghouse for information sharing among balloon companies regarding concerns and complaints about specific balloon operations or operators. Both the code section for Administrative Permit for Balloon Launching and the Findings for a Hot Air Balloon Launching Site Use Permit require the permittee to agree to be bound by the Code of Conduct. The Code of Conduct includes Ground Operations, Flight Operations, Individual Company Responsibilities, and PBPANC Responsibilities. The Code notes that because of the nature of hot air ballooning, the industry cannot guarantee 100% compliance with every aspect of the code on every flight day. Furthermore, the Code of Conduct includes compliance with FAA flight height regulations. The FAA flight regulations require hot air balloons to ascend to a certain minimum altitude (FAR § 91.119) of 500 feet or 1,000 feet, depending on the density of the area, and stay above this minimum altitude, pending unforeseen weather happenings. This is an FAA requirement, and flight levels are not enforced by the County.

County Code Section 18.104.400(G) states that "The permittee and each balloon operator utilizing the permittee's launch site agree to conduct their operations so as to remain in good standing with the county. For purposes of this section, "in good standing with the county" means that within the last twelve-month period, the county has not received more than three verified complaints or a number of verified complaints equivalent to three percent of the total number of launches, whichever is greater. All complaints must be: (1) submitted on a form provided by the planning department for verification; and (2) submitted by a property owner or resident who has certified that the permittee or a balloon operator using the permittee's launch site has landed on the property owner's or resident's property without permission." The Hot Air Balloon Launching Notice of Trespass Form is included in Attachment F.

Review of PBES records show issuance of seven administrative balloon launch permits since 2012, including the 2019 permit for the subject site. In 2004, the Planning Commission approved Use Permit Modification #03476-MOD, to the Red Hen Complex, which permitted a maximum of four balloon launches per day from the south parking lot of the complex (5091 St. Helena Highway; APN 035-031-009). The permit was approved July 21, 2004, and included a condition of approval regarding expiration of the permit on July 31, 2005. The applicant could apply to extend the permit for up to a one year period after a public hearing before the Planning Commission to extend the Use Permit. On June 1, 2005, the Planning Commission modified the previous condition to extend the expiration date to October 13, 2005.

Project Proposal - The Use Permit would allow daily launching of up to eight hot air balloons. Hours of operation would be 6:00 a.m. and 9:30 a.m. with launches starting no earlier than 7:00 a.m. Guests are picked up from pre-arranged locations such as lodging facilities or public sites (i.e. Oxbow Public Market) and driven to the site. Generally, there are two transport vehicles per balloon to transport guests and one vehicle per balloon carrying equipment. Equipment, including balloons, trailers, fuel, and propane tanks, is brought to the site from the business' offsite storage site (603 California Boulevard, Napa) and set up for launching. According to the applicant, preparing for a launch takes approximately 15 minutes for the crew to unload the equipment and approximately 20 minutes for inflation of the balloon. Passengers are then loaded into the balloons and given a briefing from the pilot. Multiple balloons can be launched simultaneously depending on the weather. Following the launch, the transport vehicle(s) and equipment truck follow the balloon to the landing site. Guests are taken back to their pick up location and equipment is returned to the equipment storage location. Vehicles do not return to the launch site. As proposed, the permit would allow daily launches, throughout the year, however the applicant has estimated that due to seasonal variability and weather, actual launch days are estimated to be closer to 229 days per year. Additionally, scheduling appointments varies and potentially not all eight balloons would launch every day of operation. Upon issuance of this Use Permit, the existing Administrative Permit would become null and void.

Code Compliance Process and History for the Proposed Site - County practice in receiving complaints is to review the information and provide a copy to the PBANC. A complaint can be emailed to the Code Enforcement Division or mailed or delivered to the Planning, Building and Environmental Services Department. A Compliance Officer will contact the complainant once the complaint has been received. In addition to the complaints discussed below, staff has also had continued correspondence with multiple members of the public regarding general questions about balloon launchings, County Code, and enforcement issues.

Between January 2019 and August 2020, the County received eight (8) submittals of complaints from neighbors regarding flight activities of Balloons Above the Valley. Attachment I provides a table summarizing the complaints. The submittals were received after approval of the Administrative Permit, therefore it is assumed the launches occurred at 5360 Washington Street. Six of the comments were regarding balloons flying at what was believed to be less than 500 feet, and two of the comments were regarding balloons not having identification numbers and trespassing in air space. Included in one of the eight submittals was a copy of a notice sent to local balloon companies asking them not to land on a specific property. Flying below the minimum altitude requirements is the most common comment that staff receives. While these comments often include photographs as visual evidence, it can be difficult to confirm balloon elevations, and the reason behind the low elevation (currently ascending upward, weather impacts, the pilot's choice) is not known. As a result of one of these complaints, the Code

Enforcement Division opened code case CE19-01024 to investigate. After review by Code Enforcement staff, it was determined that since the complaint was regarding FAA height regulations, it was not something that the County had the authority to enforce. As such, the complaint information was provided to the PBPANC for their records and the code case was closed.

Of the eight complaints received, four were submitted on the County form (Attachment F). However the complaints were not regarding landings, but noted that the operator was flying into their private airspace. In review of the submitted forms, it appears there are two versions of the form that contain slightly different language. The form originally created by the County only references landing on a property, while the modified form references landing or flying in the airspace above a property. Since the County does not regulate airspace, staff would not have revised the form. Staff reviewed our files and does not have a record of modifying the form. The County-issued form has been added to the County website on both the Planning Division and Code Compliance Division pages.

The County received logs from the Professional Balloon Pilots Association of Napa County, Inc. (PBPANC). The log for 2019 through August 2020 included 11 reports, including one about an unpermitted launch site, one regarding a balloon receiving permission to land at a school and that the school had followed up with a request to not land there in the future, and one accident report. The others generally regarded low flying. One entry was from County Code Enforcement forwarding correspondence that was received and two of the reports had also been sent directly to County staff.

Staff has reviewed the information provided by the public, as well as PBPANC, and determined that the applicant's operations over the past year remain in good standing.

General Plan Consistency - In 2006, the Napa County Board of Supervisors approved Ordinance #1276, which created an Administrative Permit for a hot air balloon launching site involving fifty or few days of launches or attempted launches per year (County Code Section 18.126.030.G.) and permitted hot air balloon launchings in any zoning district upon grant of a Use Permit (County Code Section 18.120.010.B.16) as long as the required findings can be made (County Code Section 18.104.400). At that time, the Ordinance was found to be consistent with the General Plan. Since the General Plan was updated in 2008, staff has re-reviewed key General Plan Goals and Policies from the Agricultural Preservation and Land Use Element, Community Character Element, Conservation Element, and Recreation and Open Space Element, and provided an analysis of the project's potential consistency. See Attachment D for the General Plan Consistency Table. In summary, staff found potential consistency with all applicable General Plan policies, as summarized below, however the Commission should review the document and overall analysis in this staff report in order to make the final determination.

- Agricultural Preservation and Land Use Element - Goals and policies promote agriculture and related activities as the primary land uses in Napa County. While hot air balloons are not directly related to agriculture, the use of the site for launches does not prohibit future agricultural use of the property. The site is currently a residential property and conducts hot air balloon launchings in compliance with Administrative Permit P19-00235. There is no active agricultural use on the property at this time. The project does not include physical improvements that would convert the land to non-agricultural use or exclude future agricultural use on the property.

- Conservation Element - Goals and policies intend to conserve resources by determining the most appropriate use of land, matching land uses and activities to the land's natural suitability, and minimizing conflicts with the natural environment and the agriculture it supports. Additionally, the County shall require that all discretionary projects consider and address impacts to the environment and avoid impacts. As noted in the Initial Study Negative Declaration (Attachment C) prepared for the project, no significant impacts were identified. The project does not include physical improvements that would conflict with the natural environment.

- Community Character Element - Goals and policies intend to preserve, improve, and provide visual access to the beauty of Napa County and retain the character and natural beauty of Napa County through the preservation of

open space. Hot air balloons provide an opportunity for residents and visitors to view the open space and natural resources of the County. As previously discussed, the project does not propose any physical improvements on the site and all temporary equipment is removed from the site immediately following launches. This element also contains goals and policies for the County's standards for maximum exterior noise levels as established and enforced in the County's Noise Ordinance. As discussed in more detail in the noise section below, the applicant conducted a noise study, which determined that the proposed operation would be compliant with the Noise Ordinance (County Code Section 8.16).

- Recreation and Open Space Element - Goals and policies state that recreation is one of the appropriate and desirable uses of open space. Recreational facilities and improvements on open space lands should be the minimum necessary to achieve recreation objectives and be limited in density, intensity, need for public services, impacts on the natural environment, growth inducement, and impacts on neighboring properties. Recreational uses on lands designated for agriculture should be encouraged only where those uses will not deplete or degrade natural resources on which nearby or on-site agriculture depends, and will not adversely affect the commencement, intensification, or continuation of local agricultural activity. There are no physical improvements proposed on the site and there will be no use of the on-site residence, residential infrastructure, or groundwater.

- Economic Development Element - Goals and policies include promoting a diversity of business opportunities that do not conflict with agriculture and recognizing the beneficial economic impact of tourism activities in the County. Hot air balloon launches are a well-known tourist activity in Napa and provide an opportunity for visitors to view the developed and natural resources of the County. As discussed above, the continued use of the site for launches will not conflict with existing agriculture, nor exclude future agricultural use of the property. Additionally, the County values currently operating businesses within the county and promotes business retention. This permit would expand the existing operations of balloon launches at the site in terms of number of launch days per year.

Noise - An outdoor sound study to assess the noise associated with the launch of a hot air balloon was prepared by RGD Acoustical (Attachment H). The report, dated December 31, 2019, evaluated the potential noise impacts and compliance with Napa County Code Section 8.16 Noise Control Regulations. To quantify the noise from the launch of a hot air balloon, noise measurements were made at four locations at and around the launch site on the morning of December 16, 2019. The closest monitor R-1 was set up along the parcel's southern property line, approximately 234 feet from the launch site. Two monitors R-2 and R-3 were set up near the potentially affected residences to the south of the project site, approximately 930 feet and 1,200 feet respectively. The fourth monitor S-1 was set up approximately 50 feet from the balloon to serve as a reference for further calculations. Ambient noise level in the area is generally dominated by vehicular traffic from Highway 29. Other noise sources included local traffic and occasional birds and aircraft flyover. The ambient noise levels were measured before and after the balloon launch. The balloon launch process from start of inflation to lift off lasted approximately 15 minutes. After lift-off the balloon drifted southerly, in the direction of the homes to the east of Washington Street, and directly over the noise monitor R-2. According to the pilot the balloon was approximately 600 feet above the ground when it was over the noise monitor.

At the time the study was prepared, the project description included launches starting at 6:00 a.m. so the study compared recorded noise levels to both the daytime hours (7 a.m. to 10 p.m.) and nighttime hours (10 p.m. to 7 a.m.). The study found that the noise level from the operation of multiple balloon launches (four balloons in one hour) would exceed the nighttime noise limitations at the closest receiver R-1. The noise level did not exceed daytime standards at any of the receiver locations. The project was then revised to not launch balloons until 7:00 a.m. Noise associated with the launch, occurring between the proposed hours of operation between 7:00 a.m. and 9:30 a.m., would not conflict with County Code.

Employees driving the pick-up vehicles and equipment vehicles are trained to minimize noise while driving on to the property and request guests to close and/or slide vehicle doors quietly. Employees and guests are instructed not to shout or call loudly while on site prior to their balloon launch. Based on the RGD study, the project would not

exceed permitted County noise levels. Impacts would be less than significant.

Traffic and Parking - Guests are picked up from pre-arranged locations such as lodging facilities or public sites (i.e. Oxbow Public Market) and driven to the site. Generally, there are two transport vehicles per balloon to transport guests (16 vehicles) and one vehicle per balloon carrying equipment (8 vehicles) for a potential maximum of 24 vehicles per launch day. Equipment, including balloons, trailers, fuel, and propane tanks, is brought to the site from the business' offsite storage site (603 California Boulevard, Napa) and set up for launching. Following the launch, the transport vehicle(s) and equipment truck follow the balloon to the landing site. Guests are taken back to their pick up location and equipment is returned to the equipment storage location. Vehicles do not return to the launch site. Equipment and transport vehicles would generally arrive at the site beginning at 6:00 a.m. and would leave shortly after balloon launchings beginning at 7:00 a.m. Launches are required to end by 9:30 a.m. A launch day completing the maximum of eight balloon launches could result in as many as 48 trips (24 vehicles arriving and departing the site). While the existing Administrative Permit P19-00235, restricts launch days to 50 or fewer, there is no limit to the number of balloons that may be launched per day or the number of vehicles that may enter the site. Between June 6, 2019, and June 5, 2020, the applicant launched on 47 days. The operations would utilize the existing driveway and paved areas on site for temporary parking of the pick-up vehicles and equipment trucks. No physical improvements are proposed on the site.

Utilities – Groundwater – Wastewater System - The existing residential facilities (kitchen, restrooms, septic system, trash) will not be used by the operation. The operation would not utilize groundwater or generate wastewater or solid waste on site. The project does not propose the construction of any new on-site facilities. In response to comments received at the Zoning Administrator Hearing for P19-00235, regarding the PG&E Power lines on the property, the property owner completed conversion of overhead power lines to underground power lines. The buried PG&E power line is located along the property's southern property line adjacent to the southern neighbor's vineyard access road. It extends 450 feet east to the edge of the neighboring property vineyard. It is not beneath or close to the launch site.

Air Quality and Greenhouse Gas Emissions -

- Operational emissions - The balloon operates through the use of propane burners. The combustion of propane yields carbon dioxide and water. Given the potential quantity of propane used, 20-60 gallons per hour flight, the project would contribute fall below the threshold of 1,100 MT of CO₂e/yr for "GHGs – Projects other than Stationary Sources" (https://www.eia.gov/environment/emissions/co2_vol_mass.php). In its gaseous form, propane is odorless. However, an odorant (a strong smelling chemical compound) is added to propane to indicate the leakage of even small quantities of gas. The odorant normally added to propane, ethyl mercaptan, loses its odor when burned (https://www.faa.gov/regulations_policies/handbooks_manuals/aircraft/media/FAA-H-8083-11.pdf).

- Transportation emissions – The primary emissions associated with the project would be generated from vehicle trips to and from the site. As discussed in the Project Description, guests are picked up from pre-arranged locations such as lodging facilities or public sites (i.e. Oxbow Public Market) and driven to the site. Generally, there are two transport vehicles per balloon to transport guests (16 vehicles) and one vehicle per balloon carrying equipment (8 vehicles). Equipment, including balloons, trailers, fuel, and propane tanks, is brought to the site from the business' offsite storage site and set up for launching. Following the launch, the transport vehicle(s) and equipment truck follow the balloon to the landing site. Guests are taken back to their pick up location and equipment is returned to the equipment storage location. Vehicles do not return to the launch site. A launch day completing the maximum of eight balloon launches could result in as many as 48 trips (24 vehicles arriving and departing the site). BAAQMD's 1999 CEQA Guidelines (p.24) states that the District generally does not recommend a detailed air quality analysis for projects generating less than 2,000 vehicle trips per day, unless warranted by the specific nature of the project or project setting. As noted above, while the existing Administrative Permit P19-00235, restricts launch days to 50 or fewer, there is no limit to the number of balloons that may be launched per day or the number of vehicles that may enter the site. Between June 6, 2019, and June 5, 2020, the applicant launched on 47 days.

Public Comments - A courtesy project notice regarding the Use Permit request was sent on October 23, 2019. As discussed in the Code Compliance History section above, staff has had continued correspondence with a number of members of the public throughout the application process, and a summary of complaints received is included in Attachment I. At the time of this report, numerous public comments have been received. See Attachment K.

Decision Making Options:

As noted in the Executive Summary Section above, staff is recommending approval of the applicant's proposal with conditions of approval as described in Option 1 below. Decision making options also include a reduced project alternative and a no project alternative.

Option 1 - Applicant's Proposal (Staff Recommendation)

Disposition - This option would result in approval of a Use Permit (P19-00303-UP) for the proposed operation of a hot air balloon launch site, up to 365 days per year within set hours of operation, with maximum number of balloons and vehicles for any given day. Staff recommends this option as the request is consistent with the Zoning Ordinance, applicable General Plan policies, and other County regulations as presented in the Recommended Findings (Attachment A).

Action Required - Follow the proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be less than significant.

Option 2 - Modify the Applicant's Proposal

Disposition - All potential environmental impacts have been found to be less than significant through a combination of project design and conditions of approval. However, this option provides the Planning Commission at their discretion, the ability to further reduce potential impacts through the modification of the applicant's proposal by reducing the number of total launch days, hours of operation, or number of balloons and vehicles to address concerns of the Commission and/or public. The reduction could be an overall number or applied seasonally.

Action Required - Follow proposed action listed in Executive Summary and amend scope and project specific conditions of approval to require a reduction launch days. If major revisions of the conditions of approval are required, the item will need to be continued to a future date.

Option 3 - Deny Proposed Project

Disposition - In the event the Commission determines that the project does not, or cannot meet the required findings for the granting of the Use Permit, Commissioners should articulate what aspect or aspects of the project are in conflict with the required findings. State Law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit is not being approved.

Action Required - Commission would take tentative motion to deny the project and remand the matter to staff for preparation of required findings, based upon the Commission's statements. Staff would return to the Commission with the findings or denial on a specified date.

Option 4 - Continuance Option

The Commission may continue an item to a future hearing date at its own discretion.

SUPPORTING DOCUMENTS

- A . Recommended Findings
- B . Recommended Conditions of Approval
- C . Intial Study Negative Declaration
- D . General Plan Consistency Analysis
- E . Napa Valley Balloon Launching Code of Conduct
- F . Hot Air Balloon Launching Notice of Trespass Form
- G . Use Permit Application Packet
- H . Noise Study
- I . Summary of Complaints
- J . Graphics
- K . Public Comments

Napa County Planning Commission: Approve

Reviewed By: Brian Bordona