

COUNTY OF NAPA
PLANNING, BUILDING, & ENVIRONMENTAL SERVICES

BALLOON LAUNCHING ADMINISTRATIVE PERMIT

APPLICATION PACKET

1. Balloon Launching Administrative Permit Completeness Checklist
2. Application Form
3. Indemnification Agreement
4. Plot Plan Requirements
5. Adjoining Property Owners List Requirements
6. Code Reference

BALLOON LAUNCHING ADMINISTRATIVE PERMIT
APPLICATION COMPLETENESS CHECKLIST

1. ___ Completed application **signed** by owner and applicant.
2. ___ Balloon Launching Statement of Request.
3. ___ To-Scale Plot Plan (including one clear black-line reduction on 8½" by 11" paper) (Must show all homes within **1000** feet of launch site)
4. ___ **SIGNED** Indemnification Agreement, by the property owner of record.
5. ___ Title Insurance Co. Certified List of All Contiguous Property Owners within **1000** feet of the Subject Parcel Specifying Name, Address, and Parcel Number.
6. ___ Please contact the department for current fees, and make check payable to County of Napa.
7. ___ Signed Certification Statement (18.126.060.0.2).
8. ___ Property Owner Authorization (18.126.060.0.3).
9. ___ Certificate of Insurance (18.126.060.0.5).
10. ___ List of intended landing areas (18.126.060.0.6).
11. ___ Read, signed, and agree to the Code of Conduct of Balloon Operations in Napa County.
12. ___ Additional Information that maybe be required by the Planning Division.



A Tradition of Stewardship
A Commitment to Service

FILE # _____

NAPA COUNTY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

1195 Third St. Suite 210, Napa, California 94559 (707) 253-4417

APPLICATION FOR ADMINISTRATIVE PERMIT

FOR OFFICE USE ONLY

ZONING DISTRICT: _____

Date Submitted: _____

REQUEST: _____

Date Complete: _____

TYPE OF PERMIT REQUESTED: Balloon Launch Fence/Entry Home Occupation Rooster
 Sign Temporary Trailer, Type? Watchman Construction Farm Labor Medical Care Giver
 Office (Note: Limit One Year Occupancy) Associated Building Permit # _____

TO BE COMPLETED BY APPLICANT

(Please type or print legibly)

PROJECT NAME: _____

Assessor's Parcel #: _____

Site Address/Location: _____

No. Street City State Zip

Property Owner's Name: _____

Mailing Address: _____

No. Street City State Zip

Telephone #:(____)____ - _____ Fax #: (____)____ - _____ E-Mail: _____

Applicant's Name: _____

Mailing Address: _____

No. Street City State Zip

Telephone #:(____)____ - _____ Fax #: (____)____ - _____ E-Mail: _____

Status of Applicant's Interest in Property: _____

Representative Name: _____

Mailing Address: _____

No. Street City State Zip

Telephone # (____)____ Fax #: (____)____ E-Mail: _____

I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

Signature of Property Owner Date

Signature of Applicant Date

Print Name

Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

Total Fee: \$ _____ Receipt#: _____ Received by: _____ Date: _____

INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

Applicant

Property Owner (if other than Applicant)

Date

Project Identification

N 90° 0' 0" E 215 2.982
 47 ft.
 42 ft.
 50 ft.
 Garage
 80 ft.
 Irrigation Pond
 Well
 23 ft.
 N 0° 0' 0" E 227
 116
 Driveway
 116
 120
 Deck
 Trellis
 Existing Dwelling
 28 ft.
 49 ft.
 N 90° 0' 0" W 215 2.982
 30° 0' 0" E 227
 Hometown Lane
 Anywhere Ave.

Site Plan
 0 ft. 30 ft. 50 ft. 100 ft.

Each different plan shall fill a minimum 11" x 17" sheet of paper.
 Plans and notes shall be legible.
 Provide all of the information requested in the title blocks.
 Indicate the scale and show a North Arrow on each site plan.
 Did you remember to:
 Show access to property.
 Show all property lines and the distances of all structures to those property lines.
 Show all roads, streets, driveways, rivers, reservoirs, dams, creeks, streams, paths and the distance from centerline of roads, streets and highways.
 Show all buildings and/or structures on the property, existing and proposed and the distances between those buildings and/or structures.
 Show all easements.
 Show all water wells, fire hydrants, water storage tank(s), LP gas tank(s).
 Show all septic system(s) and required 100% expansion area (reserve area). *
 Show stock pile(s) of dirt, soil, rocks and/or earth.
 Five copies of the site plan are required for all building permits.

* Reserve area is a County code requirement. You must identify an adequate reserved area on your site plan. This reserve area will be reviewed on a case by case basis. If you have a very small parcel or a parcel with unusual site constraints you may be required to prove reserve area before a clearance on your building permit may be issued.

APN:	 COUNTY of NAPA OFFICE OF PLANNING, BUILDING & ENVIRONMENTAL SERVICES Sample Site Plan for Permit Submission
Name:	
Address:	
Phone:	

REQUIREMENTS FOR REQUEST OF BALLOON LAUNCH PERMIT

PLOT PLAN REQUIREMENTS

Four (4) copies of the plot plan, drawn to scale, should be submitted showing the following information:

- a) Property lines of the subject parcel.
- b) Name of property owners and assessor's parcel numbers.
- c) Location and names of all streets and rights-of-way serving the parcel(s).
- d) Location of all residences within 1000 feet of the proposed launch site.
- e) Location of any drainage courses, ponds or reservoirs on or adjoining the parcel(s).
- f) Location of existing property improvements (structures, waste disposal systems, wells, access roads and parking, etc.) of the subject parcel.
- g) North arrow, graphic map scale, date plan prepared, and applicant's name.

FOR ADDITIONAL OR DETAILED INFORMATION WRITE OR CALL:

**COUNTY OF NAPA
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
1195 Third Street Suite 210
Napa, CA 94559
(707) 253-4417**

ADJOINING PROPERTY OWNER LIST REQUIREMENTS

All applications shall include a list of the current owners of all the properties whose outer perimeters are within **1000 feet** of the property boundary of the project site. The list shall include the property owner's names, their addresses and the assessor's parcel numbers of the property owned.

Preparation, verification and submission of this list of property owners is the responsibility of the applicant. Lists of the property owners appearing on County tax rolls in the form required are available from all local title insurance companies. Each such list must be certified by a title insurance company as reflecting the most recent County tax roll information.

INSTRUCTIONS TO TITLE COMPANY

Please prepare the property owners' list as follows:

1. Type the property owners' names, parcel numbers and mailing addresses on an 8½" by 11" sheet of Avery #5160 Laser Labels so that this information can be readily used in mailing by Planning, Building, and Environmental Services.
2. Submit a full page copy of the assessors' parcel book page(s) and a copy of the latest equalized assessment roll used to compile the property owners' list. Please indicate the location of all parcels listed, by check mark or colored parcel number circled on the pages.

If you should have any questions, please contact Planning, Building, and Environmental Services at 707/253-4417.

CODE OF CONDUCT FOR BALLOON OPERATIONS IN NAPA COUNTY

Introduction

In 1980, the Board of Supervisors directed the ballooning community to organize itself for the purpose of providing 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. Since that time, the Professional Balloon Pilots Association of Napa County, Inc. (PBPANC) has served that role. The major public agencies which have contact with the balloon industry (Police Dispatch, Sheriff's Department, Community Resources/Recreation and Parks, Fire Department, Unified School Districts, CDF, State Department of Fish and Game, and the FAA) have all adopted policies of referring questions, concerns and complaints about ballooning to the Pilots Association for investigation, mediation and management. Recently, private organizations such as the Farm Bureau have developed a similar working relationship with the Association. All of these parties agree to continue using PBPANC as the referral of first resort in addressing individual complaints from residents and landowners.

The voluntary oversight of the balloon operators by PBPANC has been successful in maintaining a balance between the needs of the industry and the needs of the local community. The Napa Valley balloon industry has, like its wine industry counterpart, acquired an international reputation for unsurpassed quality, experience and safety. PBPANC itself is a model for other locations where ballooning takes place, and has taken a leadership role at the state level on a variety of issues over the past three decades. Recently, however, as Napa County continues to deal with the impact of growth in many sectors, most notably the increase in wineries, vineyard acres, hotel rooms, restaurants, traffic, etc., the balloon industry has determined the need to codify some of the operational guidelines which have developed over the years and to make these available to the community.

The following Code of Conduct has been voluntarily adopted by the commercial balloon companies that operate in Napa County. Because of the nature of hot air ballooning, the industry cannot guarantee 100% compliance with every aspect of the code on every flight day. However, the industry is confident that it can deliver satisfactory compliance and will continue to address areas of concern as they arise. Based on past experience, and for the purposes of assessing the level of compliance, the balloon industry goal is for valid complaints to constitute less than 5% of the total flights flown annually.¹ The Code of Conduct also recognizes that the Pilot-in-Command is responsible, under Federal law, for passenger safety, and that some tolerance for deviation from the Code may be necessary in the case of urgent or unexpected situations.

GROUND OPERATIONS

- 1) Greet everyone you encounter with a smile and a "hello".
- 2) When driving onto property where you already have permission to land, be sure to follow any and all rules or procedures that have been requested by the landowner.
- 3) When driving onto property where you do not have prior permission, use the following procedures:
 - Look for landowner, tenant or anyone else on the property.
 - Politely introduce yourself and your company; present a business card or other written material with contact information.
 - Explain your mission and ask permission for the balloon to land and for you to drive onto the property to retrieve it. Explain how long you will be and what activities will be going on.
 - Relay any special instructions to your pilot by radio.
 - In rare cases that it may be necessary, explain any degree of urgency without creating alarm.
 - Ask if they would like to be notified when you leave.
 - Invite them to come and observe.
 - Always follow all directions given for use of the field.
 - If landowners or residents are not home, leave a note and a brochure and invite them to call the company if they have any questions or concerns about your visit. Follow up as soon as possible with a return visit or phone call to make sure they received your note. If there is a neighbor visible or observing, make contact with them, tell them you are leaving a note, and leave contact information with them as well.
- 4) Always leave gates and passageways as you found them, unless otherwise instructed by the landowner or common sense dictates otherwise. If you are unsure, always ask.

¹ As has been the case historically, a valid complaint meets the following conditions: is referred to PBPANC; contains the name, address and phone number of the complainant; cannot be quickly resolved to the satisfaction of the complainant; and does not allow chronic complainers intentionally to skew the statistics.

- 5) Drive very slowly upon entering any private property. When crops are present, drive slowly enough that you do not create dust.
- 6) Avoid parking within close range of any residences. If necessary to do so, keep all noise to an acceptable level; keep radios turned down and avoid any shouting or loud talking.
- 7) Park chase vehicles and vans off the roadway, two wheels off to the side, two wheels on, to allow traffic to pass.
- 8) NO SMOKING ever allowed in launch or landing sites.
- 9) Do not drive or land on crops or landscape. Landings should take place on roads, unplanted areas, harvested or fallow fields, and other areas that will not be damaged.
- 10) During the rainy season, do not drive onto wet or muddy fields. Do not drive on vineyard roads that have been planted with cover grasses. Walk or hand-carry the balloon out of the vineyard rather than drive into the vineyard.
- 11) Passengers should be supervised at all times. Never allow them to pick crops, smoke, litter, wander and explore, take souvenirs of any kind, make noise or behave inappropriately. Alert them to any uneven terrain.
- 12) In the rare instance when there is any damage to property or crops, report it immediately to the pilot-in-command, a responsible person on the property if available, and upon your return, to your immediate supervisor and your company owner. Assure the landowner that the damage will be taken care of and the situation resolved to their satisfaction. Be sure that your company informs PBPANC of the incident and its resolution. The applicable balloon company (or PBPANC if the balloon company fails to perform) shall be responsible to reimburse the property owner for any damages incurred.
- 13) RESPECT THE LANDOWNERS' RIGHTS. You are on their land. Their reasons for wanting privacy are not your concern. Respect their wishes. If passenger and aircraft safety are at issue, explain to the reluctant landowner that landing is necessary for a specific reason. Tell them that the pilot or company owner will speak with them once the landing is complete. Advise them that the pilot and crew will follow their instructions regarding equipment retrieval once the landing and deflation are completed.
- 14) If confronted with a complaint or serious concern, get as much specific information as possible and assure the landowner that they will be contacted by a responsible person and a resolution found. Make certain that you identify yourself and your company and give them a phone number to contact. Always try to understand the landowner's position from their point of view. Be courteous, professional and never confrontational.
- 15) In the rare instance that a landowner refuses access to a chase crew, the pilot will walk the passengers off the property and arrange with the landowner an appropriate time for the balloon to be hand-carried off the property, in accordance with Federal law.

FLIGHT OPERATIONS

- 1) Pilots must keep abreast of the current PBPANC files regarding sensitive flight corridors. Comply with the minimum altitudes required by FAR § 91.119.
- 2) Launch only from property from which you or your company have obtained advance permission.
- 3) Use quiet burners when over-flying residential areas, known sensitive areas, and livestock.
- 4) Avoid flying low over or landing in or near vineyards where active sulfuring, spraying or like activities are taking place. Observe and respect all Posted Re-Entry Notices.
- 5) Avoid long, slow approaches which require "hovering" for a long period of time over residences.
- 6) If you anticipate needing to land in an area where you do not have known prior permission, advise your ground crew as early as possible to allow them to make advance contact with the resident or landowner.
- 7) Report any and all damage to the property owner and take responsibility for seeing that all damage is taken care of by your company. Remember that what may not look like damage to you may in fact be damage – driving on cover crops, knocking off young tendrils from a vine, coming into contact with a wind machine. If there is any doubt, REPORT it to the property owner and invite him/her to visit the landing site with you, so that he/she can make the assessment, not you.

- 8) Do not impede agricultural activities by your landing, parked vehicles or deflation. This is particularly important during harvest.
- 9) Make sure that you and your crew follow the ground operations guidelines outlined above.

INDIVIDUAL COMPANY RESPONSIBILITIES

- 1) Go over the Code of Conduct in detail with every new employee. In addition, make sure that the Code of Conduct is reviewed as part of the annual industry-wide training session sponsored by PBPANC. Employees should be advised that failure to follow these rules is cause for termination.
- 2) Immediately report any and all third party damage occurring as the result of a balloon flight and/or ground operations to PBPANC, along with a description of how the incident was resolved.
- 3) Maintain accurate records of all launches and landings. A compiled report of these data must be submitted quarterly to PBPANC.
- 4) Participate in the annual crew/pilot training sponsored by PBPANC.
- 5) Immediately report to PBPANC for distribution, or send a blast email to all companies with a copy to PBPANC, any new or different information about a flight corridor, launch or landing site, etc.
- 6) Provide to your chase crews materials with company name and contact information to be given out as needed to residents, landowners or others who request it.
- 7) Require every passenger to sign a Release of Liability that includes the owners of land used for launch and landings as part of the list of entities being released from liability.
- 8) Procure and maintain at all times liability insurance that meets or exceeds the requirements of the State of California as outlined in AB2430, and follow the notification and filing requirements of that legislation.
- 9) Place the identifying 12" high N number, as prescribed by the Federal Aviation Regulations, of each company balloon on the bottom of each gondola for identification purposes. Display the company name on each balloon chase vehicle.
- 10) Follow the guidelines outlined in PBPANC's Standards of Operation and Standards of Business Ethics.

PBPANC RESPONSIBILITIES

- 1) Respond promptly to inquiries, concerns or complaints from landowners, citizens or public officials. Keep a record of all calls/contacts and how they were handled. Provide a copy of the log to the County Board of Supervisors on a quarterly basis.
- 2) Disseminate new landowner information quickly to all Napa Valley balloon companies and pilots, or ensure that it is done by the company/pilot involved.
- 3) Publicize the PBPANC phone number to the local community.
- 4) At least once a year, contact public agencies, including Police Dispatch, the Sheriff's Department, Community Resources/Recreation and Park Department, Fire Department/CDF, State Fish and Game, the FAA local FSDO to ensure that they have the PBPANC contact information on file.
- 5) Sponsor an annual industry-wide training session for crew and pilots working for Napa Valley balloon companies.
- 6) Provide the opportunity for local pilots to meet during the flying season to share landowner, weather and other pertinent information.
- 7) Compile and maintain the quarterly reports of launch and landing data submitted by individual balloon companies.
- 8) Maintain a log of any and all reported third party damage that occurs as the result of a balloon flight or ground operation.

- 9) Assist any landowner who needs help in identifying a balloon, its owner and its pilot. Balloons are required by the FARs to carry an identifying N number in the size and location specified by the regulations. PBPANC maintains records on the N numbers of every balloon used by Napa Valley balloon operators.

For further information, please contact
The Professional Balloon Pilots Association of Napa County, Inc.
P.O. Box 2206
Yountville, CA 94599
707-944-8793

18.104.400 - Hot air balloon launching site—Findings.

In addition to the findings required in Section [18.124.070](#), the approving agency must make all of the following findings prior to issuance of a use permit for a hot air balloon launching site:

- A. The proposed launch site is located more than five hundred feet from any off-site residence or if the launch site is proposed within five hundred feet of any off-site residence, the permittee has submitted written consent to the planning department from the owners or residents of any off-site residence within five hundred feet stating that they have no objection to the proposed launch site;
- B. The permittee has submitted a signed statement which acknowledges that the permittee: (1) has read the county's adopted code of conduct; (2) agrees that all users of the launch site will be bound by the county's adopted code of conduct; and (3) certifies that all activities within the last year at any other sites operated by the permittee have complied with the county's adopted code of conduct;
- C. The permittee has provided written authorization from either the property owner where the launch site is proposed or the property owner's authorized agent together with a statement from the property owner or the property owner's authorized agent confirming that balloon launchings will not interfere or conflict with any existing or planned agricultural uses on the property;
- D. The site is proposed for use only between the hours of five-thirty a.m. and nine-thirty a.m.;
- E. The permittee has provided the planning department with a certificate of insurance naming the **county** and the property owner as additional insureds on the personal injury/property damage insurance in an amount acceptable to the county's risk manager and which is consistent with the county's corporation yard license requirements currently existing or as amended;
- F. The permittee has provided a list of intended landing areas that are both reasonable given the launch location and prevailing winds and permitted or allowed; and
- G. 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.

(Ord. 1276 § 1, 2006)

APPEALS

Following action on the project, there is a 10 working day appeal period before the Administrative Permit becomes effective. During this period, the decision of the Department may be appealed to the Board of Supervisors by a County department, the applicant, or project opponents by filing a written appeal on a form provided by the Clerk of the Board of Supervisors, including payment of an appeal fee. Once a proper appeal has been filed, a public hearing on the appeal will be set within 90 days. At the conclusion of the public hearing, the Board will approve, deny, or modify the decision or action being appealed. Reconsideration of the Board's action can be sought if a request for reconsideration is filed within 30 days of the Board's decision.