

**COUNTY OF PLUMAS**  
**Planning Director**  
**AGENDA**  
**SPECIAL HEARING**

**DATE:** April 19, 2017  
**TIME:** 10:00 am

**LOCATION:** Permit Center Conference Room  
555 Main Street, Quincy

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**REASONABLE ACCOMMODATIONS**

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meeting, please contact staff at the department of Planning & Building Services at (530) 283-7011. Notification prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility.*

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**I. PUBLIC COMMENT OPPORTUNITY**

At this time, members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this item cannot be discussed or acted upon by the Planning Director at this time.

**II. HEARING-APPLICATION FOR DETERMINATION OF FUNCTIONALLY EQUIVALENT USE**

**Genesee Valley Ranch, LLC and Brian Russell, applicants; APN 008-350-008-000; T25N/R11E/Section 17, MDM.**

Request for the Planning Director to make a determination that a personal-use heliport is a functionally equivalent use in the Agricultural Preserve (AP) zone as per Plumas County Code Section 9-2.401(b)

**Description of entire property:** APNs 008-350-008-000, 008-350-006-000, 008-350-009-000, 008-350-010-000, 008-350-011-000, 008-350-012-000, 008-350-013-000, 008-350-014-000, 008-350-015-000, 008-350-016-000, 008-350-020-000, 008-350-021-000, 008-350-023-000, 008-060-006-000, 008-350-030-000

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**Note:** An action by the Planning Director is appealable to the Board of Supervisors within ten (10) days of the decision. If the tenth day lands on the weekend, the end of the appeal period will be the next working day. The appeal will need to be based on relevant information stated or submitted at, or prior to, this meeting by a commenting public member or representative, or certain County department heads as stated by County Code. There is a filing fee for the appeal. Fee information is available at the department of Planning and Building Services.

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## ZONING ADMINISTRATOR STAFF REPORT

**TO:** Randy Wilson, Zoning Administrator

**FROM:** Rebecca Herrin, Senior Planner

**MEETING DATE:** April 19, 2017

**SUBJECT:** Hearing Item – Application for Functionally Equivalent Use as per Plumas County Code Section 9-2.401(b)  
Genesee Valley Ranch, LLC  
Personal-Use Heliport as functionally equivalent use in Agricultural Preserve (AP) zone

**LOCATION:** 1172 Beckwourth-Taylorsville Road, Genesee, Unincorporated Plumas County, CA; Assessor's Parcel Number 008-350-008-000; T25N/R11E/Sec.17, MDM.  
Description of entire property: Assessor's Parcel Numbers 008-350-008-000, 008-350-006-000, 008-350-009-000, 008-350-010-000, 008-350-011-000, 008-350-012-000, 008-350-013-000, 008-350-014-000, 008-350-015-000, 008-350-016-000, 008-350-020-000, 008-350-021-000, 008-350-023-000, 008-060-006-000, 008-350-030-000

**OWNER:** Genesee Valley Ranch, LLC  
4031 Hagen Road  
Napa, CA 94558

**APPLICANT:** Brian Russell  
1485 Main Street, Suite 205  
St. Helena, CA 94574

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**General Plan:** Agricultural Preserve, Scenic Area, Scenic Road  
Genesee Valley Special Management Area

**Zoning:** Agricultural Preserve (AP), Manufactured Home (MH), Special Plan Scenic Area (SP-ScA), and Special Plan Scenic Road (SP-ScR)

**Parcel Sizes:** Entire ranch is 1476.66 acres according to County Assessor's records

**Supervisorial**

**District:** District 2-Kevin Goss

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**BACKGROUND**

**Current use of subject property**

Cattle ranch with several residences plus accessory buildings

**Description of proposed use**

Owner/applicant have submitted an application for determination of the functionally equivalent use (**Exhibit 1**). Owner wants to use a portion of the site for private-use helicopter operations, including landings and takeoffs from a concrete pad, and a storage building/hangar for repairs and storage of the Bell 429 helicopter.

Owner's use of the helicopter is for personal and agricultural use only. The owner does not use the helicopter for commercial purposes or to support any commercial activities. The helicopter and heliport is not available for public use. The Genesee Valley Ranch is a private working cattle ranch and the residence is used for personal residential and recreational activities.

**Appurtenant to Agriculture**

On page 3 of the application (**Exhibit 1**) there is a discussion of the use of the helicopter as an "appurtenance".

**Plumas County Code Section 9-2.211 defines "appurtenance":**

**"Appurtenance' shall mean a use, building, or activity which is a functional part of the use."**

Permitted uses in the Agricultural Preserve (AP) zone (Plumas County Code Section 9-2.3002(a) lists **agriculture, timber management, agricultural product sales, animal breeding and boarding**, among other residential and state-mandated uses such as child day care homes.

The application states:

*"As a working ranch, use of a private helicopter is much like a tractor or a truck. It supports the main uses on the Property by providing transportation for the owners and property managers and a vehicle to monitor cattle and ranching land. Thus, just as the use of heavy equipment such as trucks and tractors at a farm or ranch would not require a special use permit, neither should a private helicopter trigger a special use permit requirement."*

### **Plumas County Code Definition of “Transport Station”**

**Plumas County Code Section 9-2.3002(b)** lists “transport stations” as a use permitted subject to the issuance of a special use permit.

**Plumas County Code Section 9-2.295.** lists the definition of “transport station” as follows:

“Transport Station’ shall mean a facility for the loading and unloading of persons or commodities from a means of transport.”

Initially it was determined that the heliport was included within the definition of transport station and therefore needed a special use permit.

The application, on page 3, offers an interpretation counter to the Planning Director’s:

*“Instead, a more thoughtful application of the ‘transport station’ definition would ensure it only applies to facilities that are open to the public, and used on a regular basis for commercial activities, like a bus or train station, even a public airport. These are the kinds of uses that have the potential to significantly impact the public, like traffic congestion, which are ripe for more thorough review under a special use permit. It is unlikely that the Board also intended to target private transportation options, such as garages and driveways, when it adopted the County Code. Therefore, under Section 9-2.303, we believe that the PalmaZ Helicopter operations do not fall into the definition of a ‘transport station’, and a special use permit should not be required to operate the PalmaZ Helicopter.”*

**The only permit for a transport station that could be located in the Planning Department files was for a Greyhound bus station in Quincy approved August 7, 1985 (File No. U 7/19/85-16).**

This fact would tend to support the argument that a transport station is more like a facility open to the public and used on a regular basis for commercial activities, instead of solely for private use.

### **Plumas County Code Definition of “Airport”**

The only definition of airport in the Plumas County Code is as follows:

#### **Plumas County Code Section 7-1.01(a)**

“Airport’ shall mean the publicly-owned property and improvements at Chester, Gansner, Indian Valley and Beckwourth Airports, as more particularly shown on Exhibits A through D, inclusive, on file in the office of the County Clerk.”

There are no definitions of “heliport” or “helipad” in the Plumas County Code.

#### **Merriam-Webster Dictionary Definition of “Airport”**

“A place from which aircraft operate that usually has paved runways and maintenance facilities and often serves as a terminal.”

#### **Merriam-Webster Dictionary Definition of “Heliport”**

“A landing and takeoff place for a helicopter.”

The proposed helicopter facility is not an “airport” by code definition. It does not fit the standard dictionary definition of an “airport”. It most closely fits the dictionary definition of a “heliport”. It also can be seen to meet the definition of a heliport under various state and federal statutes, as will be discussed later in this staff report.

#### **Plumas County General Plan Definition of “Airport”**

There are no definitions of “airport” or “heliport” or “helipad” in the Plumas County General Plan. There are no definitions of “airport” or “heliport” or “helipad” in the Genesee Valley Special Management Area appendix of the Plumas County General Plan. There was no discussion found in any of the Genesee plan files about the definition of an “airport” or the purpose or intent of the airport prohibition in the Plan.

#### **Investigative Service Request Form**

An Investigative Service Request Form was filed on August 26, 2016. The Investigative Service Request Form is confidential and is not included with this staff report. “Complaint Types” were listed as follows:

- Building a structure without a permit (*does not apply to a structure exempted from building permit requirements*)
- Non-compliance with commercial site plan
- Other zoning or planning violations

#### **Description of Violation was described as follows:**

*“A building permit was issued by the Plumas County Building Department for a storage facility/agricultural building in Genesee Valley. The Palmaz family has constructed and is utilizing the permit location as a heliport.”*

*“While property owners applied to the Building Department for a storage facility/agriculture building, their request to the Federal Aviation Administration (FAA) on January 8, 2016 was for a heliport.”*

Complainants submitted five photos showing the building with the helicopter parked on the cement slab outside the storage building.

Permit Number 16-00121 was issued as “Barn and Storage Building”; a permitted use in the AP (Agricultural Preserve) zone (**Exhibit 2**). Applicants/Owners were advised to submit full plans for construction which were submitted and reviewed and the permit was issued. The building has since been constructed and completed.

Both a hangar and a storage building, such has been constructed on the site, have the same occupancy class under the Building Code. If a Change of Use permit were to be granted, it would address minor differences under the code, but essentially the storage building *is the same as a hangar* under the occupancy class. **The building was not built without a permit.** The occupancy class of the building fits the use as a hangar although the permit was issued as a “Barn and Storage Building”.

The building permit application was reviewed and approved by Planning as compliant with zoning requirements for a barn and storage building.

**Complainants did not submit evidence as to the complaint type: “Non-compliance with commercial site plan.”** There is no evidence that this use is commercial in nature. In fact, the facility cannot be used commercially according to state requirements.

Complainants have submitted the following evidence pertaining to the claim of “other zoning or planning violations”:

*“The Plumas County General Plan identifies Genesee Valley as an area where no airport construction is to be permitted. According to the Federal Aviation Administration, a heliport is an airport.”*

**Exhibit 3** (FAA Form 7480-1, Notice for Construction, Alteration and Deactivation of Airports) and **Exhibit 4** (FAA definition of airport-FARS, 14 CFR, Section 1-General definitions) were submitted as evidence to support the complaint.

#### **Federal Aviation Administration (FAA)**

The Federal Aviation Administration (FAA) issued a Notice of Heliport Airspace Analysis Determination Establish Private Use Heliport \*\*Conditional No Objection\*\* letter on May 6, 2016 to Oak Court Palmaz, Ltd., Attention Amalia Palmaz, 4130 Genesee Road, Taylorsville, CA 95983 (**see Exhibit 5** ). The notice indicated that the FAA had conducted an aeronautical study under the provisions of Title 14 of the Code of Federal Regulations, Part 157 concerning the construction and establishment of a Heliport at the Genesee Valley Ranch:

*“Our aeronautical study has determined that the private use airport will not adversely affect the safe and efficient use of airspace by aircraft” providing conditions are met.*

*“This determination does not mean FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of the navigable airspace by aircraft and with respect to the safety of persons and property on the ground. In making the determination, the FAA has considered matters such as the effect the proposal would have on existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects (on file with the FAA) and known natural objects within the affected area would have on the heliport proposal.”*

*“The FAA cannot prevent the construction of structures near a heliport. The heliport environment can only be protected through such means as local zoning ordinances or acquisitions of property in fee title or aviation easements, letters of agreement, or other means. This determination in no way preempts or waives any ordinances, laws, or regulations of any government body or agency.”*

Plumas County has no local zoning ordinances regarding the construction or operation of heliports. There are no definitions of “airport” or “heliport” or “helipad” in the Plumas County General Plan. There are no definitions of “airport” or “heliport” or “helipad” in the Genesee Valley Special

Management Area appendix of the Plumas County General Plan. There was no discussion found in any of the Genesee files about the definition of an “airport” or the purpose or intent of the airport prohibition in the Plan.

Although an appendix of the Plumas County General Plan, the Genesee Special Management Area has never been implemented in the County Code. It is part of the Plumas County General Plan and applies to regulation of development.

**Exhibit 4** (FAA definition of airport) lists definitions for “aircraft” and “airport”. However, FARS 14 CFR also lists a definition of “heliport” which was not included in this excerpt (**Exhibit 6**).

**“Helicopter means a rotorcraft that, for its horizontal motion, depends principally on its engine-driven rotors.”**

**“Heliport means an area of land, water or structure used or intended to be used for the landing and takeoff of helicopters.”**

Complainants have argued that, since state or federal laws may include a heliport within the definition of an airport that the County must do so as well. However, there are also definitions of helicopter and heliport in FARS 14 CFR that do not include airport. It is reasonable that an agency that deals with the permitting of different types of aviation facilities would have a different set of definitions than the County. **However, as complainants have documented, the Notice issued by the FAA was for a Private Use Heliport, under the definition of heliport in FAA regulations.**

#### **Plumas County General Plan Update (December, 2013)**

The General Plan contains other applicable goals and policies.

#### ***PHS 6.6.3 Private Airfields and Land Use Compatibility***

“The County shall ensure that the development of future private airstrips and helipads address land use compatibility issues. As part of the approval process of these private facilities, the County shall consult and coordinate with the Plumas County Airport Land Use Commission to address any setback, height or land use restrictions associated with the operation of the private airfield/helipad.”

There is no obligation for the Airport Land Use Commission to approve a private-use heliport that is exempt from State Heliport Permit requirements. The Airport Land Use Commission is charged with reviewing development around the three public use airports.

#### **California Public Utility Code**

According the Public Utilities Code Section 21662 and CCR Section 3533, personal-use heliports in unincorporated areas that meet the requirements of Article 5 of CCR 3560 are exempt from CALTRANS' permit requirements.

The following types of **heliports** are exempt from State Heliport Permit requirements:

- “1. Airports owned or operated by the United States Government.
- “2. Agricultural heliports-airports restricted to use only by agricultural aerial applicator aircraft (FAR Part 137 operators).
- “3. Seaplane landing sites (for helicopters).
- “4. **Personal- use heliports in unincorporated areas** which meet the requirements of Article 5 of CCR 3560.”

Under Article 5 of the CCR (CCR 3560), many design elements of Personal-Use heliports **are at the discretion of the owner**. However the Department requires at least the following:

- 1) FATO dimensions adequate to enable aircraft to operate safely, considering the heliport location and the performance data of the most demanding aircraft to utilize the heliport.
- 2) The closest point of each FATO shall be at least 80 feet from the heliport property line.
- 3) If the heliport is identifiable as a heliport from the air, it shall be marked with the letters “PVT” in accordance with CCR 3554(a)(3). If a heliport lighting system is installed, it shall illuminate the required markings. The Department shall determine whether or not the heliport is identifiable from the air if there is a dispute.

**Emphasis added.**

“5. ‘Grandfathered’ heliports which were established and are currently being used under an exemption granted under previous Department regulations. These heliports shall continue to be exempt, provided the use and conditions of the exemption continue to be met. These heliports shall be marked in accordance with CCR 3560(e).

“6. Heliports established on offshore oil platforms.

“7. Temporary helicopter landing sites that are not within 1000 feet of a public or private school maintaining kindergarten classes or any classes in grades 1 through 12.

“8. Emergency medical services (EMS) landing sites.

“9. Emergency use facilities.”

There are numerous heliports located in Plumas County and none have been reviewed by the Airport Land Use Commission. The Chairman of the Airport Land Use Commission was consulted by the Planning Director on the need for review of the Palmaz heliport and there was determined to be no need for review because the use is not located near any of the public use airports in the County.

### **Airport Land Use Planning**

**Airport Land Use Planning** (Division 9, Aviation. Part 1. State Aeronautics Act, Chapter 4, Airports and Navigation Facilities)

#### **Article 3.5**

##### **21674. Powers and duties**

The commission has the following powers and duties, subject to the limitations upon its jurisdiction set forth in Section 21676:

- (a) To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses.
- (b) To coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety and welfare.
- (c) To prepare and adopt an airport land use compatibility plan pursuant to Section 21675.
- (d) To review the plans, regulations, and other actions of local agencies and airport operators pursuant to Section 21676.
- (e) The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.
- (f) In order to carry out its responsibilities, the commission may adopt rules and regulations consistent with this article.

**“Airport Land Use Compatibility Plans (ALUCP):** The Airport Land Use Compatibility Plan’s purpose is to provide for the orderly development of **each public use airport** in Plumas County and the areas surrounding these airports. This plan assists local agencies in ensuring compatible land uses in the vicinity of airports to the extent that the land in the vicinity is not already devoted to incompatible uses, and at the same time protects public health, safety and welfare.” (General Plan, page 221)

On July 10, 2007, the Plumas County Board of Supervisors reinstated the Plumas County Airport Land Use Commission (ALUC). Policies, rules, and regulations were adopted on February 27, 2008. These policies, rules, and regulations were adopted in order for the ALUC to meet its responsibilities in compliance with Public Utilities Code 21670 through 21679.5 (**Exhibit 7**).

*“In the broadest sense, the law defines the powers and duties of ALUCs in terms which parallel the Commission’s purpose:*

*“To assist local agencies in ensuring compatible land use in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses” [PUC Section 21674(a)]*

*“To fulfill this basic obligation, ALUCs have two specific duties:*

**A. Prepare Compatibility Plans**

*The Commission is required to ‘prepare and adopt’ an airport land use plan for each of the airports within its jurisdiction [Sections 21674(c) and 21675(a)]. In the case of Plumas County, this applies to three County-owned airports: Rogers Airport at Chester, Gansner Airport at Quincy, and Nervino Airport at Beckwourth.*

**B. Review Local Agency Land Use Actions and Airport Plans**

*The Commission’s second duty is to ‘review the plans, regulations, and other actions of local agencies and airport operators...’ [Section 21674(d)]. The ALUC is required to review certain types of actions taken by the County or other local agencies, and developments proposed by other parties, which affect land use in the vicinity of airports, to ensure that the proposed action is consistent with the ALUCP.”*

Resolution 2008-02 Adoption of Airport Land Use Compatibility Plans for the Three Public-Use Airports Within Plumas County Rogers Field at Chester, Gansner Airport at Quincy, Nervino Airport at Beckwourth is included as **(Exhibit 8)** and outlined the purpose of airport land use planning:

- To provide for the orderly development of each **public use airport** and the area surrounding these airports to promote the overall goals and objectives of California airport noise standards adopted pursuant to Public Utilities Code Section 21669 and to prevent the creation of new noise and safety problems; and
- To protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around **public use airports** to the extent that these areas are not already devoted to incompatible uses.

#### **Plumas County General Plan Update (December, 2013)**

Other applicable General Plan policies:

#### **GOAL 8.1 Protect Agriculture as a Productive Use of Resource Land**

**AG/  
FOR  
8.1**

Protect and Support agriculture as a productive use of resource lands, for the continuation of a diversified economy, for the maintenance of the County's rural character, for the protection of scenic, natural, and recreational resources, and as a defining characteristic of the County's quality of life.

##### **8.2.6 Non-Agriculture Uses**

Limit non-agricultural development in agricultural areas to residential and accessory uses compatible or complimentary with agricultural production.

##### **8.2.8 Historic Ranches and Farms**

Encourage the maintenance, rehabilitation and, where practical, the restoration of historic era ranches and farms in order to maintain historical character while continuing to engage in productive agricultural activities.

Hosselkus Ranch is a designated Historic Building in the Plumas County General Plan (Historic Building Number 47). Owners are actively involved in maintenance, rehabilitation and restoration activities on the ranch.

##### **8.3.3 Protect Agriculture and Timber Resources Infrastructure**

Recognize and maintain **appropriate agricultural infrastructure**, such as farm-to-market routes, water diversion and conveyance structures, fertilizer and chemical sales, **airfields**, processing facilities, research and development and farm worker housing.

Genesee Valley Ranch is a private working ranch that is used for personal (residential and recreational activities) and agricultural use (cattle ranching). There is a residence on the ranch that is occupied by the Palmaz family.

The application for the zoning determination states that the landing and storing of a personal helicopter on private property should be viewed as an accessory or appurtenant use to the primary use of the property (a working ranch and residence).

Applicants argue that, as a working ranch, use of a private helicopter is much like a tractor or truck, in that it supports the main uses of the property by providing transportation for the owners and property managers and a vehicle to monitor cattle and ranching land.

This would appear to be consistent with policy AG/FOR 8.3.3 recognizing and maintaining appropriate agricultural infrastructure, including airfields. The heliport is not defined as an airfield under Plumas County Code or in the General Plan but the intent of the policy is to allow those compatible agricultural infrastructure facilities that will assist with the agricultural operations.

### **Other Applicable County Codes**

#### ***Plumas County Right to Farm Ordinance***

#### ***"Nuisance Claims Against Agricultural and Timber Operators"***

#### **Plumas County Code Section 9-2.1251. Declaration of purpose and intent**

"This article shall be known as the "right to farm ordinance."

"Plumas County is an agricultural and timber resources dependent county. Many parcels of real property are located adjacent to, or near to, commercial operations based on agriculture or timber or both. Owners of such parcels, especially new owners, should be made aware that the use and enjoyment of their property may be impacted by noise, odors, smoke, fumes, dust, storage and disposal of animal excretion, and the application of chemical fertilizers, pesticides, and soil amendments, due to the proximity of agricultural or timber operations.

"Plumas County has determined that such impacts shall not constitute a nuisance if the operations are lawful and utilize accepted or best management practices. This determination is based on the factual finding that agricultural and timber operations are essential to the economic health of the County, and that food or fiber production in the County benefits society generally.

"The purpose of this article is to protect agricultural and/or timber operations from nuisance claims, in addition to the protection afforded by California Civil Code Section 3482.5. It is intended that the above-described impacts should not, and will not, constitute a nuisance under County law. A further purpose is to affirm that neighboring land owners have a responsibility to know the laws, regulations, standards and customs that apply to agricultural or timber operations. It is intended that the Planning Department notify the public of this responsibility."

#### **"Sec. 9-2.1252 Definitions.**

"For purposes of this article, the following terms are defined as follows:

"(a) 'Agricultural and/or timber operation' shall have the meaning set forth in California Civil Code Section 3482.5(e) which includes, but is not limited to,

'...the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural commodity including timber, viticulture, apiculture, or horticulture, the raising of livestock, fur bearing animals, fish, or poultry, and any practices

performed by a farmer or on a farm as incident to or in conjunction with such farming operations, including preparation for market, delivery to storage, or to market, or to carriers for transportation to market.'

"b) 'Code' shall mean the Plumas County Code.

"(c) 'Neighboring land owner' shall mean an owner of real property in Plumas County, which property is located adjacent to, or near to, or in the neighborhood of an agricultural or timber operation.

"(d) 'Nuisance" shall be defined as set forth in California Civil Code Section 3479, recognizing that the term 'nuisance' is broad enough to encompass almost any conceivable type of interference with enjoyment or use of the land or property [Stoiber v. Honeychuck (1980) 101 Cal. App. 3d 903, 919]"

**"Sec. 9-2.1253. No nuisance under County law.**

"In addition to the protection afforded by California Civil Code Section 3482.5, no agricultural or timber operation shall be or become a nuisance, public or private, under the laws of Plumas County, including this Code, when the operations are managed or conducted in a manner consistent with accepted customs and standards established in Plumas County, or with the best management practices established by the industry."

Although complainants did not specifically address the nuisance issue, the Right to Farm ordinance does apply to this agricultural infrastructure project. If the heliport is an appurtenance to the farm operations, there can be no nuisance resulting from the heliport.

**County Code Interpretation**

**PCC 9-2.401(b)**

- 1) A use defined by this chapter shall include all uses defined in terms of those uses.**
- 2) The uses defined in this chapter shall include all uses which are functionally equivalent.**
- 3) The Planning Director shall determine, upon an application, if a use is functionally equivalent to a defined use.**

The Planning Director has received an application for determination of a functionally equivalent use.

**EXHIBITS:**

1. Application for a determination of functionally equivalent use submitted by Genesee Valley Ranch, LLC and Brian Russell
2. Building permit 16-00121
3. FAA Form 7480-1 ("Notice for Construction, Alteration and Deactivation of Airports")
4. Excerpt FARS, 14 CFR
5. FAA "Notice of Heliport Airspace Analysis Determination – Establish Private Use Heliport - \*\*Conditional No Objection\*\*"
6. CFR Title 14-Chapter 1-Subchapter A-Part 1-Section 1.1. Definitions of "helicopter" and "heliport"
7. Plumas County Airport Land Use Commission Policies, Rules, and Regulations
8. ALUC Resolution 2008-02
9. Excerpt from Genesee Valley Special Management Area plan re: prohibition of airports

**PROJECT ACTION:**

After weighing the evidence presented, determine that the Genesee Ranch heliport is a functionally equivalent use (appurtenant use or “appurtenance”) to those uses permitted in the Agricultural Preserve (AP) zoning as defined in Plumas County Code Sections 9-2.211 and 9-2.3002. Uses (AP), and make the following findings:

1. Owner/applicant has submitted an application for determination of the functionally equivalent use as per Plumas County Code Section 9-2.401(b) and has provided evidence to support that application.
2. The Planning Director has weighed all the evidence presented, including any testimony at the hearing.
3. Permitted uses in the Agricultural Preserve (AP) zone include agriculture, timber management, agricultural product sales, animal breeding and boarding, among other residential and state-mandated uses such as child day care homes (Plumas County Code Section 9-2.3002).
4. Owner/applicant's use of the private helicopter is similar to a use of a tractor or a truck in that it supports the main uses on the property by providing transportation for the owners and property managers and a vehicle to monitor cattle and ranching land uses.
5. The heliport cannot be considered a “transport station” as per Plumas County Code Section 9-2.295 in that the heliport is a private use facility, not a commercial facility used on a regular basis. The only special use permit for a transport station previously issued by Plumas County was for a Greyhound bus station which would indicate that a transport station is a commercial use facility. The heliport, therefore, does not require a special use permit because it cannot be considered as a “transport station”.
6. The Genesee Valley Special Management Area plan is incorporated by reference into the Plumas County General Plan as an adopted appendix to that plan. The Genesee Valley Special Management Area language contains a prohibition on the establishment of an airport in the Genesee Valley (Exhibit 9). There is no definition of “airport” in the Genesee Valley Special Management area plan. There is no definition of “airport” in the Plumas County General Plan.
7. “Airport” is defined in Plumas County Code Section 7-1.01(a) as follows:  
“Airport’ shall mean the publicly-owned property and improvements at Chester, Gansner, Indian Valley and Beckwourth Airports, as more particularly shown on Exhibits A through D, inclusive, on file in the office of the County Clerk.”
8. As the heliport is not by definition an airport, it is not prohibited by the Genesee Valley Special Management Area plan.

9. The State of California and the Federal Aviation Administration have different requirements for airports than for heliports.
10. Owner/applicant has met the applicable state and federal permitting requirements for the heliport.
11. Owner/applicant has obtained a building permit for a Barn and Storage Building that was constructed to the same occupancy class as a hangar (S-1). A concrete slab was constructed adjacent to the Barn and Storage Building. Permit 16-00121 was inspected and finalised.
12. The building permit was issued in conformance with applicable zoning and building code standards. It is constructed on a previously disturbed site and is served by an existing road. The issuance of the building permit, in this case, is deemed ministerial under the California Environmental Quality Act Guidelines (15300.1) because Section 21080 of the California Public Resources Code exempts from the application of the California Environmental Quality Act those projects over which public agencies exercise only ministerial authority.
13. AG/FOR 8.3.3 (Plumas County General Plan) recognizes “airfields” among types of appropriate agricultural infrastructure. The intent of this policy is to allow those compatible agricultural infrastructure facilities that will assist with ongoing agricultural operations. The use of the heliport as an “appurtenance” or appurtenant use to agriculture (agricultural infrastructure) is consistent with this General Plan policy.

DEPARTMENTAL USE ONLY  
 Initial Completeness Verified by \_\_\_\_\_  
 Date Rec'd \_\_\_\_\_

## Instructions to applicant(s):

1. Complete the form and mail or take to: Planning & Building Services  
555 Main Street  
Quincy, CA 95971
2. Use additional sheets of paper if necessary to complete the information requested.

## A. Applicant (s)

Name Genesee Valley Ranch LLC Name Brian Russell  
 Mailing Address 4031 Hagen Road Mailing Address 1485 Main Street, Suite 205  
Napa, CA 94558 St. Helena, CA 94574  
 Telephone 707-294-2775

## B. Location of Subject Property

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_  
 Street Address(es) 4130 Genesee Valley Road, Taylorsville, CA 95983  
 Nearest town Taylorsville

Assessor's Parcel Numbers (APNs) 008-350-008, 008-350-009, 008-350-010, 008-350-011, 008-350-012,  
008-350-013, 008-350-014, 008-350-015, 008-350-016, 008-350-021, 008-350-023, 008-360-006, 008-350-020, 008-350-020

Legal description \_\_\_\_\_  
 Zoning Agricultural Preserve and General Plan designation(s)

## C. Current Use of Subject Property

Cattle Ranch and Residence

## D. Detailed Description of the Proposed Use

Please see attached

EXHIBIT 1

E. Identification of Permitted Use That the Applicant Requests to be Found Functionally Equivalent to the Proposed Use (include all facts and reasons in support of such a finding)

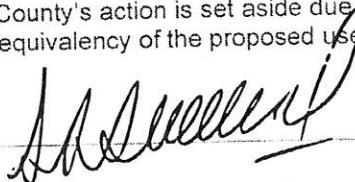
Please see attached

F. Exhibit/Map of Subject Property

**CERTIFICATE AND WAIVER:**

I, the applicant, certify that the information provided is correct and waive any action against the County of Plumas in the event the County's action is set aside due to erroneous information provided herein; and I petition for this determination of functional equivalency of the proposed use.

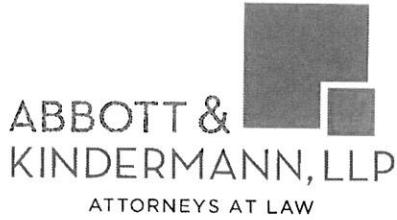
Name



Date Aug 15, 2016

Name

Date



August 9, 2016

Randy Wilson, Planning Director  
County of Plumas  
555 Main Street  
Quincy, CA 95971

**Re: Genesee Valley Ranch**

Mr. Wilson:

This law firm represents the Palmaz family (“Palmaz”). Palmaz owns the Genesee Valley Ranch in Genesee Valley in Plumas County (“Genesee Valley Ranch”). The Genesee Valley Ranch is approximately 1,250 acres and includes several houses, multiple barns which support cattle ranching and agriculture, the Genesee Valley Store, and other accessory buildings (“Property”). In general, the Genesee Valley is sparsely populated.

Palmaz is the owner of a Bell 429 Helicopter (“Helicopter”). With this communication we are requesting that the Planning Director make a Zoning Determination to conclude how the Plumas County Code applies to the private Palmaz Helicopter operations (landing and taking off).

#### Background on Use

Palmaz’s Helicopter is used for personal and agricultural use only. Palmaz does not use the Helicopter for commercial purposes or to support commercial activities. The Genesee Valley Ranch is a private working ranch and residence that is used by Palmaz for cattle ranching and personal residential and recreational activities.

Initially, we were under the impression that a special use permit might be required to operate the Helicopter from Genesee Valley Ranch. After completing our analysis, we have concluded that the County Code cannot reasonably be interpreted to require a special use permit and, thus, such a permit is not required to land the Helicopter on the Property. The reasons for this determination are as follows:

### County Code Interpretation

Plumas County is a permissive zoning jurisdiction. Section 9-2.303 of the Plumas County Code states that: “No use shall be established or continued except in conformance with the provisions of this chapter.” This Section makes it clear that the County only allows primary uses that are specifically permitted by the County Code, though some flexibility remains allowing the County to authorize uses that are similar to those already listed.

Specifically, Section 9-2.401(b) of the Plumas County Code states:

- 1) A use defined by this chapter shall include all uses defined in terms of those uses.
- 2) The uses defined in this chapter shall include all uses which are functionally equivalent.
- 3) The Planning Director shall determine, upon an application, if a use is functionally equivalent to a defined use.

### Zoning Analysis

The Genesee Valley Ranch is zoned Agricultural Preserve Zone (“AP”). Under the AP zoning, certain uses are permitted under section 9-2.3002(b)(1) subject to the issuance of a special use permit. Those uses include: “mining, limited electrical generation, public utility facilities, wildlife management, transport stations, agricultural auction yards, outdoor shooting ranges, hunting clubs, and bed and breakfast inns.” All of these uses are typically open to the general public and are either public, institutional or revenue generating uses.

As stated above, Palmaz utilizes the Helicopter for personal and agricultural use. The Helicopter is never used for commercial purposes and is not available for public use. Section 9-2.295 defines a transport station as a “facility for the loading and unloading of persons or commodities from a means of transport.”

We believe that Palmaz Helicopter operations do not require a special use permit, since the arrival and departure of a private helicopter is not a “transport station.” Admittedly, in its most simplistic reading a concrete pad (“facility”), where a helicopter (“means of transport”) lands to let out one or more passengers (“the loading and unloading of persons”), could fall under this definition. The problem with this simplistic interpretation is that a “transportation station” would necessarily pull within its gravity all manner of unintended uses, such as garages, driveways, and even bike lockers, all of which would require approval of a special use permit. The law abhors such interpretations. (*Cf. County of Fresno v. Clovis Unified School Dist.* (1988) 204 Cal.App.3d 417, 426-427 [“The fundamental rule of statutory construction is that the court

should ascertain the legislative intent so as to effectuate the purpose of the law. ... An absurd and unjust result will not be ascribed to the Legislature.”].)

Instead, a more thoughtful application of the “transport station” definition would ensure it only applies to facilities that are open to the public, and used on a regular basis for commercial activities, like a bus or train station, even a public airport. These are the kinds of uses that have the potential to significantly impact the public, like traffic congestion, which are ripe for more thorough review under a special use permit. It is unlikely that the Board also intended to target private transportation options, such as garages and driveways, when it adopted the County Code. Therefore under Section 9-2.303, we believe that the Palmaz Helicopter operations do not fall into the definition of a “transport station,” and a special use permit should not be required to operate the Palmaz Helicopter.

### Appurtenant to Agriculture

A more appropriate approach which avoids the unintended consequences discussed above is to consider the landing and storing of a personal helicopter on private property as an accessory or appurtenant use to the primary use of the Property—a working ranch and residence. Under Plumas County Code Section 9-2.211, “Appurtenance” is defined as a “use, building or activity which is a functional part of a use.” In the Agricultural Preserve zone the following uses are permitted: “Agriculture, timber management, agricultural product sales, animal breeding and boarding, and employee housing.” As a working ranch, use of a private helicopter is much like a tractor or a truck. It supports the main uses on the Property by providing transportation for the owners and property managers and a vehicle to monitor cattle and ranching land. Thus, just as the use of heavy equipment such as trucks and tractors at a farm or ranch would not require a special use permit, neither should a private helicopter trigger a special use permit requirement.

### CEQA Applicability

As discussed above, Palmaz should not be required to secure any local discretionary approvals to operate the Helicopter on the Property. Instead, based upon the analysis above, it is our position that the Helicopter operations are a use that is allowed-by-right as appurtenant to the primary use of the Property and, thus, is ministerial.

The California Environmental Quality Act (“CEQA”) generally applies to “discretionary projects proposed to be carried out or approved by public agencies....” (Public Resources Code §21080(a).) Ministerial uses, on the other hand, are expressly exempt from CEQA. (CEQA Guidelines §15268.)

In this case, Palmaz does not need a permit for their Helicopter to land or take off on their Property, and the private Helicopter use is a ministerial, appurtenant use to the working ranch and residence. Therefore, CEQA does not apply to their operations.

Mr. Randy Wilson  
August 9, 2016  
Page 4 of 4

Conclusion

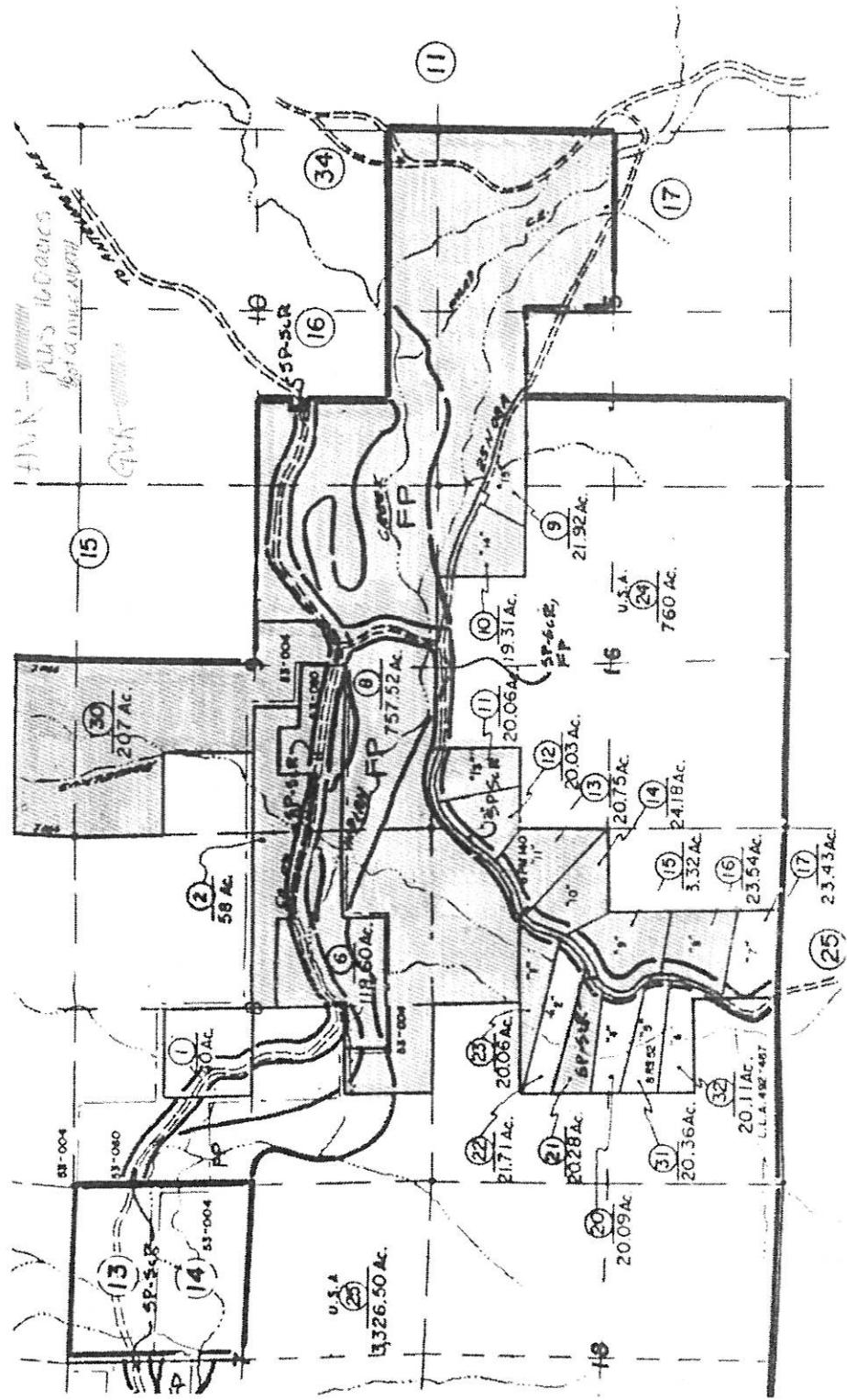
Palmaz is not required to obtain a special use permit to operate their private Helicopter on their Property, since their operations cannot be classified as a “transport station.” Further, Palmaz should be permitted to operate their Helicopter on their Property since it is an appurtenant use to the primary use on the Property, which is a working ranch and residence.

Sincerely,

A handwritten signature in blue ink that reads "Brian Russell". The signature is fluid and cursive, with "Brian" on top and "Russell" below it, separated by a small gap.

Brian Russell

BR/lh



PLANNING AND BUILDING SERVICES  
COUNTY OF PLUMAS

Type of Permit: Building

Quincy Office: 530-283-7011, 283-6001  
555 Main Street, Quincy CA 95971  
Chester Office: 530-258-2108  
PO Box 545 (222 1st Ave.) Chester CA 96020

Permit No: 16-00121

Prepaid Inspections:

OWNER: GENESEE VALLEY RANCH, LLC  
4130 GENESEE ROAD  
TAYLORSVILLE, CA 95983

Home: (775) 722-9358  
Bus. Phone: (000) 000-0000  
FAX No:

CONTRACTOR: FRONTIER BUILDERS

JOB-SITE:  
3791 BECKWOURTH GENESEE ROAD GENESEE - ANTELOPE

Bus. Phone: (530) 520-6667  
Parcel No. 008-350-008

**THIS PERMIT IS LIMITED TO THE FOLLOWING CONSTRUCTION ACTIVITY**

Fee Code	Mod	Description	Group-Div	Type	Const	Sq-Ft.
9.0		Barn & Storage Building				4800
49.0		Construction Activity Fee				
48.0		Floor Plan Copy Fee				
50.1		SMIP Fee				
50.2		Building Standards Fee				

**INSPECTION INSTRUCTIONS:**

1. Call the Planning and Building Services Inspection Office serving your area to request your inspections. NOTE: allow 24-48 hours minimum advance notice.
2. Maintain all applicable setbacks per the APPROVED Plot Plan.
3. Locate and flag all property corners and post physical address at street.
4. Maintain APPROVED building plans and inspection record at jobsite.
5. Each required inspection must be performed and PASSED before construction can continue. Unauthorized construction may result in penalties.

**REVISION INSTRUCTIONS:**

6. Changes to the APPROVED plans must be submitted in writing to the Planning and Building Services Inspection Office serving your area AND APPROVED prior to implementing. NOTE: Additional fees may apply.

**EXPIRATION INFORMATION:**

7. This permit shall not expire provided construction activity is not abandoned or suspended for any 12 month period, and all construction activity is validated by inspection.

**CERTIFICATE OF OCCUPANCY OR NOTICE OF COMPLETION INFORMATION:**

8. A certificate of Occupancy is required for any occupiable building or structure prior to taking occupancy. PCC Sec 8-1.05, CBC 109.1
9. Property owners with septic tanks WILL NOT be granted a Certificate of Occupancy until the accurate location of the septic is identified and measured.

PLUMAS COUNTY PLANNING AND BUILDING SERVICES

BY

*Sherrill Gate*

Date 05/17/2016

EXHIBIT 2

Quincy Office  
555 Main Street  
Quincy, CA 95971  
Phone: 530-283-7011  
Fax: 530-283-6134

Plumas County  
Building Department  
**Single Family Dwelling-R3**  
New Construction Permit Application

Chester Office  
222 First St  
Chester, CA 96020  
Phone: 530-258-2108  
Fax: 530-258-3725

Submittal Date: 3/23/16

[www.plumascounty.us](http://www.plumascounty.us)

Permit Application #

16-121

Owner Info	Property Owner	<u>GENESEE VALLEY RANCH, LLC</u>		
	Mailing Address	<u>4130 GENESEE RD.</u>		
	City	<u>TAULORSVILLE</u>	CA	Zip Code <u>95983</u>
	Home Phone #:	<u>(Cell) Office (775) 722-9358</u>	Fax #	<u>MICHELLE HASKINS, mgf.</u>

Site Info	APN	<u>008-350-008</u>	Physical Address	<u>3791 Beckwourth-Genesee Rd</u>		
	Community (Locality)	<u>GENESEE</u>	Subdivision	<u>N/A</u>		
	Snow Load	<u>80 PSF ROOF - Not Ground</u>				
	Water Source:	<input checked="" type="checkbox"/> Well	<input type="checkbox"/> Community	Sewage Disposal:	<input type="checkbox"/> Private Septic	<input type="checkbox"/> Community

Project Information	Carefully indicate and describe all work for which his permit is requested:						
	<input type="checkbox"/> New Single-family Dwelling or Duplex	<input checked="" type="checkbox"/> Garage, Porch, Deck or other accessory use area					
	<input type="checkbox"/> Residential Addition or Remodel	<input type="checkbox"/> Structural Repair					
	Description of Proposed Work <u>BARN &amp; STORAGE BUILDING</u>						

Contractor Info	Contractor To Be Determined	<input type="checkbox"/>	(Must be Declared Before Permit is issued)	Owner / Builder	<input type="checkbox"/>
	General				
	Contractor's Name	<u>FRONTIER BUILDERS</u>		CA Lic. #	<u>996440</u>
	Contractor's Mailing Address	<u>715-505 GLICKENSTAFF RD</u>		Email	<u>None</u>
	City	<u>JANESVILLE</u>	State	<u>CA</u>	Zip Code <u>96141</u>
	Phone	<u>(Cell) Office 520-6667</u>	Fax	<u>253-4144</u>	
General Contractors Signature	<u>John Roper</u>		Responsibility:	<input checked="" type="checkbox"/> Completion	<input type="checkbox"/> Partial

Designer	Applicant designates the following as the "Design Professional in Responsible Charge"†						
	Design Professional	<u>ROPER</u>	Phone	<u>-2078</u>	Email		
	Address	City	State	Zip Code			
	† The Building Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. C.B.C. 106.3.4.1. (See Attached Policy)						

Legal Owner & Agent	* Required Field						
	Sign and initialing below: I <u>CHRISTIAN PALMAR</u>				hereby declare:		
	(initial) 1. I am the legal owner of the parcel referenced in this application.						
	(initial) 2. I acknowledge and approve all proposed construction activity applied for in this application as required in California Health and Safety Code Sec. 19830						
	(initial) 3. I designate and authorize <u>KEN ROPER</u> to act as my agent and signatory per (PRINT AGENT'S NAME CLEARLY)						
	California Building Code 10-5.3, #6 for the sole purpose of securing and perfecting this permit.						
	(initial) 4. I certify that I am aware of all conditions, covenants, restrictions, and easements governing this permit.						
	(initial) 5. When the permit is ready to issue contact: <input type="checkbox"/> Owner <input type="checkbox"/> Contractor <input checked="" type="checkbox"/> Ken Roper						
	See Authorization Letter						
	Owner's Signature		Owner's Printed Signature			Signature of authorized agent for owner	

## Planning Review

### RECORDS

BOOK	PAGE	APP. REQ.
MAP		
C.C.		
ENV.		
N/A	X	

### ZONING

ZONING(S): AP-MU  
EP-SCA  
ORD.: 92-801

PERMITTED USE  
 LAWFUL NONCONFORMING USE

### APPLICABLE DATE

Special Use Permit \_\_\_\_\_  
 Variance \_\_\_\_\_  
 Planned Dev. Permit \_\_\_\_\_  
 Site Dev. Permit \_\_\_\_\_  
 Flood Study \_\_\_\_\_  
 Historic/Design Review \_\_\_\_\_  
 Scenic Review \_\_\_\_\_

### REQUIREMENTS MET

Airport Surface \_\_\_\_\_  
 Airport Zone of Influence \_\_\_\_\_  
 Noise Limitation \_\_\_\_\_  
 Industrial Protection Zone \_\_\_\_\_

### PARKING AND LOADING AREAS

	SPACES				
	REQ	REQ	MOD	PROP	COMPLETED
Parking					
Loading					
Landscaping					SQ. FT.
Paving					
N/A	X				

HEIGHT:	LIMIT	<u>20'</u>	FT.
	PROPOSED	<u>OK</u>	FT.
COVERAGE:	LIMIT		%
	PROPOSED		%
N/A	X		

### ACCESS

COUNTY ROAD ENCROACHMENT PERMIT REQUIRED  
 STATE HWY. ENCROACHMENT PERMIT REQUIRED  
 PRIVATE ROAD  
 DRIVEWAY DRIVEWAY PLAN NEEDED  
NEEDED

### GENERAL PLAN

#### PRIME OPPORTUNITY AREA

MULTIPLE FAMILY USE   
COMMERCIAL USE   
INDUSTRIAL USE   
OTHER USE   
DEVELOPMENT

APPLICABLE	COMPLETED
<input type="checkbox"/> DEVELOPMENT STANDARDS	
<input checked="" type="checkbox"/> ROADWAY	
<input type="checkbox"/> PAVED	<input type="checkbox"/>
<input type="checkbox"/> YEAR-ROUND, MAINTAINED	<input type="checkbox"/>
<input type="checkbox"/> PAVED INTERNAL	<input type="checkbox"/>
<input checked="" type="checkbox"/> WATER	
<input type="checkbox"/> EXISTING SYSTEM	<input type="checkbox"/>
<input type="checkbox"/> NEW SYSTEM	<input type="checkbox"/>
<input type="checkbox"/> 750 GPM	<input type="checkbox"/>
<input type="checkbox"/> 1000 GPM	<input type="checkbox"/>
<input checked="" type="checkbox"/> SEWER	
<input type="checkbox"/> COMMUNITY SYSTEM	<input type="checkbox"/>
<input type="checkbox"/> SYSTEM WAIVED	<input type="checkbox"/>
<input checked="" type="checkbox"/> FIRE PROTECTION	
<input type="checkbox"/> IN DISTRICT	<input type="checkbox"/>
<input type="checkbox"/> YEAR ROUND SERVICE	<input type="checkbox"/>
<input type="checkbox"/> REALISTIC RESPONSE TIME	<input type="checkbox"/>
<input type="checkbox"/> STREET LIGHTING	<input type="checkbox"/>
<input type="checkbox"/> OPEN SPACE	<input type="checkbox"/>

MODERATE OPPORTUNITY AREA	
COMMERCIAL ZONE	<input type="checkbox"/>
INDUSTRIAL ZONE	<input type="checkbox"/>
OTHER ZONE	<input type="checkbox"/>
ROAD PAVING REQUIRED	<input type="checkbox"/> Yes <input type="checkbox"/> No

N/A <input type="checkbox"/>	YARDS (SETBACKS)					
	STRUCTURE	FRONT	FRONT	REAR	LEFT	RIGHT
<u>BARN</u>	REQUIRED	<u>20'</u>	<u>30'</u>	<u>30'</u>	<u>30'</u>	<u>30'</u>
	PROPOSED	<u>OK</u>	<u>OK</u>	<u>OK</u>	<u>OK</u>	<u>OK</u>
<u>STORAGE</u>	REQUIRED					
	PROPOSED					
	REQUIRED					
	PROPOSED					

### INITIAL REVIEW

#### PROBLEMS:

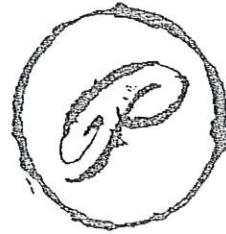
INITIAL REVIEW BY: \_\_\_\_\_ DATE: \_\_\_\_\_

### FINAL REVIEW

#### COMMENTS / REQUIREMENTS:

FINAL REVIEW BY: Rebecca K. He APPROVED X DATE: 4/5/16

# EXHIBIT 7



January 8, 2016

Mr. James Lomen  
Manager  
San Francisco Airports District Office  
Federal Aviation Administration  
1000 Marina Blvd., Suite 220  
Brisbane, CA. 94005

Dear Mr. Lomen:

Please find enclosed FAA Form 7480-1 ("Notice for Construction, Alteration and Deactivation of Airports") regarding a proposed new helicopter landing area (Palmaz Ranch Heliport) in Plumas County, California.

The proposed helicopter landing site will be utilized for non-commercial purposes as a "Private" Heliport ("Prior Permission Required") during "Day" and "Night" VFR weather conditions.

After reviewing the enclosed FAA Form 7480-1 and the supporting enclosures, please contact Mr. Arthur J. Negrette at (916) 444-2090 [mobile (916) 705-3333] or via e-mail at [ajnegrette@yahoo.com](mailto:ajnegrette@yahoo.com) if additional information or clarification is required.

We look forward to your timely review and a favorable "Airspace Determination" for the proposed helicopter landing area.

Sincerely,

Amalia Palmaz  
Manager  
Oak Court Palmaz, Ltd.

Enclosures: (1) FAA Form 7480-1; (2) "Topo" Location Map for "Palmaz Ranch Heliport"; and (3) Proposed Primary & Secondary Flight Tracks.

# EXHIBIT 3



Federal Aviation Administration  
1000 Marina Boulevard, Suite 220  
Brisbane, CA 94005-1835

San Francisco Airports District Office

March 10, 2016

TO:

Oak Court Palmaz, Ltd  
Attn: Amalia Palmaz, Manager  
4130 Genesee Road  
Taylorsville, CA 95983  
christian@palmazvineyards.com

RE: (See attached Table 1 for referenced case(s))  
\*\*THIS IS NOT A FINAL DETERMINATION LETTER\*\*

The Federal Aviation Administration has received your notice concerning:

Table 1 - Letter Referenced Case(s)

ASN	Prior ASN	Location	Latitude (NAD83)	Longitude (NAD83)	AGL (Feet)	AMSL (Feet)
2016-AWP-407-NRA		Taylorsville, CA	40-02-11.72N	120-45-48.51W	0	3760

Description: Construction and establishment of Heliport. Landing area is Pavement. TLOF is 40 feet by 40 feet. FATO is 65 feet by 65 feet. Ingress/Egress is 170 degrees. Landing area will be utilized for non-commercial purposes. Private use, during day and night VFR weather conditions.

NOTE: If the coordinates of your notice were submitted in NAD 27 datum, they have been converted to NAD 83 datum as shown above. NAD 83 datum will be referenced on all future correspondence and will be used for the purpose of this study.

Your notice has been assigned Aeronautical Study Number 2016-AWP-407-NRA and we are in the process of conducting an aeronautical study to determine the effect on air navigation. A determination or response will be forthcoming.

Please inform involved consultants of this correspondence.

If you have any questions, please contact Neil Kumar, (650) 827-7627 Neil.Kumar@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2016-AWP-407-NRA.

#### ORIGINAL SIGNED BY

Neil Kumar  
ADO



Federal Aviation Administration  
1000 Marina Boulevard, Suite 220  
Brisbane, CA 94005-1835

San Francisco Airports District Office

May 06, 2016

TO:

Oak Court Palmaz, Ltd  
Attn: Amalia Palmaz, Manager  
4130 Genesee Road  
Taylorsville, CA 95983  
christian@palmazvineyards.com

NOTICE OF HELIPORT AIRSPACE ANALYSIS DETERMINATION  
ESTABLISH PRIVATE USE HELIPORT  
\*\*CONDITIONAL NO OBJECTION\*\*

The Federal Aviation Administration(FAA) has conducted an aeronautical study under the provisions of Title 14 of the Code of Federal Regulations, Part 157, concerning:

RE: (See attached Table 1 for referenced case(s))

Table 1 - Letter Referenced Case(s)

ASN	Prior ASN	Heliport Name	Description	Location	Latitude (NAD83)	Longitude (NAD83)	Heliport Elevation (feet)
2016-AWP-407-NRA		PALMAZ RANCH HELIPORT	Construction and establishment of Heliport. Landing area is Pavement. TLOF is 40 feet by 40 feet. FATO is 65 feet by 65 feet. Ingress/Egress is 170 degrees. Landing area will be utilized for non-commercial purposes. Private use, during day and night VFR weather conditions.	Taylorsville, CA	40-02-11.72N	120-45-48.51W	3760

We have completed an airspace analysis to establish the subject private use heliport. As studied, the location is approximately 4 nautical miles SE of Taylorsville, CA.

Our aeronautical study has determined that the private use heliport will not adversely affect the safe and efficient use of airspace by aircraft provided the following conditions are met and maintained. Reference FAA Advisory Circular (AC) 150/5390-2, Heliport Design (Current version).

All helicopter approach/departure operations are conducted in the area of 265 degrees clockwise to 165 degrees using the helipad as the reference point. All operations are conducted in VMC conditions. The landing area is limited to private use. A wind indicator is maintained adjacent to the takeoff/landing area, clear of the

ingress/egress routes. The landing area is constructed in accordance with AC 150/5390-2C. A post construction evaluation is conducted by Flight Standards prior to operational use.

This determination does not mean FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of the navigable airspace by aircraft and with respect to the safety of persons and property on the ground. In making the determination, the FAA has considered matters such as the effect the proposal would have on existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects (on file with the FAA) and known natural objects within the affected area would have on the heliport proposal.

The FAA cannot prevent the construction of structures near a heliport. The heliport environment can only be protected through such means as local zoning ordinances or acquisitions of property in fee title or aviation easements, letters of agreement, or other means. This determination in no way preempts or waives any ordinances, laws, or regulations of any government body or agency.

Please complete, sign, date, and return the enclosed Airport Master Record 5010 Form. Instructions for completing the form can be found online at <https://www.faa.gov> in AC 150/5200-35A, "Submitting the Airport Master Record in Order to Activate a New Airport". This action will ensure your heliport is activated.

In order to avoid placing any unfair restrictions on users of the navigable airspace, this determination is valid until 05/06/2017. Should the airport not be established and the Airport Master Record 5010-5 Form not returned by 05/06/2017, an extension of our determination should be requested in writing by 04/06/2017. Should you not elect to establish the airport, please notify the FAA in writing by 04/06/2017.

If you have any questions concerning this determination or completion of the Airport Master Record form, please contact me at [Neil.Kumar@faa.gov](mailto:Neil.Kumar@faa.gov) or at (650) 827-7627.

Sincerely,

Neil Kumar

ADO

Attachment: Airport Master Record 5010 Form

NOTICE FOR CONSTRUCTION, ALTERATION AND DEACTIVATION OF AIRPORTS					
A. Airport Owner <input checked="" type="checkbox"/> Check if this is also the Property Owner			B. Airport Manager (Complete if different than the Airport Owner) <input checked="" type="checkbox"/> Check if this is the Airport's Physical Address		
1. Name and Address <input checked="" type="checkbox"/> Check if this is the Airport's Physical Address Oak Court Palmaz, Ltd 4130 Genesee Road Taylorsville, CA. 95983			1. Name and Address <input checked="" type="checkbox"/> Check if this is the Airport's Physical Address Amalia Palmaz Manager, Oak Court Palmaz, Ltd 4130 Genesee Road, Taylorsville, CA. 95983		
2. Phone (707) 287-7391		3. Email christian@palmazvineyards.com		2. Phone	
C. Purpose of Notification (Answer all questions that apply)					
1. Construct or Establish an:	<input checked="" type="checkbox"/> Airport <input type="checkbox"/> Ultralight Flightpark <input type="checkbox"/> Balloonport <input checked="" type="checkbox"/> Heliport <input type="checkbox"/> Seaplane Base <input type="checkbox"/> Other		1. Name of Landing Area Palmaz Ranch Heliport		
2. Construct, Alter or Relocate a:	<input type="checkbox"/> Runway <input checked="" type="checkbox"/> Heliport(s) <input type="checkbox"/> Other <input checked="" type="checkbox"/> Taxiway (Public Use Airports only)		2. Loc ID (if existing)		
3. Change Status From/To:	<input checked="" type="checkbox"/> VFR to IFR <input type="checkbox"/> IFR to VFR <input checked="" type="checkbox"/> Private Use to Public Use <input type="checkbox"/> Public Use to Other		3. Associated City and State Taylorsville, California		
4. Change Traffic Pattern:	<input type="checkbox"/> Direction <input type="checkbox"/> Altitude _____ <input type="checkbox"/> Other (Describe Below)		4. Distance from City 4 (nm)		
5. Deactivate	<input type="checkbox"/> Airport <input type="checkbox"/> RWY _____ <input type="checkbox"/> TWY _____		5. County (Physical Location) Plumas, California		
6. Description					
D. Name, Location, Use and Type of Landing Area					
7. Latitude 40° 2' 11.7200"			8. Longitude 120° 45' 43.5100"		9. Elevation 3,760
10. Current Use: <input checked="" type="checkbox"/> Private <input type="checkbox"/> Public <input type="checkbox"/> Private Use of Public Lands			11. Ownership: <input checked="" type="checkbox"/> Private <input type="checkbox"/> Public <input type="checkbox"/> Military (Branch) _____		
12. Airport Type: <input type="checkbox"/> Airport <input type="checkbox"/> Ultralight Flightpark <input type="checkbox"/> Balloonport <input checked="" type="checkbox"/> Heliport <input type="checkbox"/> Seaplane Base <input type="checkbox"/> Other			13. Description		
E. Landing Area Data (List any Proposed, New or Unregistered Runways, Heliports etc.)					
1. Airport, Seaplane Base or Ultralight Flightpark (use second page if needed)			2. Heliport, Balloonport or other Landing Area (use second page if needed)		
RWY ID	/	/	Heliport ID		
Lat & Long	Show on attachment(s)	Show on attachment(s)	Lat. & Long	Show on attachment(s)	Show on attachment(s)
Surface Type			Surface Type	Pavement	
Length (feet)			TLOF Dimensions	40' x 40'	
Width (feet)			FATO Dimensions	65' x 65'	
Lighting (if any)			Lighting (if any)	Perimeter	
Right Traffic (Y/N)	/	/	Ingress/Egress (Degrees)	170	
Elevation (AMSL)	Show on attachment(s)	Show on attachment(s)	Elevation (AMSL)	Show on attachment(s)	Show on attachment(s)
VFR or IFR	/	/	Elevated Height (AGL)	0	
F. Operational Data (Indicate if the number provided is Actual or Estimated)					
	1. Number of Based Aircraft		2. Average Number of Monthly Landings		
	Present or Estimated	Estimated in 5 Years	Present or Estimated	Estimated in 5 Years	
	Single Engine	0	0	0	
	Multi Engine	0	0	0	
	Jet	0	0	0	
	Helicopter	0	0	0	
	Glider	0	0	16	
	Military	0	0	0	
Ultralight	0	0	0		
3. What is the Most Demanding Aircraft that operates or will operate at the Airport? (Provide approach speed, rotor diameter, etc if known)					
4. Are IFR Procedures for the Airport Anticipated? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Within _____ Years					
G. CERTIFICATION: I hereby certify that all of the above statements made by me are true and complete to the best of my knowledge					
1. Name, title of person filing this notice (type or print)		2. Signature (in ink)			
Amalia Palmaz Manager, Oak Court Palmaz, Ltd		3. Date	4. Phone (707) 226-5587	5. Email christian@palmazvineyards.com	

# EXHIBIT 8

## FAA Federal Aviation Regulations (FARS, 14 CFR)

[FARs](#) > [Part 1](#) > [Section 1 - General definitions](#)

As used in Subchapters A through K of this chapter, unless the context requires otherwise:

**Administrator** means the Federal Aviation Administrator or any person to whom he has delegated his authority in the matter concerned.

**Aerodynamic coefficients** means non-dimensional coefficients for aerodynamic forces and moments.

**Air carrier** means a person who undertakes directly by lease, or other arrangement, to engage in air transportation.

**Air commerce** means interstate, overseas, or foreign air commerce or the transportation of mail by aircraft or any operation or navigation of aircraft within the limits of any Federal airway or any operation or navigation of aircraft which directly affects, or which may endanger safety in, interstate, overseas, or foreign air commerce.

 **Aircraft** means a device that is used or intended to be used for flight in the air.

**Aircraft engine** means an engine that is used or intended to be used for propelling aircraft. It includes turbosuperchargers, appurtenances, and accessories necessary for its functioning, but does not include propellers.

**Airframe** means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces (including rotors but excluding propellers and rotating airfoils of engines), and landing gear of an aircraft and their accessories and controls.

**Airplane** means an engine-driven fixed-wing aircraft heavier than air, that is supported in flight by the dynamic reaction of the air against its wings.

 **Airport** means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any.

[Top of Page](#)

**Airship** means an engine-driven lighter-than-air aircraft that can be steered.

**Air traffic** means aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.

**Air traffic clearance** means an authorization by air traffic control, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified traffic conditions within controlled airspace.

**Air traffic control** means a service operated by appropriate authority to promote the safe, orderly, and expeditious flow of air traffic.

**Air Traffic Service (ATS) route** is a specified route designated for channeling the flow of traffic as necessary for the provision of air traffic services. The term "ATS route" refers to a variety of airways, including jet routes, area navigation (RNAV) routes, and arrival and departure routes. An ATS route is defined by route specifications, which may include:

- (1) An ATS route designator;
- (2) The path to or from significant points;
- (3) Distance between significant points;
- (4) Reporting requirements; and
- (5) The lowest safe altitude determined by the appropriate authority.

**Air transportation** means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft.

# EXHIBIT 4



**Federal Aviation Administration**  
1000 Marina Boulevard, Suite 220  
Brisbane, CA 94005-1835

San Francisco Airports District Office

May 06, 2016

TO:

Oak Court Palmaz, Ltd  
Attn: Amalia Palmaz, Manager  
4130 Genesee Road  
Taylorsville, CA 95983  
christian@palmazvineyards.com

**NOTICE OF HELIPORT AIRSPACE ANALYSIS DETERMINATION  
ESTABLISH PRIVATE USE HELIPORT  
\*\*CONDITIONAL NO OBJECTION\*\***

The Federal Aviation Administration(FAA) has conducted an aeronautical study under the provisions of Title 14 of the Code of Federal Regulations, Part 157, concerning:

RE: *(See attached Table 1 for referenced case(s))*

Table 1 - Letter Referenced Case(s)

ASN	Prior ASN	Heliport Name	Description	Location	Latitude (NAD83)	Longitude (NAD83)	Heliport Elevation (feet)
2016-AWP-407-NRA		PALMAZ RANCH HELIPORT	Construction and establishment of Heliport. Landing area is Pavement. TLOF is 40 feet by 40 feet. FATO is 65 feet by 65 feet. Ingress/Egress is 170 degrees. Landing area will be utilized for non-commercial purposes, Private use, during day and night VFR weather conditions.	Taylorsville, CA	40-02-11.72N	120-45-48.51W	3760

We have completed an airspace analysis to establish the subject private use heliport. As studied, the location is approximately 4 nautical miles SE of Taylorsville, CA.

Our aeronautical study has determined that the private use heliport will not adversely affect the safe and efficient use of airspace by aircraft provided the following conditions are met and maintained. Reference FAA Advisory Circular (AC) 150/5390-2, Heliport Design (Current version).

All helicopter approach/departure operations are conducted in the area of 265 degrees clockwise to 165 degrees using the helipad as the reference point. All operations are conducted in VMC conditions. The landing area is limited to private use. A wind indicator is maintained adjacent to the takeoff/landing area, clear of the

ingress/egress routes. The landing area is constructed in accordance with AC 150/5390-2C. A post construction evaluation is conducted by Flight Standards prior to operational use.

This determination does not mean FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of the navigable airspace by aircraft and with respect to the safety of persons and property on the ground. In making the determination, the FAA has considered matters such as the effect the proposal would have on existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects (on file with the FAA) and known natural objects within the affected area would have on the heliport proposal.

The FAA cannot prevent the construction of structures near a heliport. The heliport environment can only be protected through such means as local zoning ordinances or acquisitions of property in fee title or aviation easements, letters of agreement, or other means. This determination in no way preempts or waives any ordinances, laws, or regulations of any government body or agency.

Please complete, sign, date, and return the enclosed Airport Master Record 5010 Form. Instructions for completing the form can be found online at <https://www.faa.gov> in AC 150/5200-35A, "Submitting the Airport Master Record in Order to Activate a New Airport". This action will ensure your heliport is activated.

In order to avoid placing any unfair restrictions on users of the navigable airspace, this determination is valid until 05/06/2017. Should the airport not be established and the Airport Master Record 5010-5 Form not returned by 05/06/2017, an extension of our determination should be requested in writing by 04/06/2017. Should you not elect to establish the airport, please notify the FAA in writing by 04/06/2017.

If you have any questions concerning this determination or completion of the Airport Master Record form, please contact me at [Neil.Kumar@faa.gov](mailto:Neil.Kumar@faa.gov) or at (650) 827-7627.

Sincerely,

Neil Kumar  
ADO

Attachment: Airport Master Record 5010 Form



> 1 ASSOC CITY: Taylorsville  
> 2 AIRPORT NAME: PALMAZ RANCH HELIPORT  
3 CBD TO AIRPORT (NM): 4 SE

4 STATE: CA  
6 REGION/ADO: AWP/SFO

LOC ID:  
5 COUNTY: Plumas  
7 SECT AERO CHT: KLAMATH FALLS

GENERAL

10 OWNERSHIP: PR  
11 OWNER:  
12 ADDRESS:

70 FUEL:

SERVICES

90 SINGLE ENG:  
91 MULTI ENG:  
92 JET:

13 PHONE NR:

TOTAL: 0

14 MANAGER:

93 HELICOPTERS: 0

15 ADDRESS:

94 GLIDERS: 0

16 PHONE NR:

95 MILITARY: 0

17 ATTENDANCE SCHEDULE:  
MONTHS DAYS HOURS

96 ULTRA-LIGHT: 0

FACILITIES

> 80 ARPT BCN:  
> 81 ARPT LGT SKED:  
> 82 UNICOM: 0.0  
> 83 WIND INDICATOR:  
> 84 SEGMENTED CIRCLE:  
> 85 CONTROL TWR: NO  
> 86 FSS:  
> 87 FSS ON ARPT:  
> 88 FSS PHONE NR:  
> 89 TOLL FREE NR:

RUNWAY DATA

> 30 RUNWAY IDENT: H1  
> 31 LENGTH: 40  
> 32 WIDTH: 40  
> 33 SURF TYPE-COND:

LIGHTING/APCH AIDS

> 40 EDGE INTENSITY:  
> 42 RWY MARK TYPE-COND:

OBSTRUCTION DATA

50 FAR 77 CATEGORY:  
51 DISPLACED THR:  
52 CTLG OBSTN:  
53 OBSTN MARKED/LGTD:  
54 HGT ABOVE RWY END:  
55 DIST FROM RWY END:

(>) ARPT MGR PLEASE ADVISE FSS IN ITEM 86 WHEN CHANGES OCCUR TO ITEMS PRECEDED BY >

111 OWNER/MANAGER SIGNATURE 113 DATE:

**ELECTRONIC CODE OF FEDERAL REGULATIONS****e-CFR data is current as of April 3, 2017**Title 14 → Chapter I → Subchapter A → Part 1 → §1.1

Title 14: Aeronautics and Space  
PART 1—DEFINITIONS AND ABBREVIATIONS

**§1.1 General definitions.**

As used in Subchapters A through K of this chapter, unless the context requires otherwise:

*Administrator* means the Federal Aviation Administrator or any person to whom he has delegated his authority in the matter concerned.

*Aerodynamic coefficients* means non-dimensional coefficients for aerodynamic forces and moments.

*Air carrier* means a person who undertakes directly by lease, or other arrangement, to engage in air transportation.

*Air commerce* means interstate, overseas, or foreign air commerce or the transportation of mail by aircraft or any operation or navigation of aircraft within the limits of any Federal airway or any operation or navigation of aircraft which directly affects, or which may endanger safety in, interstate, overseas, or foreign air commerce.

*Aircraft* means a device that is used or intended to be used for flight in the air.

*Aircraft engine* means an engine that is used or intended to be used for propelling aircraft. It includes turbosuperchargers, appurtenances, and accessories necessary for its functioning, but does not include propellers.

*Airframe* means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces (including rotors but excluding propellers and rotating airfoils of engines), and landing gear of an aircraft and their accessories and controls.

*Airplane* means an engine-driven fixed-wing aircraft heavier than air, that is supported in flight by the dynamic reaction of the air against its wings.

*Airport* means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any.

*Airship* means an engine-driven lighter-than-air aircraft that can be steered.

*Air traffic* means aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.

*Air traffic clearance* means an authorization by air traffic control, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified traffic conditions within controlled airspace.

*Air traffic control* means a service operated by appropriate authority to promote the safe, orderly, and expeditious flow of air traffic.

*Air Traffic Service (ATS) route* is a specified route designated for channeling the flow of traffic as necessary for the provision of air traffic services. The term "ATS route" refers to a variety of airways, including jet routes, area navigation (RNAV) routes, and arrival and departure routes. An ATS route is defined by route specifications, which may include:

- (1) An ATS route designator;
- (2) The path to or from significant points;
- (3) Distance between significant points;
- (4) Reporting requirements; and
- (5) The lowest safe altitude determined by the appropriate authority.

*Air transportation* means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft.

EXHIBIT 6

*Alert Area*. An alert area is established to inform pilots of a specific area wherein a high volume of pilot training or an unusual type of aeronautical activity is conducted.

*Alternate airport* means an airport at which an aircraft may land if a landing at the intended airport becomes inadvisable.

*Altitude engine* means a reciprocating aircraft engine having a rated takeoff power that is producible from sea level to an established higher altitude.

*Amateur rocket* means an unmanned rocket that:

(1) Is propelled by a motor or motors having a combined total impulse of 889,600 Newton-seconds (200,000 pound-seconds) or less; and

(2) Cannot reach an altitude greater than 150 kilometers (93.2 statute miles) above the earth's surface.

*Appliance* means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine, or propeller.

*Approved*, unless used with reference to another person, means approved by the FAA or any person to whom the FAA has delegated its authority in the matter concerned, or approved under the provisions of a bilateral agreement between the United States and a foreign country or jurisdiction.

*Area navigation (RNAV)* is a method of navigation that permits aircraft operations on any desired flight path.

*Area navigation (RNAV) route* is an ATS route based on RNAV that can be used by suitably equipped aircraft.

*Armed Forces* means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including their regular and reserve components and members serving without component status.

*Autorotation* means a rotorcraft flight condition in which the lifting rotor is driven entirely by action of the air when the rotorcraft is in motion.

*Auxiliary rotor* means a rotor that serves either to counteract the effect of the main rotor torque on a rotorcraft or to maneuver the rotorcraft about one or more of its three principal axes.

*Balloon* means a lighter-than-air aircraft that is not engine driven, and that sustains flight through the use of either gas buoyancy or an airborne heater.

*Brake horsepower* means the power delivered at the propeller shaft (main drive or main output) of an aircraft engine.

*Calibrated airspeed* means the indicated airspeed of an aircraft, corrected for position and instrument error. Calibrated airspeed is equal to true airspeed in standard atmosphere at sea level.

*Canard* means the forward wing of a canard configuration and may be a fixed, movable, or variable geometry surface, with or without control surfaces.

*Canard configuration* means a configuration in which the span of the forward wing is substantially less than that of the main wing.

*Category:*

(1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a broad classification of aircraft. Examples include: airplane; rotorcraft; glider; and lighter-than-air; and

(2) As used with respect to the certification of aircraft, means a grouping of aircraft based upon intended use or operating limitations. Examples include: transport, normal, utility, acrobatic, limited, restricted, and provisional.

*Category A*, with respect to transport category rotorcraft, means multiengine rotorcraft designed with engine and system isolation features specified in Part 29 and utilizing scheduled takeoff and landing operations under a critical engine failure concept which assures adequate designated surface area and adequate performance capability for continued safe flight in the event of engine failure.

*Category B*, with respect to transport category rotorcraft, means single-engine or multiengine rotorcraft which do not fully meet all Category A standards. Category B rotorcraft have no guaranteed stay-up ability in the event of engine failure and unscheduled landing is assumed.

*Category II operations*, with respect to the operation of aircraft, means a straight-in ILS approach to the runway of an airport under a Category II ILS instrument approach procedure issued by the Administrator or other appropriate authority.

*Category III operations*, with respect to the operation of aircraft, means an ILS approach to, and landing on, the runway of an airport using a Category III ILS instrument approach procedure issued by the Administrator or other appropriate authority.

*Ceiling* means the height above the earth's surface of the lowest layer of clouds or obscuring phenomena that is reported as "broken", "overcast", or "obscuration", and not classified as "thin" or "partial".

*Civil aircraft* means aircraft other than public aircraft.

*Class:*

(1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a classification of aircraft within a category having similar operating characteristics. Examples include: single engine; multiengine; land; water; gyroplane; helicopter; airship; and free balloon; and

(2) As used with respect to the certification of aircraft, means a broad grouping of aircraft having similar characteristics of propulsion, flight, or landing. Examples include: airplane; rotorcraft; glider; balloon; landplane; and seaplane.

*Clearway* means:

(1) For turbine engine powered airplanes certificated after August 29, 1959, an area beyond the runway, not less than 500 feet wide, centrally located about the extended centerline of the runway, and under the control of the airport authorities. The clearway is expressed in terms of a clearway plane, extending from the end of the runway with an upward slope not exceeding 1.25 percent, above which no object nor any terrain protrudes. However, threshold lights may protrude above the plane if their height above the end of the runway is 26 inches or less and if they are located to each side of the runway.

(2) For turbine engine powered airplanes certificated after September 30, 1958, but before August 30, 1959, an area beyond the takeoff runway extending no less than 300 feet on either side of the extended centerline of the runway, at an elevation no higher than the elevation of the end of the runway, clear of all fixed obstacles, and under the control of the airport authorities.

*Climb-out speed*, with respect to rotorcraft, means a referenced airspeed which results in a flight path clear of the height-velocity envelope during initial climbout.

*Commercial operator* means a person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier or foreign air carrier or under the authority of Part 375 of this title. Where it is doubtful that an operation is for "compensation or hire", the test applied is whether the carriage by air is merely incidental to the person's other business or is, in itself, a major enterprise for profit.

*Configuration, Maintenance, and Procedures (CMP) document* means a document approved by the FAA that contains minimum configuration, operating, and maintenance requirements, hardware life-limits, and Master Minimum Equipment List (MMEL) constraints necessary for an airplane-engine combination to meet ETOPS type design approval requirements.

*Consensus standard* means, for the purpose of certificating light-sport aircraft, an industry-developed consensus standard that applies to aircraft design, production, and airworthiness. It includes, but is not limited to, standards for aircraft design and performance, required equipment, manufacturer quality assurance systems, production acceptance test procedures, operating instructions, maintenance and inspection procedures, identification and recording of major repairs and major alterations, and continued airworthiness.

*Controlled airspace* means an airspace of defined dimensions within which air traffic control service is provided to IFR flights and to VFR flights in accordance with the airspace classification.

NOTE: Controlled airspace is a generic term that covers Class A, Class B, Class C, Class D, and Class E airspace.

*Controlled Firing Area*. A controlled firing area is established to contain activities, which if not conducted in a controlled environment, would be hazardous to nonparticipating aircraft.

*Crewmember* means a person assigned to perform duty in an aircraft during flight time.

*Critical altitude* means the maximum altitude at which, in standard atmosphere, it is possible to maintain, at a specified rotational speed, a specified power or a specified manifold pressure. Unless otherwise stated, the critical altitude is the maximum altitude at which it is possible to maintain, at the maximum continuous rotational speed, one of the following:

(1) The maximum continuous power, in the case of engines for which this power rating is the same at sea level and at the rated altitude.

(2) The maximum continuous rated manifold pressure, in the case of engines, the maximum continuous power of which is governed by a constant manifold pressure.

*Critical engine* means the engine whose failure would most adversely affect the performance or handling qualities of an aircraft.

*Decision altitude (DA)* is a specified altitude in an instrument approach procedure at which the pilot must decide whether to initiate an immediate missed approach if the pilot does not see the required visual reference, or to continue the approach. Decision altitude is expressed in feet above mean sea level.

*Decision height (DH)* is a specified height above the ground in an instrument approach procedure at which the pilot must decide whether to initiate an immediate missed approach if the pilot does not see the required visual reference, or to continue the approach. Decision height is expressed in feet above ground level.

*Early ETOPS* means ETOPS type design approval obtained without gaining non-ETOPS service experience on the candidate airplane-engine combination certified for ETOPS.

*EFVS operation* means an operation in which visibility conditions require an EFVS to be used in lieu of natural vision to perform an approach or landing, determine enhanced flight visibility, identify required visual references, or conduct a rollout.

*Enhanced flight visibility (EFV)* means the average forward horizontal distance, from the cockpit of an aircraft in flight, at which prominent topographical objects may be clearly distinguished and identified by day or night by a pilot using an enhanced flight vision system.

*Enhanced flight vision system (EFVS)* means an installed aircraft system which uses an electronic means to provide a display of the forward external scene topography (the natural or manmade features of a place or region especially in a way to show their relative positions and elevation) through the use of imaging sensors, including but not limited to forward-looking infrared, millimeter wave radiometry, millimeter wave radar, or low-light level image intensification. An EFVS includes the display element, sensors, computers and power supplies, indications, and controls.

*Equivalent airspeed* means the calibrated airspeed of an aircraft corrected for adiabatic compressible flow for the particular altitude. Equivalent airspeed is equal to calibrated airspeed in standard atmosphere at sea level.

*ETOPS Significant System* means an airplane system, including the propulsion system, the failure or malfunctioning of which could adversely affect the safety of an ETOPS flight, or the continued safe flight and landing of an airplane during an ETOPS diversion. Each ETOPS significant system is either an ETOPS group 1 significant system or an ETOPS group 2 significant system.

(1) An ETOPS group 1 Significant System—

- (i) Has fail-safe characteristics directly linked to the degree of redundancy provided by the number of engines on the airplane.
- (ii) Is a system, the failure or malfunction of which could result in an IFSD, loss of thrust control, or other power loss.
- (iii) Contributes significantly to the safety of an ETOPS diversion by providing additional redundancy for any system power source lost as a result of an inoperative engine.
- (iv) Is essential for prolonged operation of an airplane at engine inoperative altitudes.

(2) An ETOPS group 2 significant system is an ETOPS significant system that is not an ETOPS group 1 significant system.

*Extended Operations (ETOPS)* means an airplane flight operation, other than an all-cargo operation in an airplane with more than two engines, during which a portion of the flight is conducted beyond a time threshold identified in part 121 or part 135 of this chapter that is determined using an approved one-engine-inoperative cruise speed under standard atmospheric conditions in still air.

*Extended over-water operation* means—

- (1) With respect to aircraft other than helicopters, an operation over water at a horizontal distance of more than 50 nautical miles from the nearest shoreline; and
- (2) With respect to helicopters, an operation over water at a horizontal distance of more than 50 nautical miles from the nearest shoreline and more than 50 nautical miles from an off-shore heliport structure.

*External load* means a load that is carried, or extends, outside of the aircraft fuselage.

*External-load attaching means* means the structural components used to attach an external load to an aircraft, including external-load containers, the backup structure at the attachment points, and any quick-release device used to jettison the external load.

*Final approach fix (FAF)* defines the beginning of the final approach segment and the point where final segment descent may begin.

*Final takeoff speed* means the speed of the airplane that exists at the end of the takeoff path in the en route configuration with one engine inoperative.

*Fireproof*—

(1) With respect to materials and parts used to confine fire in a designated fire zone, means the capacity to withstand at least as well as steel in dimensions appropriate for the purpose for which they are used, the heat produced when there is a severe fire of extended duration in that zone; and

(2) With respect to other materials and parts, means the capacity to withstand the heat associated with fire at least as well as steel in dimensions appropriate for the purpose for which they are used.

*Fire resistant*—

(1) With respect to sheet or structural members means the capacity to withstand the heat associated with fire at least as well as aluminum alloy in dimensions appropriate for the purpose for which they are used; and

(2) With respect to fluid-carrying lines, fluid system parts, wiring, air ducts, fittings, and powerplant controls, means the capacity to perform the intended functions under the heat and other conditions likely to occur when there is a fire at the place concerned.

*Flame resistant* means not susceptible to combustion to the point of propagating a flame, beyond safe limits, after the ignition source is removed.

*Flammable*, with respect to a fluid or gas, means susceptible to igniting readily or to exploding.

*Flap extended speed* means the highest speed permissible with wing flaps in a prescribed extended position.

*Flash resistant* means not susceptible to burning violently when ignited.

*Flightcrew member* means a pilot, flight engineer, or flight navigator assigned to duty in an aircraft during flight time.

*Flight level* means a level of constant atmospheric pressure related to a reference datum of 29.92 inches of mercury. Each is stated in three digits that represent hundreds of feet. For example, flight level 250 represents a barometric altimeter indication of 25,000 feet; flight level 255, an indication of 25,500 feet.

*Flight plan* means specified information, relating to the intended flight of an aircraft, that is filed orally or in writing with air traffic control.

*Flight simulation training device (FSTD)* means a flight simulator or a flight training device.

*Flight time* means:

(1) Pilot time that commences when an aircraft moves under its own power for the purpose of flight and ends when the aircraft comes to rest after landing; or

(2) For a glider without self-launch capability, pilot time that commences when the glider is towed for the purpose of flight and ends when the glider comes to rest after landing.

*Flight training device (FTD)* means a replica of aircraft instruments, equipment, panels, and controls in an open flight deck area or an enclosed aircraft cockpit replica. It includes the equipment and computer programs necessary to represent aircraft (or set of aircraft) operations in ground and flight conditions having the full range of capabilities of the systems installed in the device as described in part 60 of this chapter and the qualification performance standard (QPS) for a specific FTD qualification level.

*Flight visibility* means the average forward horizontal distance, from the cockpit of an aircraft in flight, at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

*Foreign air carrier* means any person other than a citizen of the United States, who undertakes directly, by lease or other arrangement, to engage in air transportation.

*Foreign air commerce* means the carriage by aircraft of persons or property for compensation or hire, or the carriage of mail by aircraft, or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation, in

commerce between a place in the United States and any place outside thereof; whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

*Foreign air transportation* means the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in commerce between a place in the United States and any place outside of the United States, whether that commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

*Forward wing* means a forward lifting surface of a canard configuration or tandem-wing configuration airplane. The surface may be a fixed, movable, or variable geometry surface, with or without control surfaces.

*Full flight simulator (FFS)* means a replica of a specific type; or make, model, and series aircraft cockpit. It includes the assemblage of equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out-of-the-cockpit view, a system that provides cues at least equivalent to those of a three-degree-of-freedom motion system, and has the full range of capabilities of the systems installed in the device as described in part 60 of this chapter and the qualification performance standards (QPS) for a specific FFS qualification level.

*Glider* means a heavier-than-air aircraft, that is supported in flight by the dynamic reaction of the air against its lifting surfaces and whose free flight does not depend principally on an engine.

*Ground visibility* means prevailing horizontal visibility near the earth's surface as reported by the United States National Weather Service or an accredited observer.

*Go-around power or thrust setting* means the maximum allowable in-flight power or thrust setting identified in the performance data.

*Gyrodyne* means a rotorcraft whose rotors are normally engine-driven for takeoff, hovering, and landing, and for forward flight through part of its speed range, and whose means of propulsion, consisting usually of conventional propellers, is independent of the rotor system.

*Gyroplane* means a rotorcraft whose rotors are not engine-driven, except for initial starting, but are made to rotate by action of the air when the rotorcraft is moving; and whose means of propulsion, consisting usually of conventional propellers, is independent of the rotor system.

*Helicopter* means a rotorcraft that, for its horizontal motion, depends principally on its engine-driven rotors.

*Heliport* means an area of land, water, or structure used or intended to be used for the landing and takeoff of helicopters.

*Idle thrust* means the jet thrust obtained with the engine power control level set at the stop for the least thrust position at which it can be placed.

*IFR conditions* means weather conditions below the minimum for flight under visual flight rules.

*IFR over-the-top*, with respect to the operation of aircraft, means the operation of an aircraft over-the-top on an IFR flight plan when cleared by air traffic control to maintain "VFR conditions" or "VFR conditions on top".

*Indicated airspeed* means the speed of an aircraft as shown on its pitot static airspeed indicator calibrated to reflect standard atmosphere adiabatic compressible flow at sea level uncorrected for airspeed system errors.

*In-flight shutdown (IFSD)* means, for ETOPS only, when an engine ceases to function (when the airplane is airborne) and is shutdown, whether self induced, flightcrew initiated or caused by an external influence. The FAA considers IFSD for all causes: for example, flameout, internal failure, flightcrew initiated shutdown, foreign object ingestion, icing, inability to obtain or control desired thrust or power, and cycling of the start control, however briefly, even if the engine operates normally for the remainder of the flight. This definition excludes the airborne cessation of the functioning of an engine when immediately followed by an automatic engine relight and when an engine does not achieve desired thrust or power but is not shutdown.

*Instrument* means a device using an internal mechanism to show visually or aurally the attitude, altitude, or operation of an aircraft or aircraft part. It includes electronic devices for automatically controlling an aircraft in flight.

*Instrument approach procedure (IAP)* is a series of predetermined maneuvers by reference to flight instruments with specified protection from obstacles and assurance of navigation signal reception capability. It begins from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point:

(1) From which a landing can be completed; or

(2) If a landing is not completed, to a position at which holding or en route obstacle clearance criteria apply.

# Plumas County Airport Land Use Commission Policies, Rules and Regulations

On July 10, 2007, the Plumas County Board of Supervisors re-instated the Plumas County Airport Land Use Commission (ALUC). The following policies, rules and regulations were adopted on February 27, 2008. These Policies, Rules and Regulations were adopted in order for the ALUC to meet its responsibilities in compliance with PUC 21670 thru 21679.5.

## I. **ALUC Responsibilities**

In the broadest sense, the law defines the powers and duties of ALUCs in terms which parallel the commissions' purpose:

"To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses" (Section 21674(a)).

To fulfill this basic obligation, ALUCs have two specific duties:

### A. **Prepare Compatibility Plans**

The commission is required to "prepare and adopt" an airport land use plan for each of the airports within its jurisdiction (Sections 21674(c) and 21675(a)). In the case of Plumas County, this requirement applies to three County-owned airports: Rogers Airport at Chester, Gansner Airport at Quincy, and Nervino Airport at Beckwourth.

### B. **Review Local Agency Land Use Actions and Airport Plans**

The commission's second duty is to "review the plans, regulations, and other actions of local agencies and airport operators..." (Section 21674(d)). The ALUC is required to review certain types of actions taken by the County or other local agencies, and developments proposed by other parties, which affect land use in the vicinity of airports, to ensure that the proposed action is consistent with the ALUCP.

## II. **Meeting**

### A. **Protocols**

- ❖ All meetings and activities of the Commission are subject to the Brown Act.
- ❖ Treat everyone with respect.
- ❖ Focus questions and comments on the subject at hand and stick to the agenda.
- ❖ Let others finish before speaking.
- ❖ Share the air—let others speak before speaking twice.
- ❖ Collaborate with other committee members—seek to find common ground.
- ❖ Participate.

- ❖ Notify the Chair if you are unable to attend a meeting. If you are unable to reach the Chair, please contact the Vice Chair.
- ❖ Arrive on time.
- ❖ Read materials in advance.

**B. Frequency**

The ALUC will meet on the third Wednesday of every month. The agenda stating the time, location and order of business will vary and will be posted in various locations around the county. In addition, when possible the posting will be in the newspaper and announced on the local radio stations.

**C. Decision Making**

When it is necessary for the Commission to take action on an issue, **PUC 21671.5.e** will be adhered to. That is, "No action shall be taken by the Commission except by the recorded vote of a majority of the full membership."

**D. Guidelines**

- ❖ Meeting agenda will be sent at least one week prior to the meeting.
- ❖ Each meeting will include a dedicated time for public input.
- ❖ As possible discussion materials will be provided in advance of the meeting.
- ❖ Meeting minutes will be provided to all commission members.
- ❖ All subcommittee materials will be copied to all ALUC members.

**III. Terms of Office**

Commissioners will serve for terms defined in PUC 21671.5.a. That is for four years after the initial selection of commissioners for which the terms will be determined by lot per PUC 21671.5.a.

**IV. Officers**

Officers will be that of a Chair and Vice Chair and will be selected by the Commission during a meeting that will be held in compliance with the Brown Act. Officer terms will be for two years at which time they will step down and an election held to select a Chair and Vice Chair. All Commission members will be eligible for nomination including past Chair and Vice Chair.

**V. Proxies**

Proxies must be declared in compliance with PUC 21670.d. That is, each commission will appoint a proxy in writing. Staff has provided a form for this appointment. In order for the proxy to vote on any action item, they must:

- ❖ have attended the meeting at which the issue was discussed, or
- ❖ have listened to a recording of the meeting at which the issue was discussed, or
- ❖ have read the minutes of the meeting at which the issue was discussed.

## VI. **Conflict of Interest**

When a Commissioner has a personal financial interest in an issue being considered by the Commission, that member will be temporarily disqualified from the discussion and voting on that issue. Failure of the Commissioner to declare a conflict may be cause for the Commission to recommend that the appointing body replace that Commissioner.

## VII. **Responsibilities of Staff**

Duties usually delegated to staff are as follows:

- ❖ Coordinate with local agency staff to obtain information regarding specific projects to be reviewed by the ALUC;
- ❖ Provide general assistance to local agency staff regarding airport compatibility issues;
- ❖ Work with ALUC regarding meeting schedules and agendas;
- ❖ Prepare staff reports and meeting agendas;
- ❖ Issue required public notices of pending commission actions;
- ❖ Record meeting minutes;
- ❖ Notify local agencies of Commission decisions on items submitted for review;
- ❖ Obtain documents for the Commission necessary to take action on an issue;
- ❖ Perform any other request by the Chair for the Commission to meet its responsibilities as long as it is lawful, moral and ethical.

## VIII. **Fees**

Fees for Commission reviews or other actions are to be established and administered by the Plumas County Planning Department.

## IX. **Subcommittees**

The ALUC may designate subcommittees to address concerns and present recommendations to the full Commission. The Chair shall nominate subcommittee members with the final approval of ALUC. Each subcommittee shall report to the Commission on its work, and exist until such time as its responsibilities and duties are accomplished, after which the Commission shall determine whether there is a need for the subcommittee to continue.

## X. **Process for Reviews**

Decision on most actions and projects would normally be given by the Planning or Building Department on the basis of the ALUC and established Policy.

Where review is required by law, rule or established policy, or is desired by the Planning or Building Department, or is requested by the applicant for the action or project, the following shall apply:

- A. A project or other action submitted to the Commission for review and decision must be accompanied by descriptions, maps and drawings that are complete and sufficient to indicate clearly:
  1. The location and elevation of the site;
  2. Dimensioned floor plans and elevation views of any structures involved;

3. Materials to be used and construction details where any mitigation of potential for damage or noise is claimed or would be pertinent to a Commission decision;
4. Usages of the site or structure that are planned, or are a likely potential;
5. Appropriate data regarding intensity of occupancy or usage where the ALUCP criteria would "limit" the proposed land use of the site;
6. In a case where the ALUCP criteria would indicate a decision to "avoid" the proposed use or action, a statement and supporting information that would justify a finding that no other site or action would be feasible; and
7. That the applicant has been advised of implications and potential obligations that might be imposed on the project or action by FAR Part 77.

A Plan or Project submitted to the ALUC for Advisory Review should include sufficient documentation to support at least the level of review and recommendation desired by the submitting party.

- B. When, according to law or the ALUCP, a project or other action *requires* review and decision by the Commission, the Commission is allowed 60 days to make the decision, and that time starts when all the required information, as indicated above, has been submitted. However, the Commission will make reasonable effort to take action in a shorter time. Required actions and binding decisions shall be adopted by the Commission meeting in public session.
- C. When a project or other action is submitted for an advisory review, the Commission may issue recommendations, but these are not binding on either the sponsor of the project or action or on the Commission with regard to further review or subsequent decision. The Commission will make reasonable effort to provide an advisory review on the same time schedule as for a required review, but is not required to meet any particular schedule.
- D. In order to provide faster action on a less formal advisory review, and with concurrence of the sponsor of the project or action in question, a temporary sub-committee consisting of the Commission Chair and another Commissioner appointed by the Chair may issue an Advisory Opinion and/or informal recommendation, but such opinion and/or recommendation is intended to be helpful information to the sponsor and is in no way binding on any party involved.
- E. In reviewing and deciding on projects or other actions, the Commission is not required to adhere strictly to the ALUCP or its other policies and rules, but in any case where the plan or a policy or rule is not followed in a review or decision, the Commission's decision shall include a full explanation of such non-conforming action.

RESOLUTION 2008-02

**Adoption of Airport Land Use Compatibility Plans for the  
Three Public-Use Airports Within Plumas County**  
Rogers Field at Chester  
Gansner Airport at Quincy  
Nervino Airport at Beckwourth

**WHEREAS**, the Plumas County Airport Land Use Commission recognizes the need to protect airports and their planned operations from development in surrounding areas that may interfere with those operations, and

**WHEREAS**, the State Legislature has enacted enabling legislation under the California State Aeronautics Act (ref. Public Utilities Code Section 21670, et seq., and Public Utilities Code Section 21661.5 and 21664.5, State Airport Land Use Commission enabling law) to provide for airport land use compatibility planning to be conducted at the local level, and

**WHEREAS**, the purpose of airport land use planning is to provide for the orderly development of each public use airport and the area surrounding these airports to promote the overall goals and objectives of California airport noise standards adopted pursuant to Public Utilities Code Section 21669 and to prevent the creation of new noise and safety problems, and

**WHEREAS**, the purpose of airport land use planning is to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses, and

**WHEREAS**, State Airport Land Use Commission enabling law provides that each Airport Land Use Commission, including the Plumas County Airport Land Use Commission, shall provide an airport land use compatibility plan that will provide for the orderly growth of each public airport and area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general, and

**WHEREAS**, the Plumas County Airport Land Use Commission's airport land use compatibility plans shall include and shall be based on a long-range master plan, as determined by the Division of Aeronautics of the California Department of Transportation that reflects the anticipated growth of an airport during a least 20 years, and

**WHEREAS**, the Plumas County Airport Land Use Commission is required by State enabling law to review each airport land use compatibility plan as often as necessary in order to accomplish its purposes, and

*EXHIBIT 8*

**WHEREAS**, The Plumas County Airport Land Use Commission recognizes the need to develop comprehensive land use plans for the mentioned 3 public-use airports within the County: Rogers Field at Chester, Gansner Airport at Quincy, and Nervino Airport at Beckwourth , and

**WHEREAS**, the Plumas County Airport Land Use Commission has developed airport land use compatibility plans for the three public-use airports: Rogers Field at Chester, Gansner Airport at Quincy, and Nervino Airport at Beckwourth, and

**WHEREAS**, the Plumas County Airport Land Use Commission conducted public workshops on draft airport land use compatibility plans in the City of Portola in July 15, 2008 for the Nervino Airport at Beckwourth, in Quincy on July 16, 2008 for the Gansner Airport at Quincy, and in Chester on July 17, 2008 for Rogers Field at Chester seeking to educate the public and to receive public comments and input on the draft airport land use compatibility plans, and

**WHEREAS**, the Plumas County Airport Land Use Commission conducted a public hearing on the final draft airport land use compatibility plans for the three public-use airports: Rogers Field at Chester, Gansner Airport at Quincy, and Nervino Airport at Beckwourth on December 3, 2008 in Quincy, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Plumas County Airport Land Use Commission determines that adoption of the airport land use compatibility plans for the three public-use airports Rogers Field at Chester, Gansner Airport at Quincy, and Nervino Airport at Beckwourth are not subject to the California Environmental Quality Act (CEQA) per Section 15308 of the California Quality Act Guidelines which states, Actions by Regulatory Agencies for the Protection of the Environment: “Class 8 consists of actions taken by regulatory agencies, as authorized by the state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.”

The Plumas County Airport Land Use Commission in determining that the CEQA Guidelines Section 15308 exemption is appropriate for use in adoption of the airport land use compatibility plans for Rogers Field at Chester, Gansner Airport at Quincy, and Nervino Airport at Beckwourth finds in support of this determination that the adoption and implementation of the Airport Land Use Compatibility Plans for Rogers Field at Chester, Gansner Airport at Quincy, and Nervino Airport at Beckwourth serve to protect the environment and are not plans for development and the Plumas County Airport Land Use Commission’s action to adopt the Airport Land Use Compatibility Plans for the Rogers Field at Chester, Gansner Airport at Quincy, and Nervino Airport at Beckwourth will not cause reasonably foreseeable direct physical changes in the environment.

The Plumas County Airport Land Use Commission, hereby, in accordance with Public Utilities Code Section 21675 (a) for the establishment of planning boundaries and adoption of an Airport Land Use Compatibility Plan for each of the County's 3 public **ADOPTS** the Airport Land Use Compatibility Plan for Rogers Field at Chester, the Airport Land Use Compatibility Plan for Gansner Airport at Quincy, and the Airport Land Use Compatibility Plan for Nervino Airport at Beckwourth.

The foregoing resolution was duly passed and adopted by the Plumas County Airport Land Use Commission, at a meeting of said Commission held on the 17<sup>th</sup> day of December, 2008, by the following vote:

AYES: 6 Commissioners:  
NOES: 0 Commissioners:  
ABSENT: 1 Commissioners:

  
\_\_\_\_\_  
Carl Felts  
Chairman of the Airport Land Use Commission

Gravel extraction operations subject to the Surface Mining and Reclamation Act of 1975, and surface mining operations, prospecting, and exploration to which that act does not apply, shall not be considered alteration, channelization, diversion, or land filling if they do not adversely alter offsite historical flood patterns or adversely impact streamside riparian areas.

All such projects shall be subject to the Genesee Valley Flood Hazard Management Area maintenance and monitoring plans when implemented.

For primary flood hazard areas exhibiting impaired natural floodplain values or functions, including unstable stream channels, ditches, encourage formation of flood and erosion hazard management areas for the purpose of stabilizing stream channels and restoring floodplain values and functions.

## AIRPORTS

### Land Use Management

Airports shall not be permitted in the Genesee Valley Special Management Area.

## SCENIC

### INDIAN CREEK SCENIC AREA

The Indian Creek Scenic Area is conterminous with the 100 year Flood Hazard Area.

Indian Creek Features that qualify the Indian Creek area for scenic designation:

#### Important Scenic Qualities Which Attract Tourists

1. Reduced highway speed, highway elevation ,absence of vegetation adjacent to the highway, and the orientation of Indian Creek combine to offer a dramatic view of Indian Creek with the forested mountains and grassy fields of Genesee Valley as backdrops and vantage points.
2. Large oak, cottonwood, and conifer stands provide a partial canopy of shade over the waters of Indian Creek. The creek's edges are covered by grasses, wildflowers, trees, snags, and fallen logs.
3. During the fall, leaf foliage changes color. During the spring, songbirds and wildflowers grace the meadows and streamsides of creeks. During the winter, brilliant red and yellow willow branches overhang the boulders and waters of Indian Creek.
4. The absence of off-premise advertising signs and commercial activities and noises, and the roadless mountains and pastures, contribute to the feeling of open space and natural beauty, attractive to the motorist.

EXHIBIT 9