

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
BOARD ACTION SUMMARY**

DEPT: Planning and Community Development

BOARD AGENDA: 9:05 A.M.  
AGENDA DATE: December 12, 2017

**SUBJECT:**

Public Hearing to Consider the Planning Commission's Recommendation for Approval of Use Permit Application No. PLN2017-0059, Ag-Air, Inc., Located at 5420 Dodds Road, on the South Side of Dodds Road, West of 26 Mile Road, Near the Community of Valley Home and the City of Oakdale, and Adoption of a Negative Declaration

**BOARD ACTION AS FOLLOWS:**

**RESOLUTION NO. 2017-698**

On motion of Supervisor Olsen \_\_\_\_\_, Seconded by Supervisor Withrow \_\_\_\_\_  
and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa \_\_\_\_\_

Noes: Supervisors: None \_\_\_\_\_

Excused or Absent: Supervisors: None \_\_\_\_\_

Abstaining: Supervisor: None \_\_\_\_\_

1)  Approved as recommended

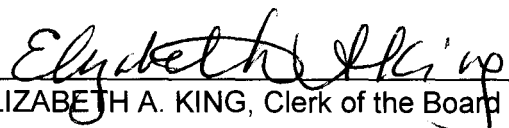
2)  Denied

3)  Approved as amended

4)  Other:

**MOTION:**

ATTEST:

  
\_\_\_\_\_  
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Planning and Community Development

BOARD AGENDA: 9:05 A.M.

AGENDA DATE: December 12, 2017

CEO CONCURRENCE:

4/5 Vote Required: No

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**SUBJECT:**

Public Hearing to Consider the Planning Commission's Recommendation for Approval of Use Permit Application No. PLN2017-0059, Ag-Air, Inc., Located at 5420 Dodds Road, on the South Side of Dodds Road, West of 26 Mile Road, Near the Community of Valley Home and the City of Oakdale, and Adoption of a Negative Declaration

**STAFF RECOMMENDATION:**

1. Conduct a public hearing to consider Planning Commission's recommendation for approval of Use Permit Application No. PLN2017-0059, Ag-Air, Inc., located at 5420 Dodds Road, on the south side of Dodds Road, west of 26 Mile Road, near the Community of Valley Home and the City of Oakdale.
2. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
3. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
4. Find that:
  - (a) The establishment of the airport is consistent with the general plan, consistent with any adopted county policies and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
  - (b) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
  - (c) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production

of commercial agricultural product on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.

- (d) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
- (e) The project will increase activities in and around the project area and increase demands for roads and services thereby requiring dedication and improvements.

5. Approve Use Permit Application No. PLN2017-0059 – Ag-Air, Inc., subject to the attached Amended Conditions of Approval.

## **DISCUSSION:**

This is a request to establish a crop dusting business and private heliport on a 49.97 acre parcel in the A-2-40 zoning district. A maximum of two helicopters are proposed to be stored in an existing 6,434 square foot agricultural storage building. A 5,445 square foot concrete landing pad (helipad) will be located on the west side of the agricultural storage building. Equipment associated with the business, stored on-site, includes two helicopters, two nurse trucks (California Class “C” 2000 gallon water tender mix trucks, classified as agricultural support vehicles), a small 400 gallon mix trailer, a pick-up truck, and two forklifts. General maintenance and minor repairs on equipment associated with the business will be conducted in the agricultural storage building. All fueling will be done off-site. The operation will employ a total of two pilots and one seasonal employee. The operation serves farms in: Stanislaus, San Joaquin, Merced, Calaveras, Tuolumne, and Sacramento Counties. On average, the business operates 100-150 days per year, which includes a maximum of 2-3 spray jobs per day, and one to two flights to and from the project site per day.

The project site is located within the A-2 (General Agriculture) zoning district which requires Board of Supervisors approval of a use permit for establishment of a private or public airport facility. On March 6, 1984, the Board of Supervisors approved “*Policies for the Siting of New Airports, Agricultural Service Airports, and Temporary Agricultural Service Airports*” which have been incorporated into the Safety Element of the General Plan. Goal 2, Policy 10 of the Safety Element requires that new airports meet the requirements set forth in Appendix V-A and that easements be required to be recorded to restrict development within the safety buffer zones required by Appendix V-A on neighboring properties as a condition of approval.

A proposed airport/helipad may be approved if it’s found to be consistent with the following guidelines, as reflected in Appendix V-A, of the Safety Element of the General Plan:

1. Provide a clear zone for a distance of 200 feet from the end of the runway. The clear zone shall start at the ends of the runway and at a point 200 feet from the end of the runway be three times the width of the runway.

2. Be no closer to any neighboring dwelling, barn, shop, poultry building, or similar agricultural structure than: (a) 1,000 feet from the ends of the runway, or (b) 500 feet to the sides of the runway. This shall not be construed so as to prohibit the owner of any airport from having their own dwelling(s), shop(s), poultry building(s), or similar agricultural structure(s) within this area.
3. Be located so that air or surface traffic shall not constitute a nuisance or danger to neighboring property, farms, dwellings, or structures.
4. Show that adequate controls or measures will be taken to prevent offensive dust, noise, vibrations, or bright lights.
5. Obtain when necessary approval of the California Department of Transportation Division of Aeronautics and the Federal Aviation Administration prior to the issuance of the use permit.

As Appendix V-A does not specify different standards for a heliport; the more restrictive 1,000 foot standard was originally applied to the project. However, after consulting with Mead & Hunt, a consultant with expertise in aviation issues and the County's consultant for the 2016 Airport Land Use Compatibility Plan Update, to evaluate the condition requiring a 1,000-foot aviation easement, it was determined that the 1,000 foot requirement was specific to airplanes and airports with runways, not helicopters and heliports, which have different spatial requirements for take-off and landing. Mead & Hunt provided input that utilizing the helicopter protection zone standards included in the Federal Aviation Administration (FAA) Advisory Circular on Helicopter Design would be more appropriate for a helipad, which requires a minimum distance of 280 feet on all sides from any helipad where the area is maintained clear of any objects or activities.

An overview of the design standards required for a heliport is provided in Attachment 2 – November 2, 2017, Planning Commission Memo. The projects conditions of approval have been amended to reflect the need to maintain a 280-foot Helicopter Protection Zone (HPA), in accordance with the FFA design standards (Condition of Approval No. 11).

In terms of preventing offensive dust, noise, vibrations, or bright lights, the applicant has stated that all flight activity will take place between dawn and dusk and will accordingly, not require any additional lighting which will limit any potential impacts from light spillage onto adjacent properties. The proposed concrete helipad will assist in minimizing dust and vibrations during take offs and landings. The Environmental Noise Assessment prepared for this project dated July 9, 2017, conducted by Saxelby Acoustics, indicated that the proposed helipad is located 2,000 plus feet away from the nearest residence and would not exceed the noise level standards of the State of California (65 dB CNEL) or Stanislaus County (60 dB CNEL).

Considering the project as proposed, including the extensive distance between the proposed helipad from any surrounding structures, as well as the noise assessment



results, this project does not seem likely to constitute a nuisance or danger to neighboring properties, farms, dwellings, or structures. Accordingly, staff believes that the proposed project meets the airport siting standards of the Safety Element of the General Plan.

The Planning Commission considered this item at a public hearing on November 2, 2017, and on a 8-0 vote, recommended the Board of Supervisors approve the request as proposed, including amended conditions of approval. The applicant spoke in favor of the project and no one spoke against the project. The Planning Commission asked whether repairs or helicopter washing will be permitted to take place on-site. Staff clarified that the conditions of approval limit repairs to minor repairs and to no washing on-site, as required by the Department of Environmental Resources. The applicant clarified that only the windshields are washed on-site and that the helicopters are dry washed only on-site.

Since the Planning Commission hearing, the Department of Public Works has identified several conditions of approval which were included in their original project response letter, but not included in the final conditions of approval considered by the Planning Commission. At the request of Public Works, the conditions of approval being presented to the Board of Supervisors have been amended to reflect their original response letter. Amended Conditions of Approval are included as Attachment 1 and the new conditions requested by the Department of Public Works (Nos. 28-30) are reflected in bold text. The applicant has reviewed the Amended Conditions of Approval and is in agreement with the proposed amendments.

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment and no significant issues were raised. A Negative Declaration has been prepared for approval as the project will not have a significant effect on the environment.

**POLICY ISSUE:**

In order to consider a new private or public airport in the A-2 zoning district, the Board of Supervisors must hold a public hearing. Additionally, in order to approve a new airport in the A-2 zoning district, it must be found to be consistent with the General Plan, consistent with any adopted county policies, and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

**FISCAL IMPACT:**

Costs associated with processing the application, setting the public hearing, publishing of required notices, and conducting the hearing has been covered by the application fee for the project.

**BOARD OF SUPERVISORS' PRIORITY:**

Approval of this action supports the Board of Supervisor's priority of A Well Planned Infrastructure and A Strong Local Economy by providing a land use determination consistent with the overall goals and policies of the Stanislaus County General Plan.

**STAFFING IMPACT:**

Planning and Community Development Department staff is responsible for reviewing all applications, preparing all reports, and attending meetings associated with the proposed Rezone application.

**CONTACT PERSON:**

Angela Freitas, Planning and Community Development Director  
Telephone: (209) 525-6330

**ATTACHMENT(S):**

1. Amended Conditions of Approval
2. November 2, 2017, Planning Commission Memo
3. Planning Commission Minutes, November 2, 2017 - Excerpt

**DECEMBER 12, 2017, AMENDED VERSION FOR BOARD OF SUPERVISORS  
CONSIDERATION, WITH CONDITIONS OF APPROVAL NOS. 28-30 ADDED**

**As Amended by the Planning Commission  
November 2, 2017**

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

**CONDITIONS OF APPROVAL**

**USE PERMIT APPLICATION NO. PLN 2017-0059  
AG-AIR, INC.**

**Department of Planning and Community Development**

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances. As identified in the application and project related information, there shall be a maximum of two helicopters on-site. Any expansion or modification may be subject to further discretionary actions.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2017), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,273.25**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.

3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. The applicant/**property** owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
5. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).

6. During any future construction, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
7. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
8. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
9. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
10. The applicant and/or **property** owner shall be required to receive approval from the FAA prior to conducting any flight activity. A Notice of Landing Proposal shall be submitted to FAA and a written response from FAA shall be forwarded to the Planning Department for review prior to conducting any flight activity. If it is determined that the airport is exempt from FAA permitting, provide documentation showing that the airport is exempt to the Stanislaus County Department of Planning and Community Development.
11. ~~Prior to conducting any flight activity, the applicant/property owner shall must present verification that an aviation easement for a "Clear Zone Area" has been recorded for any adjacent properties, not controlled or owned by the applicant/owner, that fall within an area extending maintain a 2801,000-foot Helicopter Protection Zone (HPZ), in accordance with Federal Aviation Administration design standards for helicopters, from all sides of the helipad. The aviation easement shall contain language to prevent construction of any structures within this "Clear Zone Area" and grant the airport owner/operator the right to fly in, through, or across any portion of the airspace of the adjacent property. The "Clear Zone Area" requirements are contained within the Airport Siting Standards—Appendix V-A of the Safety Element, Stanislaus County General Plan~~ **No additional structures or any hazardous materials, including fuel, may be located within the HPZ.**
12. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.

Department of Public Works

- ~~13. The applicant shall obtain an encroachment permit for an asphalt driveway onto Dodds Road.~~

- ~~• A paved driveway shall be installed per Stanislaus County Public Works Standards and Specification for a Collector Road.~~
  - ~~• The existing driveway is located on the South San Joaquin Irrigation District's (SSJID) 200 foot canal right-of-way. An easement shall be obtained showing that the owner of Ag Air, Inc., has the right to utilize this driveway. If this easement cannot be obtained, a new driveway, in an approved location, shall be installed within 6 months of the approval of the use permit. As of mid July, 2017, SSJID does not have an easement for this driveway.~~
14. ~~No parking, loading, or unloading of vehicles is permitted within the Dodds Road right-of-way. The developer shall install or pay for the installation of any off-site signs and/or markings, as required by Stanislaus County.~~
15. ~~Prior to issuance of any building or grading permit for the property, or within 6 months of the approval of the use permit, whichever comes first, an Irrevocable Offer of Dedication shall be submitted and approved. Dodds Road is classified as a 60-foot Minor Collector Roadway. The required ½ width of Dodds Road is 30 feet south of the centerline of the roadway. Currently there is an existing right-of-way of 20 feet on the south side of the centerline. This means that 10 feet of road right-of-way shall be dedicated with an Irrevocable Offer of Dedication for the parcel frontage.~~
16. ~~Within 6 months of the approval of the use permit,~~ **Prior to issuance of a building permit, or prior to any grading on the property,** a grading, drainage, and erosion/sediment control plan for the project site shall be submitted to Public Works for review and approval. The grading and drainage plan shall include the following information:
- The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
  - The plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharger Identification Number and a copy of the Notice of Intent and the project's Stormwater Pollution Prevention Plan shall be provided prior to the approval of the Plan, if applicable.
  - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the grading plan.
  - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.
17. ~~Prior to issuance of any Grading or Building Permit, the property owner shall obtain coverage for the project under the current State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) Construction General Permit, if applicable.~~
18. ~~The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the review of the building and/or grading plans and all related inspection fees.~~

### Department of Environmental Resources

19. Any future proposed fixture units within the Agricultural storage building shall connect to a septic system.

20. No washing of any equipment, including the helicopters, shall occur on-site.
21. The applicant should contact the Department of Environmental Resources (DER) regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify DER relative to the following: (California Health & Safety, Division 20)
  - A. Permits for the underground storage of hazardous substances at new or the modification of an existing tank facility.
  - B. Requirements for registering as a handler of hazardous materials in the County.
  - C. Submittal of Hazardous Materials Business information into the California Electronic Reporting System (CERS) by handlers of materials in excess of 55 gallons, 500 pounds of a hazardous material, or of 200 cubic feet of compressed gas.
  - D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program, which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section §302.
  - E. Generators of hazardous waste must notify the Department relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices. Generators of hazardous waste must also use the CERS data base to submit chemical and facility information to DER.
  - F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.
  - G. Medical waste generators must complete and submit a questionnaire to DER for determination if they are regulated under the Medical Waste Management Act.

#### **Building Permits Division**

22. Within 6 months of use permit approval, a Change of Occupancy Permit for the existing agricultural storage building shall be obtained. The project must conform to the California Code of Regulations, Title 24 and all applicable impact fees shall be paid.

#### **Stanislaus Consolidated Fire Protection District**

23. Within 6 months of use permit approval, a Change of Occupancy Permit for the existing agricultural storage building shall be submitted to the Stanislaus Consolidated Fire Protection district for review and approval. The plans shall conform to the provisions of the California Fire Code, and relevant laws, ordinances, rules, and regulations.
24. All hazardous materials storage, handling, and dispensing shall comply with the provisions established in the California Fire Code.
25. Fire apparatus access roads shall be provided and maintained in accordance with the California Fire Code.

#### **San Joaquin Valley Air Pollution Control District**

26. The proposed project may be subject to Air District permits. Prior to the start of construction, the property owner/operator shall contact the District's Small Business Assistance Office at (559) 230-5888 to determine if an Authority to Construct (ATC) is required, or if any other District rules or permits are required.

**Central Valley Regional Water Quality Control Board**

27. Prior to ground disturbance or issuance of a building permit, the Central Valley Regional Quality Control Board shall be consulted to obtain any necessary permits and to implement any necessary measures, including but not limited to Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit (Water Quality Certification), Waste Discharge Requirements, Low or Limited Threat General NPDES Permit, and any other applicable Regional Water Quality Control Board permit.

**Department of Public Works**

28. **Prior to the site being used for Ag-Air's business, an encroachment permit shall be obtained for an asphalt driveway onto Dodds Road.**
- **A paved driveway approach shall be installed per Stanislaus County Public Works Standards and Specification for a Collector Road.**
  - **The existing driveway is located on the South San Joaquin Irrigation District's (SSJID) 200 foot canal right-of-way. An easement or agreement shall be obtained showing that the owner of Ag-Air, Inc., has the right to utilize this driveway. If this easement or agreement cannot be obtained, a new driveway, in an approved location, shall be installed within 6 months of the approval of the use permit.**
29. **No parking, loading, or unloading of vehicles is permitted within the Dodds Road right-of-way. The developer shall install or pay for the installation of any off-site signs and/or markings, as required by Stanislaus County Public Works.**
30. **Prior to issuance of any building or grading permit for the property, or within 6 months of the approval of the use permit, whichever comes first, an Irrevocable Offer of Dedication shall be submitted and approved. Dodds Road is classified as a 60-foot Minor Collector Roadway. The required ½ width of Dodds Road is 30 feet south of the centerline of the roadway. Currently there is an existing right-of-way of 20 feet on the south side of the centerline. This means that 10 feet of road right-of-way shall be dedicated with an Irrevocable Offer of Dedication for the parcel frontage.**

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*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording is in **bold**, and deleted wording will have a line through it.*



## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354  
Phone: 209.525.6330 Fax: 209.525.5911

November 2, 2017

MEMO TO: Stanislaus County Planning Commission  
FROM: Department of Planning and Community Development  
SUBJECT: **USE PERMIT APPLICATION NO. PLN2017-0059 – AG-AIR, INC.**

**DISCUSSION**

Use Permit Application No. PLN2017-0059 – Ag-Air, Inc. was scheduled to be heard by the Planning Commission on September 21, 2017. The item was continued to the November 2, 2017, Planning Commission meeting, at the request of the applicant, to allow the applicant additional time to review the Conditions of Approval for the project.

The applicant had questions and concerns regarding the Planning Department's Condition of Approval No. 11 requiring a 1,000-foot aviation easement, and the Department of Public Work's Condition of Approval No. 13, which required either an easement for the existing driveway or a new driveway to be constructed on the project site.

Planning Staff coordinated with Mead & Hunt, a consultant with expertise in aviation issues and the County's consultant for the 2016 Airport Land Use Compatibility Plan Update, to evaluate the condition requiring a 1,000-foot aviation easement. Appendix V-A - Airport Siting Standards of the Safety Element, Stanislaus County General Plan requires airport runways to include a clear zone for a distance of 200 feet from the end of the runway and be no closer to any neighboring dwelling, barn, shop, poultry building, or similar agricultural structure than: (a) 1,000 feet from the ends of the runway, or (b) 500 feet to the sides of the runway. This shall not be construed so as to prohibit the owner of any airport from having their own dwelling(s), shop(s), poultry building(s), or similar agricultural structure(s) within this area. As Appendix V-A does not specify different standards for a heliport; the more restrictive 1,000 foot standard was applied to the project. However, after consulting with Mead & Hunt it was determined that the 1,000 foot requirement was specific to airplanes and airports with runways, not helicopters and heliports, which have different spatial requirements for take-off and landing. Mead & Hunt provided input that utilizing the helicopter protection zone standards included in the Federal Aviation Administration (FAA) Advisory Circular on Helicopter Design would be more appropriate for a helipad, which requires a minimum distance of 280 feet on all sides from any



helipad where the area is maintained clear of any objects or activities (See Attachment 3 - Section 211 and Figure 2-12, FAA Advisory Circular on Helicopter Design, April 24, 2012):

**Section 211. Heliport protection zone (HPZ).** *The FAA recommends the establishment of an HPZ for each approach/departure surface. The HPZ is the area under the 8:1 approach/departure surface starting at the [Final Approach and Take Off] FATO perimeter and extending out for a distance of 280 feet (85.3 m), as illustrated in Figure 2–12. The HPZ is intended to enhance the protection of people and property on the ground. This is achieved through heliport owner control over the HPZ. Such control includes clearing HPZ areas (and maintaining them clear) of incompatible objects and activities. The FAA discourages residences and places of public assembly in an HPZ. (Churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons typify places of public assembly.) Do not locate hazardous materials, including fuel, in the HPZ.*

The Final Approach and Take Off Area, or FATO, is required to be a minimum of 1.5 times the length of the helicopter. In this case the two helicopters included in this request have rotor diameters of 33.4'. The FATO would then be required to be a minimum of 50' x 50'. This project proposes to utilize a landing pad which is 55' x 99', which meets the minimum size requirement for the FATO. The required 280 feet Heliport Protection Zone around the FATO is all contained within the property borders of the project site. Accordingly, Condition of Approval No. 11 has been amended to reflect the 280 foot HPZ. In accordance with the FAA Advisory, the Condition has also been amended to require that no hazardous materials, including fuel, be located within the HPZ.

In response to a meeting with the applicant on October 19, 2017, Public Works determined that due to the fact that no construction is included with this Use Permit request, that their Conditions of Approval would be amended accordingly.

The amended Conditions of Approval are included as Attachment 2 – Amended Conditions of Approval for Use Permit Application No. PLN2017-0059 – Ag-Air, Inc. Specific amendments consisting of additions are reflected in bold and underlined text and proposed deletions are reflected in strike-out text.

The applicant has reviewed the Amended Conditions of Approval and is in agreement with the proposed amendments.

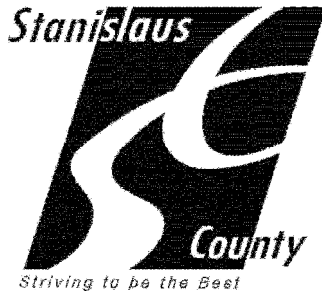
## **RECOMMENDATION**

Based on the discussion above and in the attached September 21, 2017, Planning Commission Staff Report, Staff is recommending the Planning Commission provide a recommendation of approval to the Board of Supervisors, including the Amended Conditions of Approval (incorporated into this memo as Attachment 2). If the Planning Commission decides to provide a recommendation of approval, Exhibit A of the September 21, 2017, Planning Commission Staff Report (See Attachment 5), provides an overview of all of the findings required for project approval.

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Attachments:

1. Continuance Memo for Use Permit Application No. PLN2017-0059 – Ag-Air, Inc., September 21, 2017, Planning Commission Meeting
2. Amended Conditions of Approval for Use Permit Application No. PLN2017-0059 – Ag-Air, Inc.
3. Section 211 and Figure 2-12, FAA Advisory Circular on Helicopter Design, April 24, 2012
4. Amended project referral response from the Department of Public Works, dated October 19, 2017
5. Use Permit Application No. PLN2017-0059 – Ag-Air, Inc., September 21, 2017, Planning Commission Staff Report (with Attachments)



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354  
Phone: 209.525.6330 Fax: 209.525.5911

September 21, 2017

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

**SUBJECT: USE PERMIT APPLICATION NO. PLN2017-0059 – AG-AIR, INC.**

Staff is requesting that Use Permit Application No. PLN2017-0059 – Ag-Air, Inc. be continued to the November 2, 2017, Planning Commission meeting. The continuance has been requested by the applicant to allow additional time for the applicant to review the Conditions of Approval for the project.

**RECOMMENDATION**

Staff recommends that Use Permit Application No. PLN2017-0059 – Ag-Air, Inc. be continued to November 2, 2017.

**As Amended by the Planning Commission**  
**November 2, 2017**

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NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

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**CONDITIONS OF APPROVAL**

**USE PERMIT APPLICATION NO. PLN 2017-0059**  
**AG-AIR, INC.**

**Department of Planning and Community Development**

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances. As identified in the application and project related information, there shall be a maximum of two helicopters on-site. Any expansion or modification may be subject to further discretionary actions.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2017), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,273.25**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.  
  
Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. The applicant/**property** owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

5. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).
6. During any future construction, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
7. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
8. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
9. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
10. The applicant and/or **property** owner shall be required to receive approval from the FAA prior to conducting any flight activity. A Notice of Landing Proposal shall be submitted to FAA and a written response from FAA shall be forwarded to the Planning Department for review prior to conducting any flight activity. If it is determined that the airport is exempt from FAA permitting, provide documentation showing that the airport is exempt to the Stanislaus County Department of Planning and Community Development.
11. ~~Prior to conducting any flight activity, the applicant/property owner shall present verification that an aviation easement for a "Clear Zone Area" has been recorded for any adjacent properties, not controlled or owned by the applicant/owner, that fall within an area extending maintain a 2801,000-foot Helicopter Protection Zone (HPZ), in accordance with Federal Aviation Administration design standards for helicopters, from all sides of the helipad. The aviation easement shall contain language to prevent construction of any structures within this "Clear Zone Area" and grant the airport owner/operator the right to fly in, through, or across any portion of the airspace of the adjacent property. The "Clear Zone Area" requirements are contained within the Airport Siting Standards — Appendix V-A of the Safety Element, Stanislaus County General Plan~~ **No additional structures or any hazardous materials, including fuel, may be located within the HPZ.**
12. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all

appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.

### Department of Public Works

- ~~13. The applicant shall obtain an encroachment permit for an asphalt driveway onto Dodds Road.~~
  - ~~• A paved driveway shall be installed per Stanislaus County Public Works Standards and Specification for a Collector Road.~~
  - ~~• The existing driveway is located on the South San Joaquin Irrigation District's (SSJID) 200 foot canal right-of-way. An easement shall be obtained showing that the owner of Ag Air, Inc., has the right to utilize this driveway. If this easement cannot be obtained, a new driveway, in an approved location, shall be installed within 6 months of the approval of the use permit. As of mid July, 2017, SSJID does not have an easement for this driveway.~~
- ~~14. No parking, loading, or unloading of vehicles is permitted within the Dodds Road right-of-way. The developer shall install or pay for the installation of any off-site signs and/or markings, as required by Stanislaus County.~~
- ~~15. Prior to issuance of any building or grading permit for the property, or within 6 months of the approval of the use permit, whichever comes first, an Irrevocable Offer of Dedication shall be submitted and approved. Dodds Road is classified as a 60-foot Minor Collector Roadway. The required ½ width of Dodds Road is 30 feet south of the centerline of the roadway. Currently there is an existing right-of-way of 20 feet on the south side of the centerline. This means that 10 feet of road right-of-way shall be dedicated with an Irrevocable Offer of Dedication for the parcel frontage.~~
16. **Within 6 months of the approval of the use permit, a**~~Prior to issuance of a building permit, or prior to any grading on the property,~~ a grading, drainage, and erosion/sediment control plan for the project site shall be submitted to Public Works for review and approval. The grading and drainage plan shall include the following information:
  - The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
  - The plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharger Identification Number and a copy of the Notice of Intent and the project's Stormwater Pollution Prevention Plan shall be provided prior to the approval of the Plan, if applicable.
  - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the grading plan.
  - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.
- ~~17. Prior to issuance of any Grading or Building Permit, the property owner shall obtain coverage for the project under the current State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) Construction General Permit, if applicable.~~

- ~~18. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the review of the building and/or grading plans and all related inspection fees.~~

**Department of Environmental Resources**

19. Any future proposed fixture units within the Agricultural storage building shall connect to a septic system.
20. No washing of any equipment, including the helicopters, shall occur on-site.
21. The applicant should contact the Department of Environmental Resources (DER) regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify DER relative to the following: (California Health & Safety, Division 20)
- A. Permits for the underground storage of hazardous substances at new or the modification of an existing tank facility.
  - B. Requirements for registering as a handler of hazardous materials in the County.
  - C. Submittal of Hazardous Materials Business information into the California Electronic Reporting System (CERS) by handlers of materials in excess of 55 gallons, 500 pounds of a hazardous material, or of 200 cubic feet of compressed gas.
  - D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program, which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section §302.
  - E. Generators of hazardous waste must notify the Department relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices. Generators of hazardous waste must also use the CERS data base to submit chemical and facility information to DER.
  - F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.
  - G. Medical waste generators must complete and submit a questionnaire to DER for determination if they are regulated under the Medical Waste Management Act.

**Building Permits Division**

22. Within 6 months of use permit approval, a Change of Occupancy Permit for the existing agricultural storage building shall be obtained. The project must conform to the California Code of Regulations, Title 24 and all applicable impact fees shall be paid.

**Stanislaus Consolidated Fire Protection District**

23. Within 6 months of use permit approval, a Change of Occupancy Permit for the existing agricultural storage building shall be submitted to the Stanislaus Consolidated Fire Protection district for review and approval. The plans shall conform to the provisions of the California Fire Code, and relevant laws, ordinances, rules, and regulations.
24. All hazardous materials storage, handling, and dispensing shall comply with the provisions established in the California Fire Code.

25. Fire apparatus access roads shall be provided and maintained in accordance with the California Fire Code.

**San Joaquin Valley Air Pollution Control District**

26. The proposed project may be subject to Air District permits. Prior to the start of construction, the property owner/operator shall contact the District's Small Business Assistance Office at (559) 230-5888 to determine if an Authority to Construct (ATC) is required, or if any other District rules or permits are required.

**Central Valley Regional Water Quality Control Board**

27. Prior to ground disturbance or issuance of a building permit, the Central Valley Regional Quality Control Board shall be consulted to obtain any necessary permits and to implement any necessary measures, including but not limited to Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit (Water Quality Certification), Waste Discharge Requirements, Low or Limited Threat General NPDES Permit, and any other applicable Regional Water Quality Control Board permit.

\*\*\*\*\*

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording is in **bold**, and deleted wording will have a ~~line through it~~.*



**d. Flight path alignment guidance.** As an option, use flight path alignment markings and/or flight path alignment lights (see paragraphs 215 and 216) where it is desirable and practicable to indicate available approach and/or departure flight path direction(s). See Figure 2–11.

**e. Periodic review of obstructions.** Vigilant heliport operators reexamine obstacles in the vicinity of approach/departure paths on at least an annual basis. This reexamination includes an appraisal of the growth of trees near approach and departure paths. Paragraph 111 provides additional information on hazards to air navigation. Pay particular attention to obstacles that need to be marked or lighted. It may be helpful to maintain a list of the GPS coordinates and the peak elevation of obstacles.

**211. Heliport protection zone (HPZ).** The FAA recommends the establishment of an HPZ for each approach/departure surface. The HPZ is the area under the 8:1 approach/departure surface starting at the FATO perimeter and extending out for a distance of 280 feet (85.3 m), as illustrated in Figure 2–12. The HPZ is intended to enhance the protection of people and property on the ground. This is achieved through heliport owner control over the HPZ. Such control includes clearing HPZ areas (and maintaining them clear) of incompatible objects and activities. The FAA discourages residences and places of public assembly in an HPZ. (Churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons typify places of public assembly.) Do not locate hazardous materials, including fuel, in the HPZ.

**212. Wind cone.**

**a. Specification.** Use a wind cone conforming to AC 150/5345-27, Specification for Wind Cone Assemblies, to show the direction and magnitude of the wind. Use a color that provides the best possible color contrast to its background.

**b. Wind cone location.** Locate the wind cone so it provides the pilot with valid wind direction and speed information in the vicinity of the heliport under all wind conditions.

(1) At many landing sites, there may be no single, ideal location for the wind cone. At other sites, it may not be possible to site a wind cone at the ideal location. In such cases, install more than one wind cone in order to provide the pilot with all the wind information needed for safe operations.

(2) Place the wind cone so a pilot on the approach path can see it clearly when the helicopter is 500 feet (150 m) from the TLOF.

(3) Place the wind cone so pilots can see it from the TLOF.

(4) To avoid presenting an obstruction hazard, locate the wind cone(s) outside the safety area, and so it does not penetrate the approach/departure or transitional surfaces.

**c. Wind cone lighting.** At a heliport intended for night operations, illuminate the wind cone, either internally or externally, to ensure it is clearly visible.

**213. Taxiways and taxi routes.** Taxiways and taxi routes provide for the movement of helicopters from one part of a landing facility to another. They provide a connecting path between the FATO and a parking area. They also provide a maneuvering aisle within the parking area. A taxi route includes the taxiway plus the appropriate clearances needed on both sides. The relationship between a taxiway and a taxi route is illustrated in Figure 2–13, Figure 2–14, and Figure 2–15. At heliports with no parking or refueling area outside the TLOF(s), it is not necessary to provide a taxi route or taxiway.

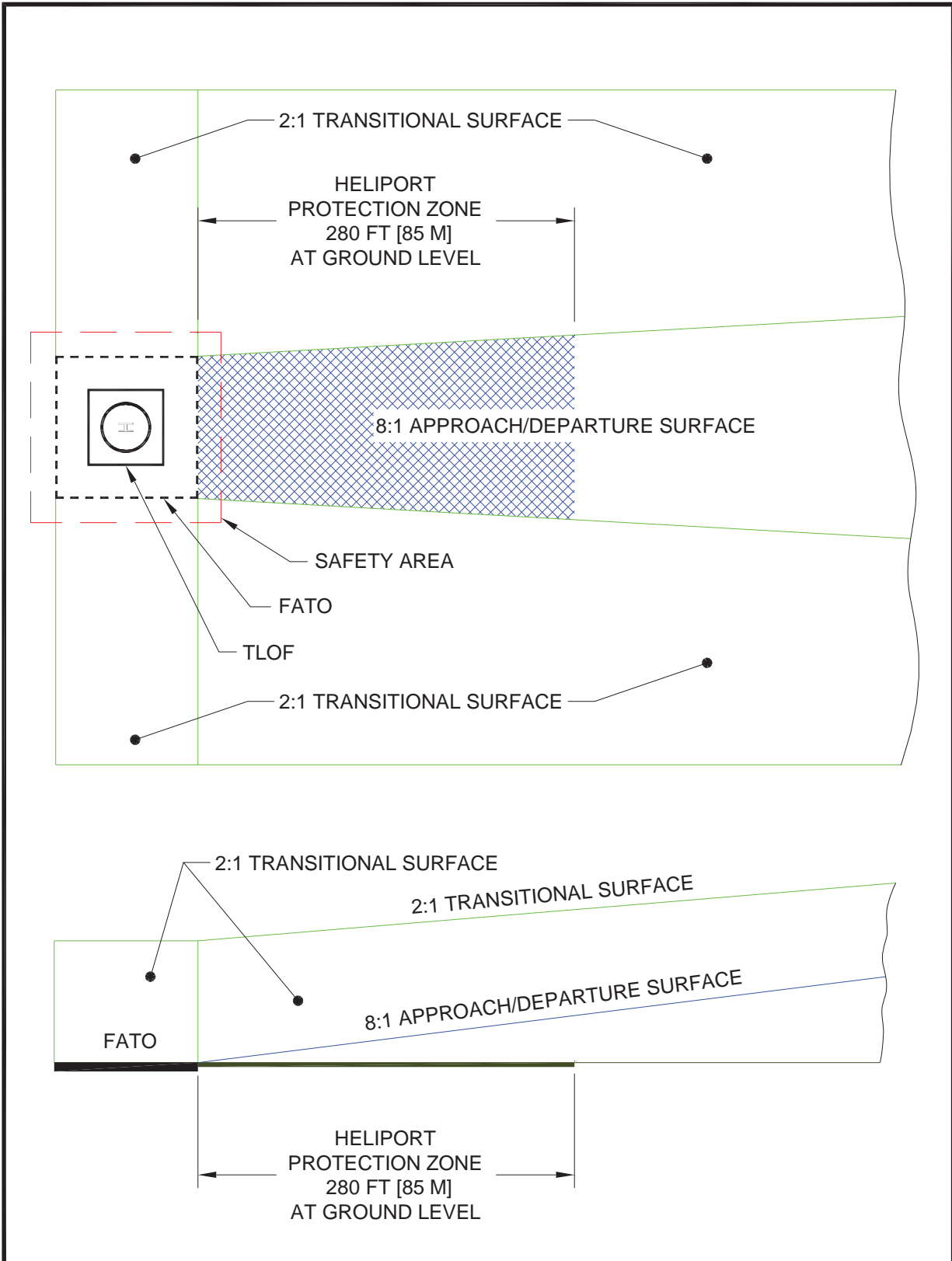


Figure 2-12. Heliport Protection Zone: General Aviation



**DEPARTMENT OF PUBLIC WORKS**

**Matt Machado, PE, LS**  
Director, County Surveyor

**Chris Brady, PE**  
Deputy Director - Design/Survey/Fleet Maintenance

**Frederic Clark, PE, LS**  
Deputy Director - Development/Traffic

**David Leamon, PE**  
Deputy Director - Construction Administration/Operations

**Letti Ortiz**  
Senior Business and Finance Manager

[www.stancounty.com/publicworks](http://www.stancounty.com/publicworks)

October 19, 2017

To: Kristin Doud, Senior Planner, Planning and Community Development  
From:  Angie Halverson, Senior Land Development Coordinator  
Subject: PLN2017-0059 Ag-Air, Inc. – Use Permit

This is a request to establish an agricultural crop dusting business and private heliport at 5420 Dodds Road in the Oakdale/Valley Home area. Since the building that is to house the helicopters was already built, the conditions of approval are amended as follows:

4. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted *with any building and/or proposed grading that is associated with the heliport*. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
  - The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
  - The grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharger Identification Number and a copy of the Notice of Intent and the projects Stormwater Pollution Prevention Plan shall be provided prior to the approval of any grading, if applicable.
  - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the grading plan.
  - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

Thank you.

H:\Development Services\Development Permits\Use Permit Archive\UP PLN 2017\PLN2017-0059 Ag-Air, Inc Dodds Rd UP Amended.Doc

**ATTCHMENT 4**

# STANISLAUS COUNTY PLANNING COMMISSION

September 21, 2017

## STAFF REPORT

USE PERMIT APPLICATION NO. PLN2017-0059  
AG-AIR, INC.

**REQUEST: TO ESTABLISH A CROP DUSTING BUSINESS AND PRIVATE HELIPORT ON A 49.97 ACRE PARCEL IN THE A-2-40 ZONING DISTRICT.**

### APPLICATION INFORMATION

Applicant/Property owner:	Brent & RaeAnn Alger
Location:	5420 Dodds Road, on the south side of Dodds Road, west of 26 Mile Road, near the community of Valley Home and the City of Oakdale.
Section, Township, Range:	17-1-10
Supervisorial District:	One (Supervisor Olsen)
Assessor's Parcel:	002-003-021
Referrals:	See Exhibit H Environmental Review Referrals
Area of Parcel(s):	49.97 total acres
Water Supply:	Private well
Sewage Disposal:	Private septic system
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Sphere of Influence:	Not applicable
Community Plan Designation:	Not applicable
Williamson Act Contract No.:	1972-0752
Environmental Review:	Negative Declaration
Present Land Use:	Single-family dwelling; agricultural storage building; carport; and irrigated pasture.
Surrounding Land Use:	Orchard, row crops, and irrigated pasture, with scattered single-family dwellings surround the site in all directions; the South San Joaquin Irrigation District Canal and a dairy to the west; the South San Joaquin Irrigation District's Water Treatment Plant to the north; and Woodward Reservoir to the east.

### RECOMMENDATION

Based on the discussion below and on the whole of the record provided to the County, Staff is recommending that the Planning Commission provide a recommendation of approval to the Board of Supervisors, as presented in this staff report. If the Planning Commission decides to provide a recommendation of approval, Exhibit A provides an overview of all of the findings required for project approval.

## **PROJECT DESCRIPTION**

This is a request to establish a crop dusting business and private heliport on a 49.97 acre parcel in the A-2-40 zoning district.

A maximum of two helicopters are proposed to be stored in an existing 6,434 square foot agricultural storage building. A 5,445 square foot concrete landing pad (helipad) will be located on the west side of the agricultural storage building. The property also includes a 2,400 square foot covered parking area. Pesticides are either delivered in sealed containers to the project site and then loaded (still sealed) onto nurse trucks for delivery to job sites or are just directly delivered to the job sites. Equipment associated with the business, stored on-site, includes two helicopters, two nurse trucks (California Class "C" 2000 gallon water tender mix trucks, classified as agricultural support vehicles), a small 400 gallon mix trailer, a pick-up truck, and two forklifts. General maintenance and minor repairs on equipment associated with the business will be conducted in the agricultural storage building. All fueling will be done off-site. The operation will employ a total of two pilots and one seasonal employee. The operation serves farms in Stanislaus, San Joaquin, Merced, Calaveras, Tuolumne, and Sacramento Counties. On average, the business operates 100-150 days per year, which includes a maximum of 2-3 spray jobs per day, and one to two flights to and from the project site per day.

## **SITE DESCRIPTION**

The site is located at 5420 Dodds Road, on the south side of Dodds Road, between 26 Mile Road and the west County line, west of Woodward Reservoir, and north of the community of Valley Home and the City of Oakdale. Currently, the site contains a single-family dwelling, an agricultural storage building, carport, and irrigated pasture.

## **ISSUES**

The following issue, related to the potential noise levels of the proposed airport, has been reviewed and analyzed:

### **Noise Analysis**

An environmental noise assessment was conducted, by Saxelby Acoustics, to evaluate potential noise impacts to surrounding properties. (See Exhibit D - *Environmental Noise Assessment, dated July 9, 2017 – Saxelby Acoustics.*) The assessment identified that the project's noise sources will primarily be aircraft noise with the closest off-site sensitive receptors being three residential structures. The residential structures are located at 2,300, 2,000, and 3,700 feet from the helipad. The assessment determined that the proposed airport will generate average noise levels in the range of 29-38 dBA CNEL at the closest existing homes to the project site. Such levels do not exceed the noise compatibility standards of the State of California (65 dB CNEL) or Stanislaus County (60 dB CNEL). As such, the assessment did not suggest or require any mitigation (or alterations) to the project that would lessen any noise related impacts.

## **GENERAL PLAN CONSISTENCY**

The site is currently designated as "Agriculture" in the Stanislaus County General Plan which recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas.

On March 6, 1984, the Board of Supervisors approved “Policies for the Siting of New Airports, Agricultural Service Airports, and Temporary Agricultural Service Airports”, which have been incorporated into the Safety Element of the General Plan. (See Exhibit E - *Airport Siting Standards – Appendix V-A of the Safety Element, Stanislaus County General Plan.*) Goal 2, Policy 10 of the Safety Element requires that new airports meet the requirements set forth in Appendix V-A and that easements be required to be recorded to restrict development within the safety buffer zones required by Appendix V-A on neighboring properties as a condition of approval. A proposed airport/helipad may be approved if it’s found to be consistent with the following guidelines:

1. Provide a clear zone for a distance of 200 feet from the end of the runway. The clear zone shall start at the ends of the runway and at a point 200 feet from the end of the runway be three times the width of the runway.
2. Be no closer to any neighboring dwelling, barn, shop, poultry building, or similar agricultural structure than: (a) 1,000 feet from the ends of the runway, or (b) 500 feet to the sides of the runway. This shall not be construed so as to prohibit the owner of any airport from having their own dwelling(s), shop(s), poultry building(s), or similar agricultural structure(s) within this area.
3. Be located so that air or surface traffic shall not constitute a nuisance or danger to neighboring property, farms, dwellings, or structures.
4. Show that adequate controls or measures will be taken to prevent offensive dust, noise, vibrations, or bright lights.
5. Obtain when necessary approval of the California Department of Transportation Division of Aeronautics and the Federal Aviation Administration prior to the issuance of the use permit.

As this is a helipad and there is no runway, the 1,000 foot setback is being applied in all directions. The nearest residence to the helipad is located over 2,000 feet away, which exceeds this setback requirement. Therefore, the required clear zones at the ends of the helipad and setbacks from the ends and sides of the helipad are adequate to meet the requirements defined above. A condition of approval has been incorporated into the project which requires easements be recorded which restrict development on neighboring properties within 1,000 feet on all sides of the helipad. Based on the proposed location of the helipad, the easements will be required on a total of four properties surrounding the project site and will extend 775 feet from the western property line, 300 feet from the eastern property line, and 500 feet from the southern property line.

In terms of preventing offensive dust, noise, vibrations, or bright lights, the applicant has stated that all flight activity will take place between dawn and dusk and will accordingly, not require any additional lighting which will limit any potential impacts from light spillage onto adjacent properties. The proposed concrete helipad will assist in minimizing dust and vibrations during take offs and landings.

Additionally, noise levels are required to be maintained below limits defined by the State and County as being a nuisance. The California Airport Noise Regulation (CCR Title 21, Chapter 2.5, Subchapter 6) establishes 65 dB CNEL as the acceptable level of exterior aircraft noise for persons living in the vicinity of airports. The Stanislaus County Noise Element of the General Plan also utilizes the CNEL for assessing noise compatibility around airports. The County’s standard for

residential land uses is 60 dB CNEL, which is five dB more restrictive than the above-described State standard. Typically noise concerns related to airports are due to the close proximity of residential structures or "sensitive noise receptors". The Environmental Noise Assessment prepared for this project on dated July 9, 2017, conducted by Saxelby Acoustics, indicated that the proposed helipad is located 2,000 plus feet away from the nearest residence and would not exceed the noise level standards of the State of California (65 dB CNEL) or Stanislaus County (60 dB CNEL). (See Exhibit D - *Environmental Noise Assessment, July 9, 2017 – Saxelby Acoustics.*)

Caltrans Division of Aeronautics provided a project referral response indicating that the proposed use of the helipad, as a crop dusting business, is exempt from State permitting requirements.

Considering the project as proposed, including the extensive distance between the proposed helipad from any surrounding structures, as well as the noise assessment results, this project does not seem likely to constitute a nuisance or danger to neighboring properties, farms, dwellings, or structures. Accordingly, staff believes that the proposed project meets the airport siting standards of the Noise Element of the General Plan.

The proposed project is addressed by the following additional goals, policies, and implementation measures of the Land Use and Agriculture Elements of the General Plan.

Goal One, Policy Two of the Land Use Element requires that land designated Agriculture be restricted to uses that are compatible with agricultural practices.

Goal Two, Policy Fourteen, Implementation Measure 1 of the Land Use Element requires all development proposals that require discretionary action to be carefully reviewed to ensure that approval will not adversely affect an existing agricultural area and to ensure compatibility between land uses.

Goal Three, Policy Eighteen of the Land Use Element encourages promotion of diversification and growth of the local economy.

Policy 1.1 of the Agricultural Element supports efforts to promote the location of new agriculture-related business and industry in Stanislaus County.

To protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district, Appendix "A" of the Agricultural Element requires a buffer between agricultural and non-agricultural uses. The proposed project meets the recommended 150-foot buffer for non-people intensive uses.

This project is considered to be consistent with the General Plan policies detailed above. The proposed helipad and crop dusting business is considered to support the agricultural economy and to be consistent with agriculture uses in the County.

#### **ZONING & SUBDIVISION ORDINANCE CONSISTENCY**

The site has a zoning designation of A-2-40 (General Agriculture). The Stanislaus County Zoning Ordinance, Section 21.20.040 (A-2 - General Agriculture) allows for both public and private airports provided a use permit is obtained and the establishment of the airport can be found to be consistent

with the General Plan, consistent with any adopted County policies, and found that it will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use, and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Establishment of a new private or public airport facility in the A-2 zoning district requires approval by the Planning Commission and by the Board of Supervisors.

The entire project site is enrolled in a Williamson Act Contract (No. 1972-0752). Uses requiring a use permit to be approved on contracted land must be found consistent with specific Williamson Act Principles of Compatibility. The following are the required Principles of Compatibility:

1. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
3. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

This project was referred to the Department of Conservation (DOC) for review and comment regarding the Williamson Act. To date, DOC staff has not responded.

Staff believes the necessary Use Permit and Williamson Act findings can be made showing that the helipad and crop dusting business will be used primarily in support of agriculture and will be compatible with agricultural operations surrounding the project site. With conditions of approval in place, there is no indication that, under the circumstances of this particular case, the proposed project will be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use, or that it will be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

### **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment and no significant issues were raised. (See Exhibit H - *Environmental Review Referrals*.) A Negative Declaration has been prepared for approval as the project will not have a significant effect on the environment. (See Exhibit G - *Negative Declaration*.) Conditions of Approval reflecting referral responses have been placed on the project. (See Exhibit C - *Conditions of Approval*.)

\*\*\*\*\*



**Note:** Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,273.25** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Kristin Doud, Senior Planner, (209) 525-6330

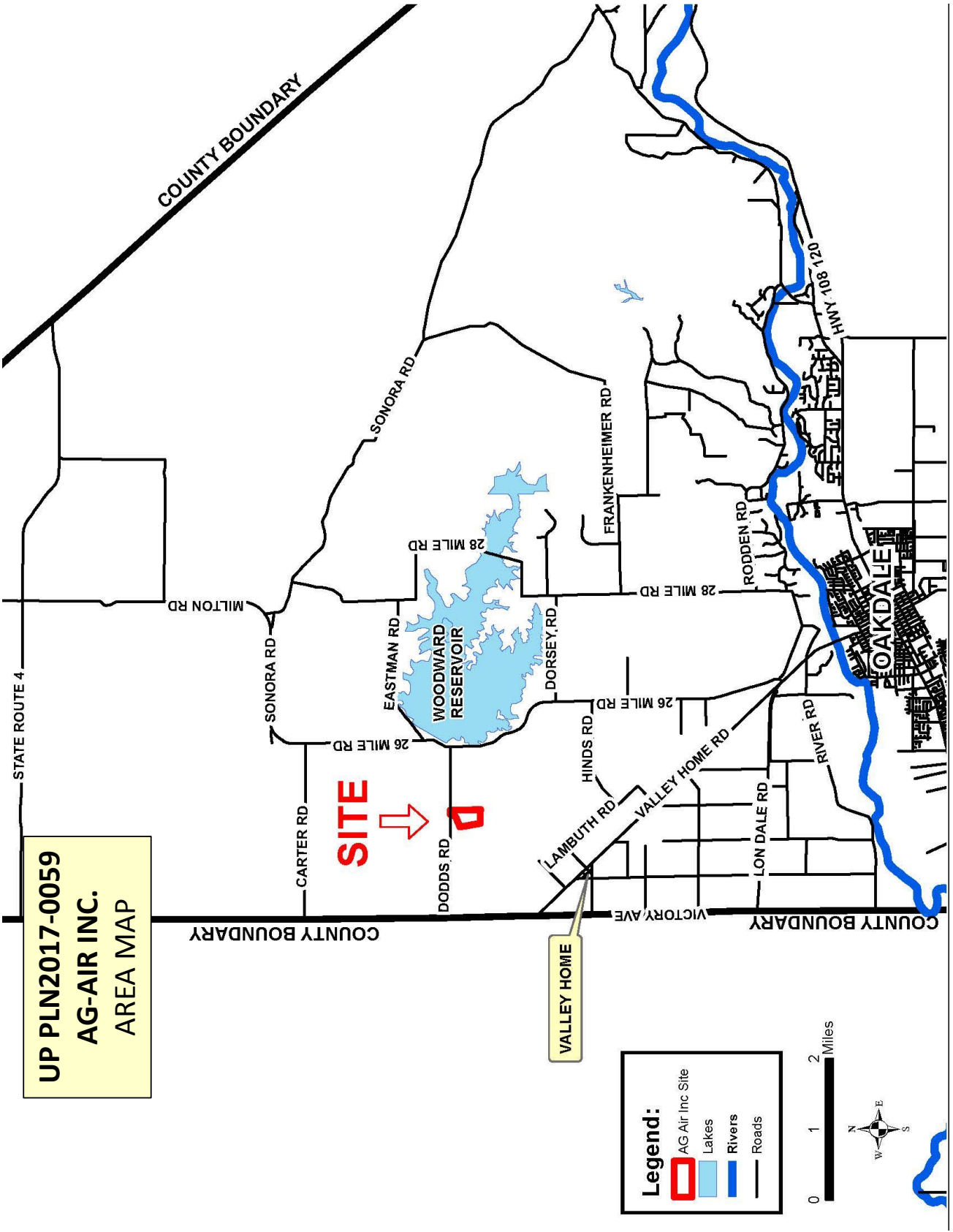
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Environmental Noise Assessment, dated July 9, 2017 - Saxelby Acoustics
- Exhibit E - Airport Siting Standards – Appendix V-A of the Safety Element, Stanislaus County General Plan
- Exhibit F - Initial Study
- Exhibit G - Negative Declaration
- Exhibit H - Environmental Review Referral

**Exhibit A**  
**Findings and Actions Required for Project Approval**

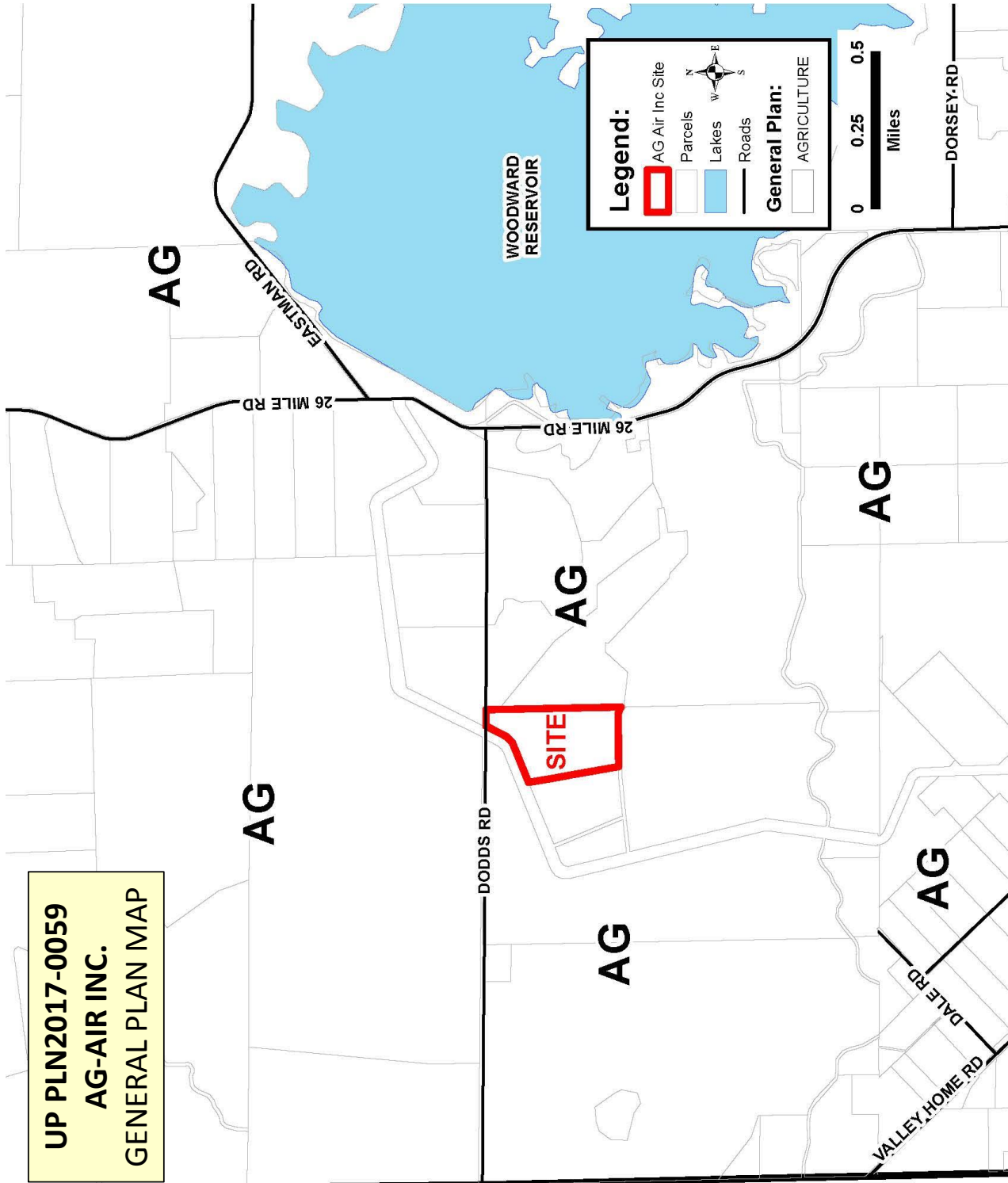
1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
  - (a) The establishment of the airport is consistent with the general plan, consistent with any adopted county policies and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
  - (b) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
  - (c) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural product on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
  - (d) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
  - (e) The project will increase activities in and around the project area and increase demands for roads and services thereby requiring dedication and improvements.
4. Approve Use Permit Application No. PLN2017-0059 – Ag-Air, Inc., subject to the attached Conditions of Approval.

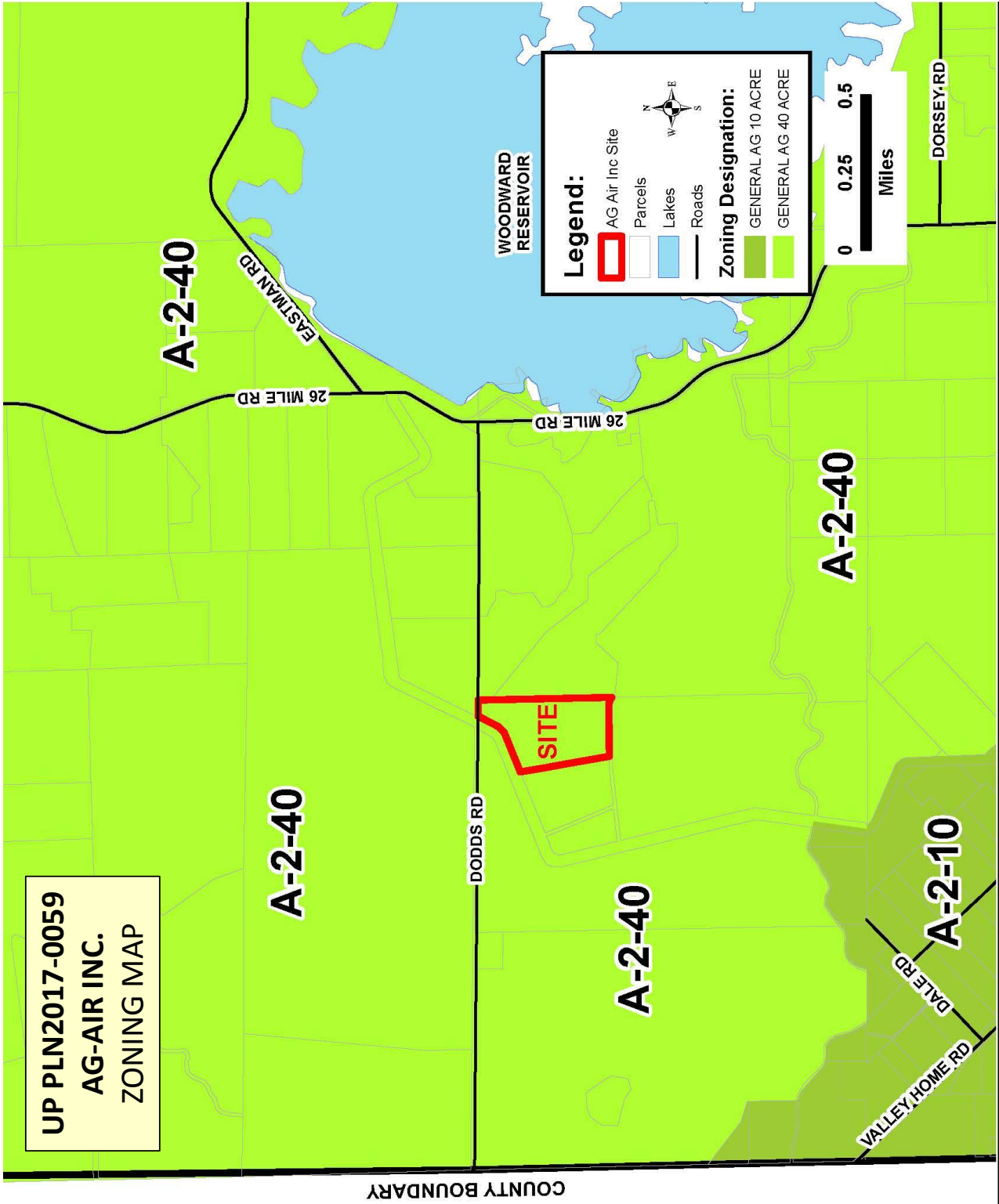
**UP PLN2017-0059  
AG-AIR INC.  
AREA MAP**



UP PLN2017-0059  
AG-AIR INC.  
GENERAL PLAN MAP

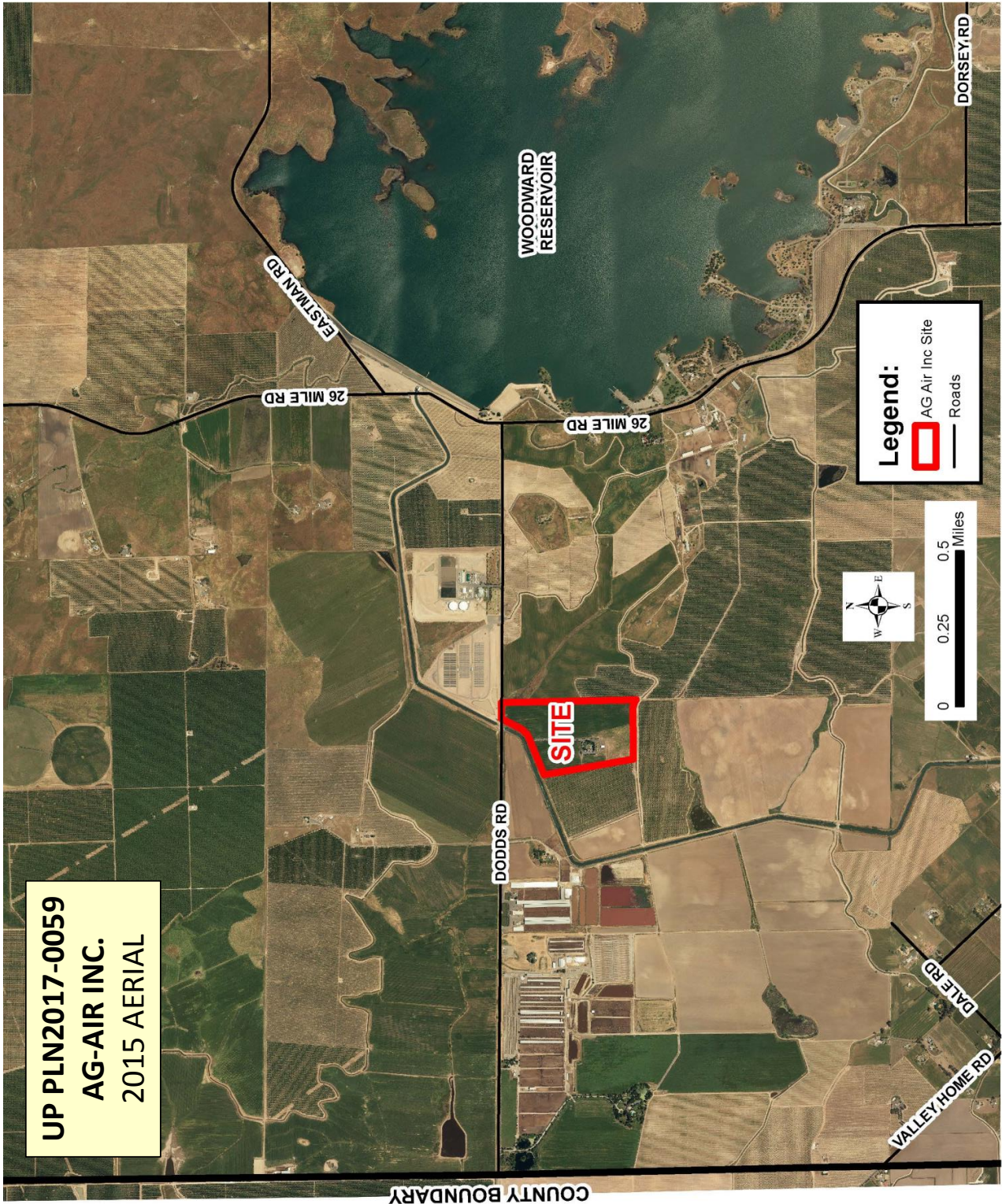
COUNTY BOUNDARY







UP PLN2017-0059  
AG-AIR INC.  
2015 AERIAL

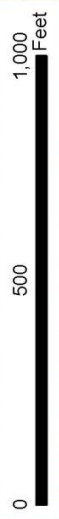




UP PLN2017-0059  
AG-AIR INC.  
2015 AERIAL

DODDS RD

SITE



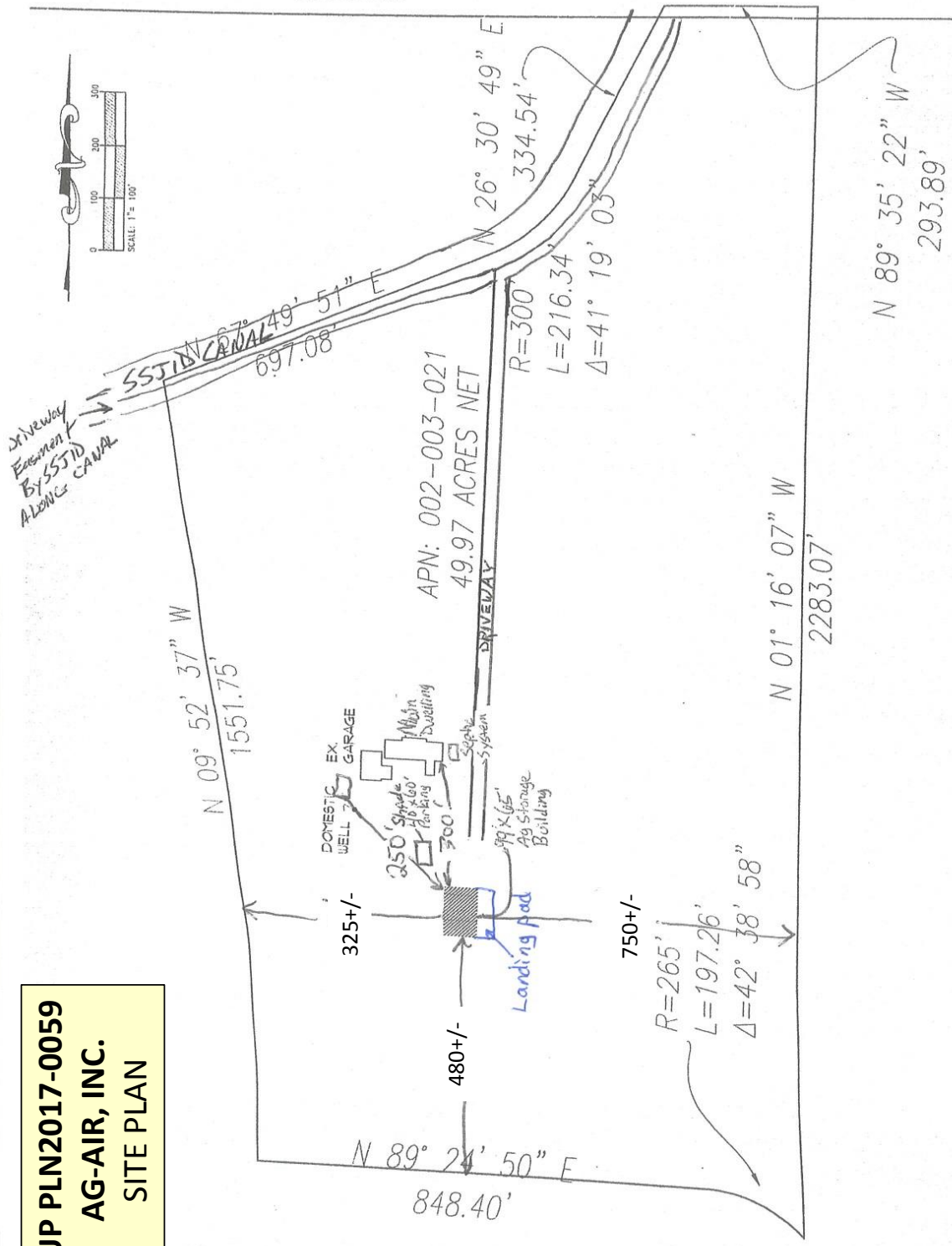
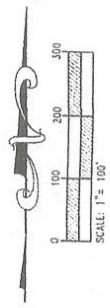






**UP PLN2017-0059  
AG-AIR, INC.  
SITE PLAN**

DODDS ROAD



**UP PLN2017-0059  
AG-AIR INC.  
HELIPAD SETBACKS**





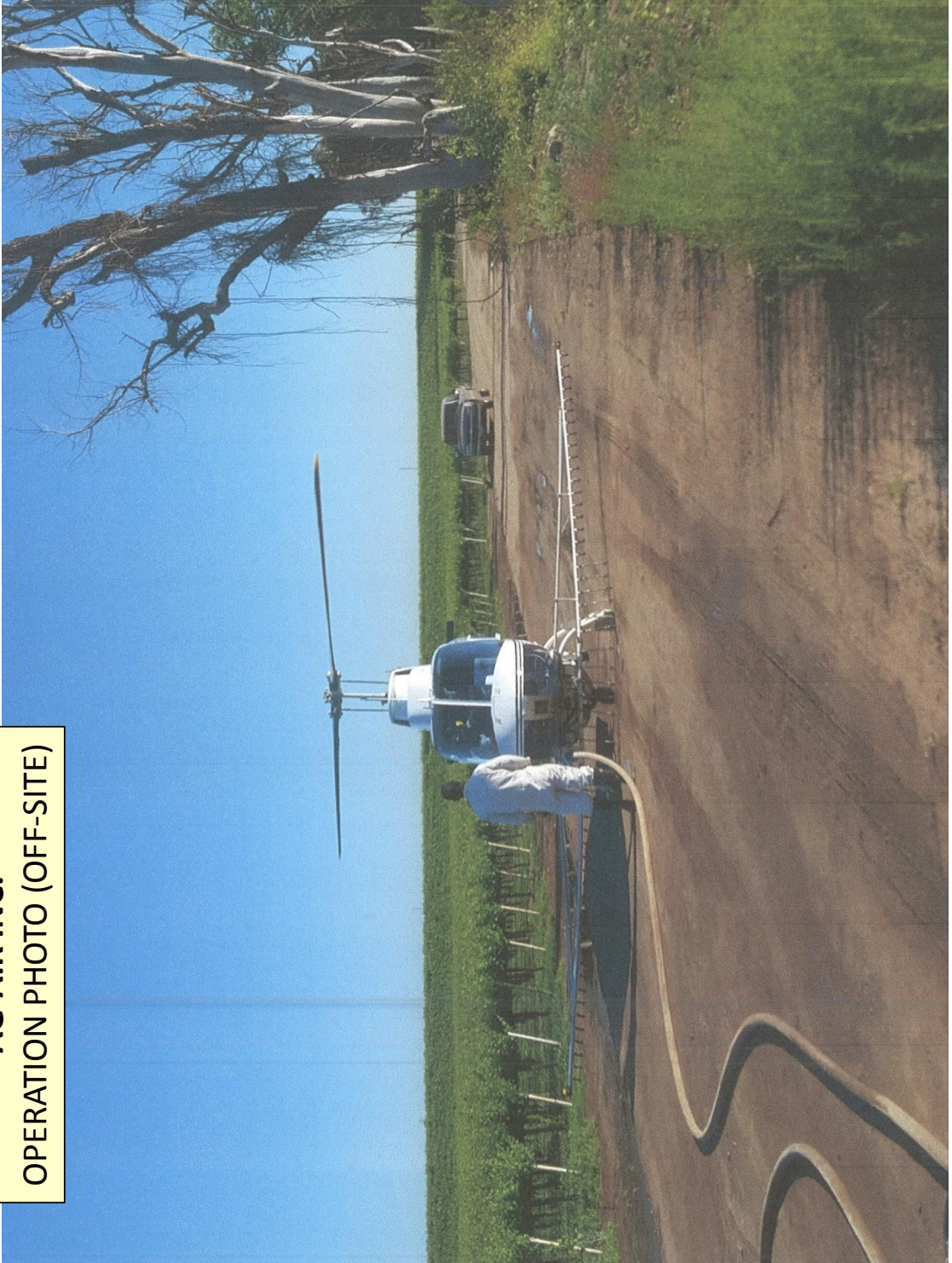
UP PLN2017-0059  
AG-AIR INC.  
SITE PHOTO



EXISTING AG STORAGE BUILDING

**UP PLN2017-0059  
AG-AIR INC.**

**OPERATION PHOTO (OFF-SITE)**





**As Amended by the Planning Commission**  
**November 2, 2017**

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NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

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**CONDITIONS OF APPROVAL**

**USE PERMIT APPLICATION NO. PLN 2017-0059**  
**AG-AIR, INC.**

**Department of Planning and Community Development**

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances. As identified in the application and project related information, there shall be a maximum of two helicopters on-site. Any expansion or modification may be subject to further discretionary actions.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2017), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,273.25**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.  
  
Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. The applicant/**property** owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

5. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).
6. During any future construction, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
7. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
8. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
9. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
10. The applicant and/or **property** owner shall be required to receive approval from the FAA prior to conducting any flight activity. A Notice of Landing Proposal shall be submitted to FAA and a written response from FAA shall be forwarded to the Planning Department for review prior to conducting any flight activity. If it is determined that the airport is exempt from FAA permitting, provide documentation showing that the airport is exempt to the Stanislaus County Department of Planning and Community Development.
11. ~~Prior to conducting any flight activity, the applicant/property owner shall present verification that an aviation easement for a "Clear Zone Area" has been recorded for any adjacent properties, not controlled or owned by the applicant/owner, that fall within an area extending maintain a 2801,000-foot Helicopter Protection Zone (HPZ), in accordance with Federal Aviation Administration design standards for helicopters, from all sides of the helipad. The aviation easement shall contain language to prevent construction of any structures within this "Clear Zone Area" and grant the airport owner/operator the right to fly in, through, or across any portion of the airspace of the adjacent property. The "Clear Zone Area" requirements are contained within the Airport Siting Standards — Appendix V-A of the Safety Element, Stanislaus County General Plan~~ **No additional structures or any hazardous materials, including fuel, may be located within the HPZ.**
12. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all

appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.

### Department of Public Works

- ~~13. The applicant shall obtain an encroachment permit for an asphalt driveway onto Dodds Road.~~
  - ~~• A paved driveway shall be installed per Stanislaus County Public Works Standards and Specification for a Collector Road.~~
  - ~~• The existing driveway is located on the South San Joaquin Irrigation District's (SSJID) 200 foot canal right-of-way. An easement shall be obtained showing that the owner of Ag Air, Inc., has the right to utilize this driveway. If this easement cannot be obtained, a new driveway, in an approved location, shall be installed within 6 months of the approval of the use permit. As of mid July, 2017, SSJID does not have an easement for this driveway.~~
- ~~14. No parking, loading, or unloading of vehicles is permitted within the Dodds Road right-of-way. The developer shall install or pay for the installation of any off-site signs and/or markings, as required by Stanislaus County.~~
- ~~15. Prior to issuance of any building or grading permit for the property, or within 6 months of the approval of the use permit, whichever comes first, an Irrevocable Offer of Dedication shall be submitted and approved. Dodds Road is classified as a 60-foot Minor Collector Roadway. The required ½ width of Dodds Road is 30 feet south of the centerline of the roadway. Currently there is an existing right-of-way of 20 feet on the south side of the centerline. This means that 10 feet of road right-of-way shall be dedicated with an Irrevocable Offer of Dedication for the parcel frontage.~~
16. **Within 6 months of the approval of the use permit, a**~~Prior to issuance of a building permit, or prior to any grading on the property,~~ a grading, drainage, and erosion/sediment control plan for the project site shall be submitted to Public Works for review and approval. The grading and drainage plan shall include the following information:
  - The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
  - The plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharger Identification Number and a copy of the Notice of Intent and the project's Stormwater Pollution Prevention Plan shall be provided prior to the approval of the Plan, if applicable.
  - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the grading plan.
  - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.
- ~~17. Prior to issuance of any Grading or Building Permit, the property owner shall obtain coverage for the project under the current State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) Construction General Permit, if applicable.~~

- ~~18. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the review of the building and/or grading plans and all related inspection fees.~~

**Department of Environmental Resources**

19. Any future proposed fixture units within the Agricultural storage building shall connect to a septic system.
20. No washing of any equipment, including the helicopters, shall occur on-site.
21. The applicant should contact the Department of Environmental Resources (DER) regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify DER relative to the following: (California Health & Safety, Division 20)
- A. Permits for the underground storage of hazardous substances at new or the modification of an existing tank facility.
  - B. Requirements for registering as a handler of hazardous materials in the County.
  - C. Submittal of Hazardous Materials Business information into the California Electronic Reporting System (CERS) by handlers of materials in excess of 55 gallons, 500 pounds of a hazardous material, or of 200 cubic feet of compressed gas.
  - D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program, which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section §302.
  - E. Generators of hazardous waste must notify the Department relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices. Generators of hazardous waste must also use the CERS data base to submit chemical and facility information to DER.
  - F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.
  - G. Medical waste generators must complete and submit a questionnaire to DER for determination if they are regulated under the Medical Waste Management Act.

**Building Permits Division**

22. Within 6 months of use permit approval, a Change of Occupancy Permit for the existing agricultural storage building shall be obtained. The project must conform to the California Code of Regulations, Title 24 and all applicable impact fees shall be paid.

**Stanislaus Consolidated Fire Protection District**

23. Within 6 months of use permit approval, a Change of Occupancy Permit for the existing agricultural storage building shall be submitted to the Stanislaus Consolidated Fire Protection district for review and approval. The plans shall conform to the provisions of the California Fire Code, and relevant laws, ordinances, rules, and regulations.
24. All hazardous materials storage, handling, and dispensing shall comply with the provisions established in the California Fire Code.



25. Fire apparatus access roads shall be provided and maintained in accordance with the California Fire Code.

**San Joaquin Valley Air Pollution Control District**

26. The proposed project may be subject to Air District permits. Prior to the start of construction, the property owner/operator shall contact the District's Small Business Assistance Office at (559) 230-5888 to determine if an Authority to Construct (ATC) is required, or if any other District rules or permits are required.

**Central Valley Regional Water Quality Control Board**

27. Prior to ground disturbance or issuance of a building permit, the Central Valley Regional Quality Control Board shall be consulted to obtain any necessary permits and to implement any necessary measures, including but not limited to Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit (Water Quality Certification), Waste Discharge Requirements, Low or Limited Threat General NPDES Permit, and any other applicable Regional Water Quality Control Board permit.

\*\*\*\*\*

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording is in **bold**, and deleted wording will have a ~~line through it~~.*



# Alger Private Helipad

Stanislaus County, California

July 9, 2017

Project # 170701

Prepared for:

**RaeAnn and Brent Alger**

5420 Dodds Road  
Oakdale, California 95361

Prepared by:

**Saxelby Acoustics**

A blue ink signature of Luke Saxelby.

**Luke Saxelby, INCE Bd. Cert.  
Principal Consultant  
Board Certified, Institute of Noise Control Engineering (INCE)**

(916) 760-8821  
www.SaxNoise.com | Luke@SaxNoise.com  
915 Highland Pointe Drive, Suite 250  
Roseville, CA 95678

## INTRODUCTION

The project is a proposed private heliport to be located on a 50-acre parcel at 5420 Dodds Road in Stanislaus County. The proposed heliport would consist of a single landing pad that would be used for a maximum of 250 takeoffs and landings per year. Stanislaus County has required that an aircraft noise analysis be prepared for the project to assist the county with preparation of environmental documentation as required by the California Environmental Quality Act (CEQA) and the State Division of Aeronautics.

This analysis, prepared by Saxelby Acoustics, is based upon project information provided by the project applicant. Revisions to the information utilized to prepare this analysis may require a re-evaluation of the findings of this report.

Figure 1 shows an aerial photo of the project site and locations of the closest residential receptors.

## ENVIRONMENTAL SETTING

### BACKGROUND INFORMATION ON NOISE

#### *Fundamentals of Acoustics*

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), then they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second or Hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as (airborne) sound that is loud, unpleasant, unexpected or undesired, and may therefore be classified as a more specific group of sounds. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals), as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.


The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by A-weighted sound levels. There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.



Alger Heliport Noise Assessment  
Stanislaus County, California

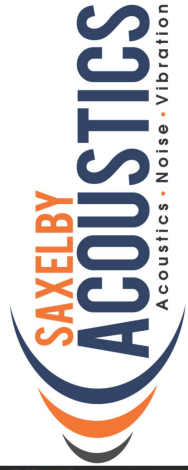
Figure 1: Modeled Receptor Locations and Predicted Noise Contours

Legend

-  Parcels
-  60 dBA CNEL
-  65 dBA CNEL
-  Helipad
-  Receptor



Projection: State Plane (California Zone 3) / NAD83 / feet  
Rev. Date: 07/09/2017



The decibel scale is logarithmic, not linear. In other words, two sound levels 10-dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10-dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as an 80-dBA sound, and twice as loud as a 60 dBA sound.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given environment. A common statistical tool is the average, or equivalent, sound level ( $L_{eq}$ ), which corresponds to a steady-state A weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). The  $L_{eq}$  is the foundation of the composite noise descriptor,  $L_{dn}$ , and shows very good correlation with community response to noise.

The day/night average level ( $L_{dn}$ ) is based upon the average noise level over a 24-hour day, with a +10-decibel weighing applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because  $L_{dn}$  represents a 24-hour average, it tends to disguise short-term variations in the noise environment. The Community Equivalent Noise Level (CNEL) is similar to  $L_{dn}$ , but also includes an evening (7:00 a.m. to 7:00 p.m.) with a +5 dB penalty applied to noise occurring during this timeframe.

Table 1 lists several examples of the noise levels associated with common situations. Appendix A provides a summary of acoustical terms used in this report.

**TABLE 1: TYPICAL NOISE LEVELS**

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	--110--	Rock Band
Jet Fly-over at 300 m (1,000 ft.)	--100--	
Gas Lawn Mower at 1 m (3 ft.)	--90--	
Diesel Truck at 15 m (50 ft.), at 80 km/hr. (50 mph)	--80--	Food Blender at 1 m (3 ft.) Garbage Disposal at 1 m (3 ft.)
Noisy Urban Area, Daytime Gas Lawn Mower, 30 m (100 ft.)	--70--	Vacuum Cleaner at 3 m (10 ft.)
Commercial Area Heavy Traffic at 90 m (300 ft.)	--60--	Normal Speech at 1 m (3 ft.)
Quiet Urban Daytime	--50--	Large Business Office Dishwasher in Next Room
Quiet Urban Nighttime	--40--	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	--30--	Library
Quiet Rural Nighttime	--20--	Bedroom at Night, Concert Hall (Background)
	--10--	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	--0--	Lowest Threshold of Human Hearing

Source: Caltrans, Technical Noise Supplement, Traffic Noise Analysis Protocol. September, 2013.



### ***Effects of Noise on People***

The effects of noise on people can be placed in three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction
- Interference with activities such as speech, sleep, and learning
- Physiological effects such as hearing loss or sudden startling

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise.

Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so-called ambient noise level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it.

With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1-dBA cannot be perceived;
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference;
- A change in level of at least 5-dBA is required before any noticeable change in human response would be expected; and
- A 10-dBA change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response.

Stationary point sources of noise – including stationary mobile sources such as idling vehicles – attenuate (lessen) at a rate of approximately 6-dB per doubling of distance from the source, depending on environmental conditions (i.e. atmospheric conditions and either vegetative or manufactured noise barriers, etc.). Widely distributed noises, such as a large industrial facility spread over many acres, or a street with moving vehicles, would typically attenuate at a lower rate.

## REGULATORY CONTEXT

The California Airport Noise Regulation (CCR Title 21, Chapter 2.5, Subchapter 6) establishes 65 dB CNEL as the acceptable level of exterior aircraft noise for persons living near airports. The Stanislaus County Noise Element of the General Plan also utilizes the CNEL for assessing noise compatibility around airports. The county's standard for residential land uses is 60 dB CNEL, which is 5 dB *more* restrictive than the above-described state standard.

The CNEL is the energy average sound level for a 24-hour period determined after addition of penalties of 5 dB to aircraft noise events during the evening hours (7:00 p.m.-10:00 p.m.) and 10 dB to aircraft noise events during the nighttime hours (10:00 p.m.-7:00 a.m.). The CNEL is calculated based upon annual average conditions regarding aircraft operations and runway use. That means that the noise exposure on a day is likely to be either higher or lower than the annual average for a given location.

The Federal Aviation Administration (FAA) and U.S. Department of Housing and Urban Development (HUD) both apply an exterior noise level standard of 65 dB, as defined by the Day-Night Average Level (DNL), when evaluating land use compatibility around airports. The only difference between the DNL and the CNEL noise metrics is that the CNEL includes a 5-dB penalty during the evening hours and the DNL does not. Both metrics apply a 10-dB penalty during the nighttime hours of 10:00 p.m. to 7:00 a.m., and are considered to be equivalent descriptors of the community noise environment within +/- 1.0 dB.

## EVALUATION OF AIRCRAFT NOISE EXPOSURE

Aircraft noise exposure was calculated using the Federal Aviation Administration (FAA) Integrated Noise Model (INM), helipad configuration information provided by the project applicant and aircraft operations data provided by the project applicant. Aircraft noise exposure was calculated using the CNEL noise metric.

The INM calculates aircraft noise exposure by mathematically combining aircraft noise levels and heliport operations factors at a series of points within a cartesian coordinate system which defines the location of helipads and generalized aircraft flight tracks. User inputs to the INM include the following:

- Helipad configuration
- Aircraft flight track definitions
- Distribution of aircraft to flight tracks
- Aircraft traffic volume and fleet mix
- Temporal distribution of flights (day/evening/night)

The INM database includes aircraft performance parameters and noise level data that may be used to model noise from operations by most of the civilian aircraft presently in service at U.S. airports. When a user specifies a particular aircraft type from the INM database, the model automatically provides the necessary inputs concerning aircraft power settings, speed, departure profiles and noise levels. In its present form, the INM accounts for changes in the distance from a receptor to an aircraft noise source (slant range distance) due to variations in local terrain. The INM does not consider reflections from nearby buildings or acoustical shielding caused by buildings or vegetation that may surround an airport.

According to the project applicant, there will be approximately 250 flights per year on an annual average basis. If a flight consists of a takeoff and landing, this translates into an average of approximately 1 operation per weekday. A worst-case operational scenario of 4 operations per day has been utilized for this analysis. The project applicant plans to have two Bell 206 B2 aircraft based at the heliport. The INM database includes a Bell 206L which has been used to model typical aircraft operations at the proposed airport.

Annual average runway use has been estimated by the project applicant to be 95% to the northwest and 5% to the southeast. This analysis assumes worst case that 1 operation could occur in the early morning, before 7:00 a.m., and up to 3 operations would occur between approximately 7:00 a.m. and 7:00 p.m.

The INM was used to calculate aircraft noise exposure as defined by the annual average CNEL at the three closest noise-sensitive receptors. Those receptors are shown as R1, R2 and R3 on Figure 1. Receptor R1 represents the closest home to the northwest of the airport and is located approximately 2,300 feet from the helipad. Receptor R2 represents the closest home to the southeast and is located at approximately 2,000 feet from the helipad. Receptor R3 is located east of the helipad at approximately 3,700 feet. Table 2 summarizes calculated CNEL's at the closest sensitive receptors based upon the worst case of 4 operations per day.

Table 2 shows the predicted noise levels at each of the modeled receptors. Figure 1 shows the 60 dBA and 65 dBA CNEL noise contours for the project.

**TABLE 2: PREDICTED HELIPORT NOISE LEVELS**

Receptor	Distance, feet	Predicted Noise Level, dBA CNEL
R1	2,300	34 dBA
R2	2,000	38 dBA
R3	3,700	29 dBA

Source: Saxelby Acoustics, INM v 7.0

The Table 2 data indicate that the predicted CNEL values calculated by the INM comply with the State of California noise compatibility standard of 65 dB CNEL and the Stanislaus County standard of 60 dB CNEL. This conclusion is based upon the worst-case assumption of 4 daily operations. The annual average CNEL would be expected to be less than that shown in Table 2.

**Conclusions**

The proposed Alger private helipad will generate annual average noise levels in the range of 29-34 dBA CNEL, or less, at the closest existing homes to the project site. Such levels do not exceed the noise compatibility standards of the State of California or Stanislaus County.



## Appendix A: Acoustical Terminology

<b>Acoustics</b>	The science of sound.
<b>Ambient Noise</b>	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
<b>Attenuation</b>	The reduction of an acoustic signal.
<b>A-Weighting</b>	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
<b>Decibel or dB</b>	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
<b>CNEL</b>	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by +5 dBA and nighttime hours weighted by +10 dBA.
<b>Frequency</b>	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz (Hz).
<b>Ldn</b>	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
<b>Leq</b>	Equivalent or energy-averaged sound level.
<b>Lmax</b>	The highest root-mean-square (RMS) sound level measured over a given period of time.
<b>L(n)</b>	The sound level exceeded a described percentile over a measurement period. For instance, an hourly L50 is the sound level exceeded 50% of the time during the one hour period.
<b>Loudness</b>	A subjective term for the sensation of the magnitude of sound.
<b>Noise</b>	Unwanted sound.
<b>NRC</b>	Noise Reduction Coefficient. NRC is a single-number rating of the sound-absorption of a material equal to the arithmetic mean of the sound-absorption coefficients in the 250, 500, 1000, and 2,000 Hz octave frequency bands rounded to the nearest multiple of 0.05. It is a representation of the amount of sound energy absorbed upon striking a particular surface. An NRC of 0 indicates perfect reflection; an NRC of 1 indicates perfect absorption.
<b>RT60</b>	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
<b>Sabin</b>	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 Sabin.
<b>SEL</b>	Sound Exposure Level. SEL is a rating, in decibels, of a discrete event, such as an aircraft flyover or train passby, that compresses the total sound energy into a one-second event.
<b>STC</b>	Sound Transmission Class. STC is an integer rating of how well a building partition attenuates airborne sound. It is widely used to rate interior partitions, ceilings/floors, doors, windows and exterior wall configurations.
<b>Threshold of Hearing</b>	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
<b>Threshold of Pain</b>	Approximately 120 dB above the threshold of hearing.
<b>Impulsive</b>	Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
<b>Simple Tone</b>	Any sound which can be judged as audible as a single pitch or set of single pitches.

**APPENDIX V-A**  
**AIRPORT SITING STANDARDS**

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THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

Date: March 6, 1984

No. 84-367

On motion of Supervisor Blom, Seconded by Supervisor Simon,  
and approved by the following vote,  
Ayes: Supervisors: Blom, Simon, Cannella and Chairman Starn  
Noes: Supervisors: None  
Excused or Absent: Supervisors: Terry  
Abstaining: Supervisor: None

D-2

THE FOLLOWING RESOLUTION WAS ADOPTED:

IN RE: ESTABLISHING POLICIES FOR THE SITING OF NEW AIRPORTS, AGRICULTURAL  
SERVICE AIRPORTS AND TEMPORARY AGRICULTURAL SERVICE AIRPORTS

WHEREAS, after receiving a report concerning private airports in Stanislaus  
County, this Board referred the matter to the Planning Commission for study and  
possible recommendations; and

WHEREAS, the Commission held a public hearing to gain input from private  
airport owners, pilots, cropdusters and other interested parties; and

WHEREAS, after much discussion, the Planning Commission recommends that this  
Board adopt the "Establishing Policies for the Siting of New Airports, Agricultural  
Service Airports and Temporary Agricultural Service Airports" as submitted,

NOW, THEREFORE, BE IT RESOLVED that this Board of Supervisors does hereby  
adopt the "Establishing Policies for the Siting of New Airports, Agricultural Service  
Airports and Temporary Agricultural Service Airports" to wit:

ATTEST: BETH MEYERSON-MARTINEZ, Clerk  
Stanislaus County Board of Supervisors,  
State of California.



By: Rochelle A. Tilton, Assistant Clerk

File No. S-18-CC-27

ESTABLISHING POLICIES FOR THE SITING OF NEW  
AIRPORTS, AGRICULTURAL SERVICE AIRPORTS, AND TEMPORARY  
AGRICULTURAL SERVICE AIRPORTS

WHEREAS, it is the duty of the Stanislaus County Board of Supervisors to promote and protect the health, safety, comfort, convenience and general welfare of the residents of Stanislaus County; and

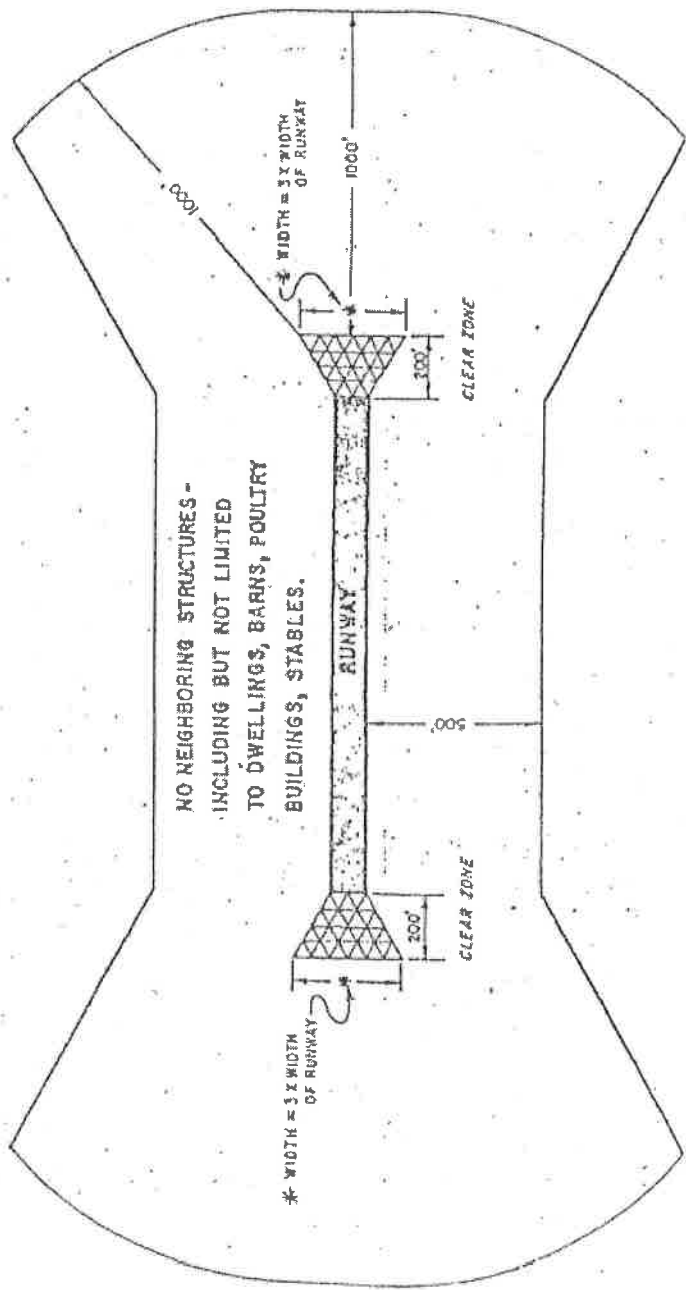
WHEREAS, private airstrips, private airports, crop duster landing strips and heliports are presently permitted upon approval of a use permit in A-2 (Exclusive Agriculture) and certain R-A (Rural Residential) zones; and

WHEREAS, the Board of Supervisors recognizes the fact that airports, agricultural service airports and temporary agricultural service airports are necessary for the economy and convenience of the people of Stanislaus County; and

WHEREAS, careful consideration must be given to the siting, layout and design of any new airport, agricultural service airport or temporary agricultural service airport in these areas to protect the health, safety, comfort, and general welfare of the residents of Stanislaus County,

NOW, THEREFORE, BE IT RESOLVED that the following policies shall be utilized as guidelines by Stanislaus County when considering an application for a use permit or staff approval application to locate any new airport or temporary agricultural service airport or expand any existing airport or temporary agricultural service airport.

1. Provide a clear zone for a distance of two-hundred feet (200') from the end of the runway. The clear zone shall start at the ends of the runway and at a point two-hundred feet (200') from the end of the runway be three (3) times the width of the runway.
2. Be no closer to any neighboring dwelling, barn, shop, poultry building, or similar agricultural structure than: (a) 1000 feet from the ends of the runway, or (b) 500 feet to the sides of the runway. This shall not be construed so as to prohibit the owner of any airport from having their own dwelling(s), barn(s), shop(s), poultry building(s), or similar agricultural structure(s) within this area.
3. Be located so that air or surface traffic shall not constitute a nuisance or danger to neighboring property, farms, dwellings or structures.
4. Show that adequate controls or measures will be taken to prevent offensive dust, noise, vibrations, or bright lights.
5. Obtain when necessary approval of the California Department of Transportation, Division of Aeronautics and the Federal Aviation Administration prior to the issuance of the use permit.





## CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

1. **Project title:** Use Permit Application No. PLN2017-0059 – Ag-Air, Inc.
2. **Lead agency name and address:** Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Kristin Doud, Senior Planner
4. **Project location:** 5420 Dodds Road, on the south side of Dodds Road, between 26 Mile Road and the west County line, west of Woodward Reservoir, and north of the community of Valley Home and the city of Oakdale. (APN: 002-003-021).
5. **Project sponsor's name and address:** Brent & RaeAnn Alger  
5420 Dodds Rd.  
Oakdale, CA 95361
6. **General Plan designation:** AG (Agriculture)
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

Request to establish an agricultural aerial application (crop dusting) business and private heliport on a 49.97 acre parcel in the A-2-40 zoning district. A maximum of two helicopters are proposed to be stored in an existing 6,434 square foot agricultural storage building. A 5,445 square foot concrete landing pad (helipad) will be located on the west side of the agricultural storage building. The property also includes a 2,400 square foot covered parking area. Pesticides are delivered to each job site or will be delivered to the site in sealed containers and will be loaded onto nurse trucks and delivered to job sites. Equipment associated with the business, stored on-site, includes two helicopters, two nurse trucks (California Class "C" 2000 gallon water tender mix trucks, classified as agricultural support vehicles), a small 400 gallon mix trailer, a pick-up truck, and two forklifts. General maintenance and minor repairs on equipment associated with the business will be conducted in the agricultural storage building. All fueling will be done off-site. The operation will employ a total of two pilots and one seasonal employee. The operation serves farms in Stanislaus, San Joaquin, Merced, Calaveras, Tuolumne, and Sacramento Counties. On average, the business operates 100-150 days per year, which includes a maximum of 2-3 spray jobs per day, and a maximum of one flight to and from the site per day.

9. **Surrounding land uses and setting:** Orchard, row crops, irrigated pasture properties, with scattered single-family dwellings surround the site in all directions; the South San Joaquin Irrigation District Canal and a dairy are located to the west; the South San Joaquin Irrigation District's Water Treatment Plant is located to the north, Woodward Reservoir is located to the east.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.): Stanislaus County Department of Public Works  
Stanislaus County Department of Environmental Resources  
Stanislaus County Agricultural Commissioner  
CalTrans Division of Aeronautics

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- Aesthetics
- Agriculture & Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology / Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation / Traffic
- Utilities / Service Systems
- Mandatory Findings of Significance

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Kristin Doud, Senior Planner  
Signature

July 25, 2017  
Date



**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, than the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
  - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
  - 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
  - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
  - 9) The explanation of each issue should identify:
    - a) the significant criteria or threshold, if any, used to evaluate each question; and
    - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

**ISSUES**

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

**Discussion:** The site itself is not considered to be a scenic resource or a unique scenic vista. A maximum of two helicopters are proposed to be stored in an existing 6,434 square foot agricultural storage building. A 5,445 square foot concrete pad, to be utilized as the landing pad, is proposed to be constructed on the west side of the agricultural storage building. The remainder of the parcel will remain in irrigated pasture. No additional lighting is proposed. The nearest residence is approximately 2,000± feet from the proposed project site, making it unlikely that additional lighting would have a significant negative impact on the aesthetics of the area. Regardless, a standard condition of approval will be added to this project to address glare from any proposed security lighting, operational lighting, and/or supplemental on-site lighting.

**Mitigation:** None.

**References:** Application information; Use Permit No. 2017-0059 – Ag-Air, Inc.; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X

d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

**Discussion:** The site is designated Agriculture and zoned A-2-40 (General Agriculture). The County Zoning Ordinance, Section 21.20.040, allows for public and private airports upon the granting of a use permit and the approval of the Board of Supervisors. Construction and operation of a private "agricultural" airport is considered to be consistent with agriculture uses in the County and supports the agricultural economy rather than having a negative impact. The entire project site is enrolled in Williamson Act Contract No. 1972-0752. The project site is classified as "Unique Farmland" and "Grazing Land" by the California Farmland Mapping and Monitoring Program. The soils on-site are listed as San Joaquin sandy loam (0-5% slopes, Index Rating between 24 and 25, Grade 4), which are not considered to be prime soils.

This project will have no impact to forest land or timberland. The site presently contains a single-family dwelling, garage, carport, and agricultural storage building. The majority of the remaining property is utilized as irrigated pasture. This project will not conflict with any agricultural activities in the area and/or lands enrolled in the Williamson Act. The project was referred to the Department of Conservation, but no response has been received to date.

Surrounding uses consist of orchard, row crops, irrigated pasture properties, with scattered single-family dwellings. The South San Joaquin Irrigation District Canal and a dairy are located to the west of the project site, the South San Joaquin Irrigation District's Water Treatment Plant is located to the north, and Woodward Reservoir is located to the east.

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 zoning district. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Alternatives may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. The proposed project meets the recommended 150-foot buffer for non-people intensive uses from the use to all property lines.

A referral response received from the Oakdale Irrigation District (OID) indicated that given the proposed set-back distances, the project is not anticipated to negatively impact OID operations.

**Mitigation:** None.

**References:** Oakdale Irrigation District referral response, dated June 27, 2017; Application information; Use Permit No. 2017-0059 – Ag-Air, Inc.; Stanislaus County Agricultural Element<sup>1</sup>; Stanislaus County Safety Element, VI - Airport Siting Standards; Stanislaus County Zoning Ordinance; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2004; United States Department of Agriculture Soil Survey of Stanislaus County, California, Northern Stanislaus (2007); and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	

d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

**Discussion:** The project site is within the San Joaquin Valley Air Basin, which has been classified as "non-attainment" for ozone and respirable particulate matter (PM-10 and PM-2.5) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.

Construction activities associated with the proposed project would consist primarily of grading in preparation of the helipad. This activity would not require any substantial use of heavy-duty construction equipment and would require little or no demolition or grading as the site is presently vacant and considered to be topographically flat. Consequently, emissions would be minimal. Furthermore, all construction activities are required to comply with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation.

Operational emissions would be generated by mobile sources as a result of normal operation of the heliport. A maximum of two helicopters are proposed to be stored in an existing 6434 square foot agricultural storage building. A 5,445 square foot concrete landing pad (helipad) will be located on the west side of the agricultural storage building. The property also includes a 2,400 square foot covered parking area. Pesticides are delivered to each job site or will be delivered to the site in sealed containers and will be loaded onto nurse trucks and delivered to job sites. Equipment associated with the business, stored on-site, includes two helicopters, two nurse trucks (California Class "C" 2000 gallon water tender mix trucks, classified as agricultural support vehicles), a small 400 gallon mix trailer, a pick-up truck, and two forklifts. General maintenance and minor repairs on equipment associated with the business will be conducted in the agricultural storage building. The operation will employ a total of two pilots and one seasonal employee. The operation serves farms in Stanislaus, San Joaquin, Merced, Calaveras, Tuolumne, and Sacramento Counties. On average the business operates 100-150 days per year, which includes a maximum of 2-3 spray jobs per day, and a maximum of one flight to and from the site per day. With the limited number of flights proposed as part of this project, operational emissions are not considered to be a significant impact.

The project was referred to the SJVAPCD and no response was received. The District has an emissions/pollutant significance threshold of 10 tons per year of NOX, 10 tons per year of ROG, and 15 tons per year of PM-10. The operation will be conditioned to obtain any applicable Air District Permit, potentially including Indirect Source Review (Rule 9510), Regulation VIII (Fugitive PM-10 Prohibitions), 4002 (National Standards for Hazardous Air Pollutants), District Rules 4102 (Nuisance), 4550 (Conservation Management Practices), 4601 (Architectural Coatings), and 4641 (Cutback, Slow Cure, & Emulsified Asphalt, Paving & Maintenance Operations). With conditions of approval incorporated into the project, no significant impacts to air quality occurring as a result of this project are anticipated.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

**Discussion:** The project is located within the Escalon Quad of the California Natural Diversity Database. There are eight plants and animals which are state or federally listed, threatened, or identified as species of special concern within the Escalon California Natural Diversity Database Quad. These species include the California tiger salamander, Swainson’s hawk, great blue heron, steelhead, valley elderberry longhorn beetle, western mastiff bat, legenera, Green’s tuctoria. However, the project is proposed to be developed on the portion of the property which is already developed and the remainder of the parcel will remain in irrigated pasture and open space making impacts to biological resources less than significant.

The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors are considered to be less than significant.

An early consultation was referred to the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and no response was received.

**Mitigation:** None.

**References:** Application information; Use Permit No. 2017-0059 – Ag-Air, Inc.; California Department of Fish and Wildlife (formerly the Department of Fish and Game) California Natural Diversity Database; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

**Discussion:** A letter was received from the Native American Heritage Commission (NAHC), outlining the basic procedures for AB 52 and SB 18, which both require tribal consultation or notification of projects under certain circumstances. This project does not fall under either AB 52 or SB 18, as it is not a General Plan or Specific Plan Amendment, and none of the tribes listed by the NAHC have contacted the County to request project referrals.

It does not appear that this project will result in significant impacts to any archaeological or cultural resources; however, a standard condition of approval will be added to this project to address any discovery of cultural resources during any ground disturbing activities.

**Mitigation:** None.

**References:** Application information; Use Permit No. 2017-0059 – Ag-Air, Inc.; Stanislaus County General Plan and Support Documentation<sup>1</sup>

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	

**Discussion:** The USDA Natural Resources Conservation Service's Northern Stanislaus County Soil Survey indicates that the soils on the project site are made up of San Joaquin sandy loam (0-5% slopes, Index Rating between 24 and 25, Grade 4). As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. An early consultation referral response received from the Department of Public Works indicated that a grading, drainage, and erosion/sediment control plan for the project is required, subject to Public Works review and Standards and Specifications. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

DER, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met. Conditions of approval regarding these standards will be applied to the project.

**Mitigation:** None.

**References:** Referral response received from the Department of Public Works on July 17, 2017; Referral response received from the Department of Environmental Resources on June 23, 2017; Application information; Use Permit No. 2017-0059 – Ag-Air, Inc.; California Building Code (2016); Stanislaus County General Plan and Support Documentation<sup>1</sup>



VII. GREENHOUSE GAS EMISSIONS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

**Discussion:** The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and tropospheric Ozone (O<sub>3</sub>). CO<sub>2</sub> is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020.

A maximum of two helicopters are proposed to be stored in an existing 6,434 square foot agricultural storage building. A 5,445 square foot concrete landing pad (helipad) will be located on the west side of the agricultural storage building. The property also includes a 2,400 square foot covered parking area. Pesticides are delivered to each job site or will be delivered to the site in sealed containers and will be loaded onto nurse trucks and delivered to job sites. Equipment associated with the business, stored on-site, includes two helicopters, two nurse trucks (California Class "C" 2000 gallon water tender mix trucks, classified as agricultural support vehicles), a small 400 gallon mix trailer, a pick-up truck, and two forklifts. General maintenance and minor repairs on equipment associated with the business will be conducted in the agricultural storage building. The operation will employ a total of two pilots and one seasonal employee. The operation serves farms in Stanislaus, San Joaquin, Merced, Calaveras, Tuolumne, and Sacramento Counties. On average the business operates 100-150 days per year, which includes a maximum of 2-3 spray jobs per day, and a maximum of one flight to and from the site per day. With the limited number of flights proposed as part of this project, significant impacts from greenhouse gas emissions are not anticipated.

The project was referred to the SJVAPCD and no response was received. The District has an emissions/pollutant significance threshold of 10 tons per year of NO<sub>x</sub>, 10 tons per year of ROG, and 15 tons per year of PM-10. The operation will be conditioned to obtain any applicable Air District Permit, potentially including Indirect Source Review (Rule 9510), Regulation VIII (Fugitive PM-10 Prohibitions), 4002 (National Standards for Hazardous Air Pollutants), District Rules 4102 (Nuisance), 4550 (Conservation Management Practices), 4601 (Architectural Coatings), and 4641 (Cutback, Slow Cure, & Emulsified Asphalt, Paving & Maintenance Operations). With conditions of approval incorporated into the project, no significant impacts to greenhouse gas emissions occurring as a result of this project are anticipated.

**Mitigation:** None.

**References:** Application information; Use Permit No. 2017-0059 – Ag-Air, Inc.; California Building Code (2016); Stanislaus County General Plan and Support Documentation<sup>1</sup>

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

**Discussion:** A maximum of two helicopters are proposed to be stored in an existing 6,434 square foot agricultural storage building. A 5,445 square foot concrete landing pad (helipad) will be located on the west side of the agricultural storage building. The property also includes a 2,400 square foot covered parking area. Pesticides are delivered to each job site or will be delivered to the site in sealed containers and will be loaded onto nurse trucks and delivered to job sites. Equipment associated with the business, stored on-site, includes two helicopters, two nurse trucks (California Class "C" 2000 gallon water tender mix trucks, classified as agricultural support vehicles), a small 400 gallon mix trailer, a pick-up truck, and two forklifts. General maintenance and minor repairs on equipment associated with the business will be conducted in the agricultural storage building. All fueling will be done off-site. The helipad will be subject to any FAA and CalTrans safety requirements such as inclusion of flight maps, periodic safety checks, and any continuous licensing requirements. Additionally, all structures must be adequately designed and constructed for the appropriate uses. The project is located outside of the nearest Airport Land Use Planning Area (Oakdale Airport) and, as such, will have no direct impact on the planning area.

A referral response received from the Department of Environmental Resources (DER) provided a comment that there shall be no washing of equipment or helicopters on-site. This restriction will be incorporated into the project as a condition of approval.

A Special Use Airport Permit is defined in the California Code of Regulations (CCR) Title 21, section 3527, *Definitions* as an airport not open to the general public, access to which is controlled by the owner in support of commercial activities, public service operations and/or personal use. This project was referred to the Caltrans Division of Aeronautics for comment, but no response was received. However, in accordance with Caltrans Division of Aeronautics' regulations agricultural heliports, which are only used for the purpose of agricultural aerial applications, such as this project, are exempt from requiring a Heliport Permit through the Division. Additionally, the airport proposes to exceed the minimum clear zone set-backs required within the Safety Element, which includes 1000 feet from the helipad on all sides.

**Mitigation:** None.

**References:** Department of Environmental Resources Hazardous Materials Division referral response dated June 23, 2017; California Code of Regulations (CCR) Title 21, Division 2.5, Chapter 2, Article 2, Section 3533; Application information; Use Permit No. 2017-0059 – Ag-Air, Inc.; Stanislaus County Safety Element, VI - Airport Siting Standards; Stanislaus County General Plan and Support Documentation<sup>1</sup>

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	

**Discussion:** Run-off is not considered an issue because of several factors which limit the potential impact. These factors include a relative flat terrain of the subject site and relatively low rainfall intensities. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. The project site itself is not located within a recognized flood zone and, as such, flooding is not an issue with respect to this project. Pesticides are delivered to each job site or will be delivered to the site in sealed containers and will be loaded onto nurse trucks and delivered to job sites. General maintenance and minor repairs on equipment associated with the business will be conducted in the agricultural storage building. All fueling will be done off-site.

The Department of Public Works provided a project referral indicating that the project must meet the current State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) Construction General Permit standards. The Department of Environmental Resources provided a referral response stating that no washing of equipment is permitted on-site. These comments will be incorporated into the project's conditions of approval. Conditions of approval requiring the property owner/applicant obtain all required permits from the Department of Environmental Resources and from the Central Valley Regional Water Quality Control Board will also be incorporated into the project's conditions of approval. A referral response received from the Oakdale Irrigation District indicated that given the proposed set-back distances, the project is not anticipated to negatively impact OID operations.

**Mitigation:** None.

**References:** Public Works Department referral response, dated July 17, 2017; Department of Environmental Resources referral response, dated June 23, 2017; Oakdale Irrigation District referral response, dated June 27, 2017; Application information; Use Permit No. 2017-0059 – Ag-Air, Inc.; Stanislaus County General Plan and Support Documentation<sup>1</sup>

X. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?			X	

**Discussion:** The site has a general plan designation of Agriculture and a zoning designation of A-2-40 (General Agriculture). The County Zoning Ordinance, Section 21.20.040, allows for public and private airports upon the granting of a use permit and the approval of the Planning Commission and Board of Supervisors, provided they can find the project to be consistent with the general plan and adopted County policies, and to not be detrimental to the health, safety, and general welfare the neighborhood or the County. On March 6, 1984, the Board of Supervisors approved “Policies for the Siting of New Airports, Agricultural Service Airports, and Temporary Agricultural Service Airports”, which have been incorporated into the Stanislaus County Safety Element as an attachment. The Safety Element guidelines establish minimum distances from the runway/helipad to maintain clear zones from neighboring properties and address potential nuisances to neighboring properties from dust, noise, vibrations, or lighting. The guidelines also require that the necessary approvals be obtained from the California Department of Transportation Division of Aeronautics and the Federal Aviation Administration prior to the issuance of the use permit. The project meets the required clear zone and set-back distances and is not anticipated to cause nuisance noise, dust, vibrations, or lighting in the surrounding neighborhood. The helipad is exempt from State permitting for airports as it is intended for the purpose of the aerial spraying of agricultural properties.

This project will not result in the physical division of an established community. The site is adjacent to established agricultural uses and the proposed agricultural airfield operations facility is considered compatible with agriculture. The proposed project is consistent with the site’s general plan designation and zoning classification. The project does not conflict with any conservation plans.

**Mitigation:** None.

**References:** Application information; Use Permit No. 2017-0059 – Ag-Air, Inc.; California Code of Regulations (CCR) Title 21, Division 2.5, Chapter 2, Article 2, Section 3533; Stanislaus County Zoning Ordinance; Stanislaus County General Plan and Support Documentation<sup>1</sup>

XI. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

**Discussion:** The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X	

**Discussion:** Air flight operations and air space restrictions are governed by the Federal Aviation Administration and California Department of Transportation. The Stanislaus County General Plan also provides policies for siting of new airports including Agricultural Service Airports. These policies include a requirement that the facility be located so that air or surface travel does not constitute a nuisance or danger to neighboring property, farms, dwellings, or structures. The policy further requires the runways to be no closer to any neighboring dwelling, barn, shop, poultry building, or similar agricultural structure than: (a) 1000 feet from the ends of the runway, or (b) 500 feet to the sides of the runway. As this is a helipad and there is no runway, the 1,000 foot set-back is being applied in all directions. The nearest residence to the helipad is located over 2,000 feet away, which exceeds this set-back requirement. Additionally, adequate controls or measures must be taken to prevent offensive dust, noise, vibrations, or bright lights. The California Airport Noise Regulation (CCR Title 21, Chapter 2.5, Sub-chapter 6) establishes 65 dB CNEL as the acceptable level of exterior aircraft noise for persons living in the vicinity of airports. The Stanislaus County Noise Element of the General Plan also utilizes the CNEL for assessing noise compatibility around airports. The County’s standard for residential land uses is 60 dB CNEL, which is five dB more restrictive than the above-described state standard. Typically noise concerns related to airports are due to the close proximity of residential structures or “sensitive noise receptors”. An Environmental Noise Assessment was conducted by Saxelby Acoustics to review potential noise impacts associated with on-site activities of the proposed airport. The assessment was finalized on July 9, 2017. The assessment identified that the project’s noise sources will primarily be aircraft noise with the closest sensitive receptors being three residential structures. The residential structures are located at 2,300, 2,000, and 3,700 feet from the helipad. The assessment determined that the proposed airport will generate annual average noise levels in the range of 29-38 dBA CNEL at the closest existing homes to the project site. Such levels do not exceed the noise compatibility standards of the State of California (65 dB CNEL) or Stanislaus County (60 dB CNEL).

The agricultural storage building proposed to store the helicopters will contain a maximum of two aircrafts. On average the business operates 100-150 days per year, which includes a maximum of 2-3 spray jobs per day, and a maximum of one flight to and from the site per day. Accordingly, noise impacts occurring as a result of this project are considered to be less than significant.

**Mitigation:** None.

**References:** Environmental Noise Assessment conducted by Saxelby Acoustics, dated July 9, 2017; California Code of Regulations (CCR) Title 21, Division 2.5, Chapter 2, Article 2, Section 3533; Application information; Use Permit No. 2017-0059 – Ag-Air, Inc.; Stanislaus County Zoning Ordinance; Stanislaus County General Plan and Support Documentation<sup>1</sup>

XIII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X	

**Discussion:** The proposed use of the site will not create significant service extensions or new infrastructure which could be considered as growth inducing. No housing or persons will be displaced by this project. As the project site is surrounded by agricultural land, it is unlikely that residential development will occur due to the fact that County voters passed the Measure E vote in February of 2008. Measure E, which was incorporated into Zoning Ordinance Chapter 21.118 (the 30-Year Land Use Restriction), requires that re-designation or rezoning of land from agricultural/open space to residential use shall require approval by a majority vote of the County voters at a general or special local election.

**Mitigation:** None.

**References:** Application information; Use Permit No. 2017-0059 – Ag-Air, Inc.; Stanislaus County Zoning Ordinance; Stanislaus County General Plan and Support Documentation<sup>1</sup>

XIV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:			X	
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

**Discussion:** The County has adopted Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. Conditions of approval will be added to this project to insure the proposed development complies with all applicable fire department standards with respect to access and water for fire protection. A referral response received from the Oakdale Irrigation District (OID) indicated that given the proposed set-back distances, the project is not anticipated to negatively impact OID operations.

**Mitigation:** None.

**References:** Oakdale Irrigation District referral response, dated June 27, 2017; Application information; Use Permit No. 2017-0059 – Ag-Air, Inc.; Stanislaus County Zoning Ordinance; Stanislaus County General Plan and Support Documentation<sup>1</sup>



XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

**Discussion:** This project is not anticipated to increase significant demands for recreational facilities as such impacts typically are associated with residential development.

**Mitigation:** None.

**References:** Application information; Use Permit No. 2017-0059 – Ag-Air, Inc.; Stanislaus County Zoning Ordinance; Stanislaus County General Plan and Support Documentation<sup>1</sup>

XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	

**Discussion:** Significant impacts to traffic and transportation were not identified by reviewing agencies. The site has direct access onto Dodds Road which is a County-maintained road. A maximum of two helicopters are proposed to be stored in an existing 6,434 square foot agricultural storage building. A 5,445 square foot concrete landing pad (helipad) will be located on the west side of the agricultural storage building. The property also includes a 2,400 square foot covered parking area. Pesticides are delivered to each job site or will be delivered to the site in sealed containers and will be loaded onto nurse trucks and delivered to job sites. Equipment associated with the business, stored on-site, includes two helicopters, two nurse trucks (California Class “C” 2000 gallon water tender mix trucks, classified as agricultural support vehicles), a small 400 gallon mix trailer, a pick-up truck, and two forklifts. The operation will employ a total of two

pilots and one seasonal employee. On average the business operates 100-150 days per year, which includes a maximum of 2-3 spray jobs per day, and a maximum of one flight to and from the site per day.

The project was referred to the Stanislaus County Department of Public Works and Caltrans District 10 – Division of Aeronautics for review. No comments were received from Caltrans. However, in accordance with Caltrans Division of Aeronautics’ regulations agricultural heliports, which are only used for the purpose of agricultural aerial applications, are exempt from requiring a Heliport Permit through the Division. The Department of Public Works has requested conditions of approval to address site grading, new driveway approaches, and the need for meeting the current State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) Construction General Permit standards. These comments will be incorporated into the project’s conditions of approval.

**Mitigation:** None.

**References:** Public Works Department referral response, dated July 17, 2017; Application information; California Code of Regulations (CCR) Title 21, Division 2.5, Chapter 2, Article 2, Section 3533; Use Permit No. 2017-0059 – Ag-Air, Inc.; Stanislaus County Zoning Ordinance; Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</b>			X	
<b>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</b>			X	
<b>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</b>			X	
<b>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</b>			X	
<b>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</b>			X	
<b>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</b>			X	
<b>g) Comply with federal, state, and local statutes and regulations related to solid waste?</b>			X	

**Discussion:** Limitations on providing services have not been identified. There is no indication the proposed project will result in diminished water quality standards. Any development resulting from this project will be served by an on-site septic system. The project will not result in the construction and/or expansion of storm water drainage facilities. The project site will be served by an individual water well. Concerns regarding groundwater quality and availability have not been expressed. The project will not conflict with any applicable solid waste regulations. The project was referred to the Department of Environmental Resources, who regulates well and septic systems, and they responded with a requirement that should any additional fixtures be constructed in the agricultural storage building, connection to a septic system will be required. A referral response received from the Oakdale Irrigation District (OID) indicated that given the proposed set-back distances, the project is not anticipated to negatively impact OID operations.

**Mitigation:** None.

**References:** Department of Environmental Resources referral response, dated June 23, 2017; Oakdale Irrigation District referral response, dated June 27, 2017; Application information; Use Permit No. 2017-0059 – Ag-Air, Inc.; Stanislaus County Zoning Ordinance; Stanislaus County General Plan and Support Documentation<sup>1</sup>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

**Discussion:** Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.

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<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. *Housing Element* adopted on April 5, 2016.

## NEGATIVE DECLARATION

**NAME OF PROJECT:** Use Permit Application No. PLN2017-0059 – Ag-Air, Inc.

**LOCATION OF PROJECT:** 5420 Dodds Road, on the south side of Dodds Road, between 26 Mile Road and the west County line, west of Woodward Reservoir, and north of the community of Valley Home and the city of Oakdale. APN: 002-003-021.

**PROJECT DEVELOPERS:** Brent & RaeAnn Alger  
5420 Dodds Rd.  
Oakdale, CA 95361

**DESCRIPTION OF PROJECT:** Request to establish an agricultural aerial application (crop dusting) business and private heliport, including construction of a 5,445 square foot concrete landing pad (helipad) and use of two helicopters that are proposed to be stored in an existing 6,434 square foot agricultural storage building.

Based upon the Initial Study, dated **July 25, 2017**, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Kristin Doud, Senior Planner

Submit comments to: Stanislaus County  
Planning and Community Development Department  
1010 10th Street, Suite 3400  
Modesto, California 95354

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: USE PERMIT APPLICATION NO. PLN2017-0059 - AG-AIR, INC.**

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	30-DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF CONSERVATION, LAND RESOURCES	X	X	X		X							
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION: DIV OF AERONAUTICS	X	X	X	X				X		X		X
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA CENTRAL VALLEY RWQCB	X	X	X	X				X		X	X	
COOPERATIVE EXTENSION	X	X	X		X							
COUNTY OF SAN JOAQUIN	X	X	X		X							
FIRE PROTECTION DIST: OAKDALE RURAL	X	X	X	X				X		X	X	
HOSPITAL DISTRICT: OAK VALLEY	X	X	X		X							
IRRIGATION DISTRICT: OAKDALE	X	X	X	X				X		X		X
IRRIGATION DISTRICT: SOUTH SAN JOAQUIN	X	X	X		X							
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
MUNICIPAL ADVISORY COUNCIL: VALLEY HOME	X	X	X		X							
NATIVE AMERICAN HERITAGE COMMISSION				X				X		X		X
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: VALLEY HOME JOINT UNIFIED	X	X	X		X							
SCHOOL DISTRICT 1: OAKDALE JOINT UNIFIED	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO AIRPORT LAND USE COMMISSION	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X		X							
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X	X	
STAN CO ERC	X	X	X	X			X			X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X		X							
STAN CO PARKS & RECREATION	X	X	X		X							
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST #1: OLSEN	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
US MILITARY (5 AGENCIES)	X	X	X		X							

Stanislaus County Planning Commission  
 Minutes  
 November 2, 2017  
 Pages 2, 3, & 4

**B. USE PERMIT APPLICATION NO. PLN2017-0059 – AG-AIR, INC. -**

Request to establish a crop dusting business and private heliport, including construction of a 5,445 square foot concrete landing pad (heliport) and use of two helicopters that are proposed to be stored in an existing 6,434 square foot agricultural storage building. The property is located in the A-2-40 (General Agriculture) zoning district at 5420 Dodds Road, on the south side of Dodds Road, between 26 Mile Road and the west County line, near the community of Valley Home and the City of Oakdale. The Planning Commission will consider recommendation to the Board of Supervisors approval and adoption of a CEQA Negative Declaration for this project. APN: 002-003-021.

Staff Report: Kristin Doud, Senior Planner, Recommends **APPROVAL**

Public hearing opened.

**OPPOSITION:** None

**FAVOR:** Brent Alger, applicant

Public hearing closed.

Gibson/Orvis (8/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE SEPTEMBER 21, 2017, STAFF REPORT, WITH AMENDED CONDITIONS OF APPROVAL NOS. 4,10,11 & 16 & DELETION OF NOS. 13 – 15, 17 & 18, AS OUTLINED IN THE MEMO TO THE PLANNING COMMISSION DATED NOVEMBER 2, 2017, TO READ AS FOLLOWS:**

4. The applicant/**property** owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
10. The applicant ~~and/or~~ **property** owner shall be required to receive approval from the FAA prior to conducting any flight activity. A Notice of Landing Proposal shall be submitted to FAA and a written response from FAA shall be forwarded to the Planning Department for review prior to conducting any flight activity. If it is determined that the airport is exempt from FAA permitting, provide documentation showing that the airport is exempt to the Stanislaus County Department of Planning and Community Development.
11. ~~Prior to conducting any flight activity, t~~The applicant/**property** owner **shall** ~~must present verification that an aviation easement for a "Clear Zone Area" has been recorded for any adjacent properties, not controlled or owned by the applicant/owner, that fall~~



~~within an area extending maintain a 2801,000-fooeet Helicopter Protection Zone (HPZ), in accordance with Federal Aviation Administration design standards for helicopters, from all sides of the helipad. The avigation easement shall contain language to prevent construction of any structures within this "Clear Zone Area" and grant the airport owner/operator the right to fly in, through, or across any portion of the airspace of the adjacent property. The "Clear Zone Area" requirements are contained within the Airport Siting Standards – Appendix V-A of the Safety Element, Stanislaus County General Plan~~ **No additional structures or any hazardous materials, including fuel, may be located within the HPZ.**

- ~~13. The applicant shall obtain an encroachment permit for an asphalt driveway onto Dodds Road.~~
  - ~~• A paved driveway shall be installed per Stanislaus County Public Works Standards and Specification for a Collector Road.~~
  - ~~• The existing driveway is located on the South San Joaquin Irrigation District's (SSJID) 200 foot canal right of way. An easement shall be obtained showing that the owner of Ag-Air, Inc., has the right to utilize this driveway. If this easement cannot be obtained, a new driveway, in an approved location, shall be installed within 6 months of the approval of the use permit. As of mid July, 2017, SSJID does not have an easement for this driveway.~~
- ~~14. No parking, loading, or unloading of vehicles is permitted within the Dodds Road right of way. The developer shall install or pay for the installation of any off-site signs and/or markings, as required by Stanislaus County.~~
- ~~15. Prior to issuance of any building or grading permit for the property, or within 6 months of the approval of the use permit, whichever comes first, an Irrevocable Offer of Dedication shall be submitted and approved. Dodds Road is classified as a 60-foot Minor Collector Roadway. The required ½ width of Dodds Road is 30 feet south of the centerline of the roadway. Currently there is an existing right of way of 20 feet on the south side of the centerline. This means that 10 feet of road right-of-way shall be dedicated with an Irrevocable Offer of Dedication for the parcel frontage.~~
- ~~16. Within 6 months of the approval of the use permit, a~~**Prior to issuance of a building permit, or prior to any grading on the**

**property, a** grading, drainage, and erosion/sediment control plan for the project site shall be submitted to Public Works for review and approval. The grading and drainage plan shall include the following information:

- The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
- The plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharger Identification Number and a copy of the Notice of Intent and the project's Stormwater Pollution Prevention Plan shall be provided prior to the approval of the Plan, if applicable.
- The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the grading plan.
- The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

~~17. Prior to issuance of any Grading or Building Permit, the property owner shall obtain coverage for the project under the current State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) Construction General Permit, if applicable.~~

~~18. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the review of the building and/or grading plans and all related inspection fees.~~

## EXCERPT

### PLANNING COMMISSION

### MINUTES

Signature on file.  
Angela Freitas, Secretary

December 1, 2017  
Date

**UP PLN2017-0059**

**AG-AIR, INC.**

**Board of Supervisors  
December 12, 2017**



# Overview

- Use Permit
- To establish a crop dusting business and private heliport on a 49.97 acre parcel in the A-2-40 zoning district.



**UP PLN2017-0059**  
**AG-AIR INC.**  
**AREA MAP**



**SITE**



**WOODWARD RESERVOIR**

**VALLEY HOME**

**OAKDALE**

**HWY 108 120**

**Legend:**

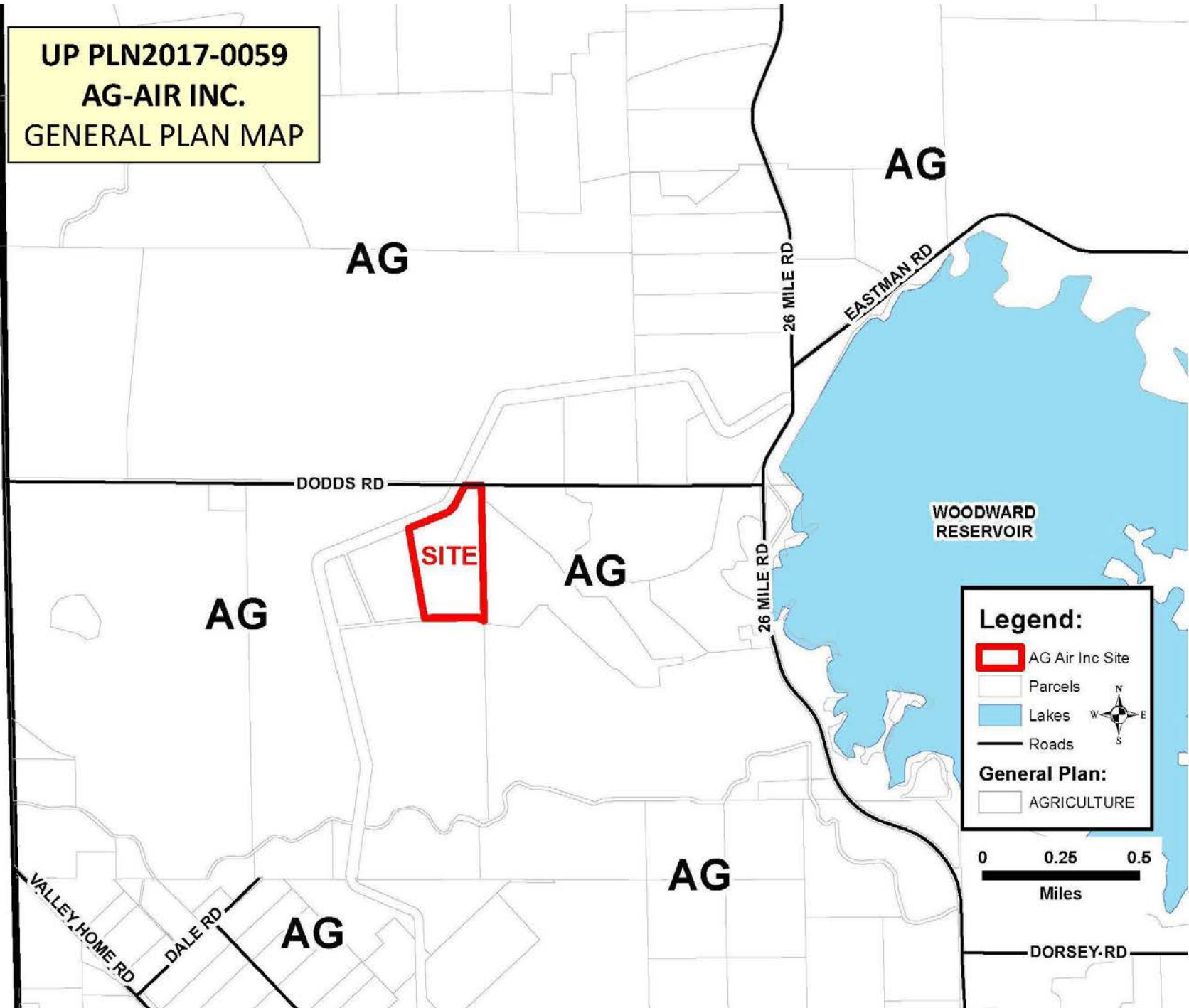
-  AG Air Inc Site
-  Lakes
-  Rivers
-  Roads

0 1 2 Miles



**UP PLN2017-0059  
AG-AIR INC.  
GENERAL PLAN MAP**

COUNTY BOUNDARY



**AG**

**AG**

**AG**





**AG**

**AG**

**AG**

**WOODWARD  
RESERVOIR**

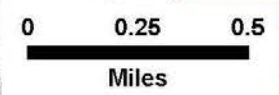
**Legend:**

-  AG Air Inc Site
-  Parcels
-  Lakes
-  Roads



**General Plan:**

-  AGRICULTURE



**DORSEY RD**

**UP PLN2017-0059  
AG-AIR INC.  
ZONING MAP**

COUNTY BOUNDARY

**A-2-40**

**A-2-40**

**A-2-40**

**A-2-40**

**A-2-10**

DODDS RD

26 MILE RD

26 MILE RD

EASTMAN RD

VALLEY HOME RD

DALE RD







DORSEY RD



**SITE**

**WOODWARD  
RESERVOIR**

**Legend:**

-  AG Air Inc Site
  -  Parcels
  -  Lakes
  -  Roads
- Zoning Designation:**
-  GENERAL AG 10 ACRE
  -  GENERAL AG 40 ACRE



0 0.25 0.5

Miles





UP PLN2017-0059  
AG-AIR INC.  
2015 AERIAL

COUNTY BOUNDARY

DODDS RD

SITE

26 MILE RD

EASTMAN RD

WOODWARD  
RESERVOIR

26 MILE RD

VALLEY HOME RD

DALE RD

DORSEY RD



Legend:

-  AG Air Inc Site
-  Roads



**UP PLN2017-0059**  
**AG-AIR INC.**  
**2015 AERIAL**

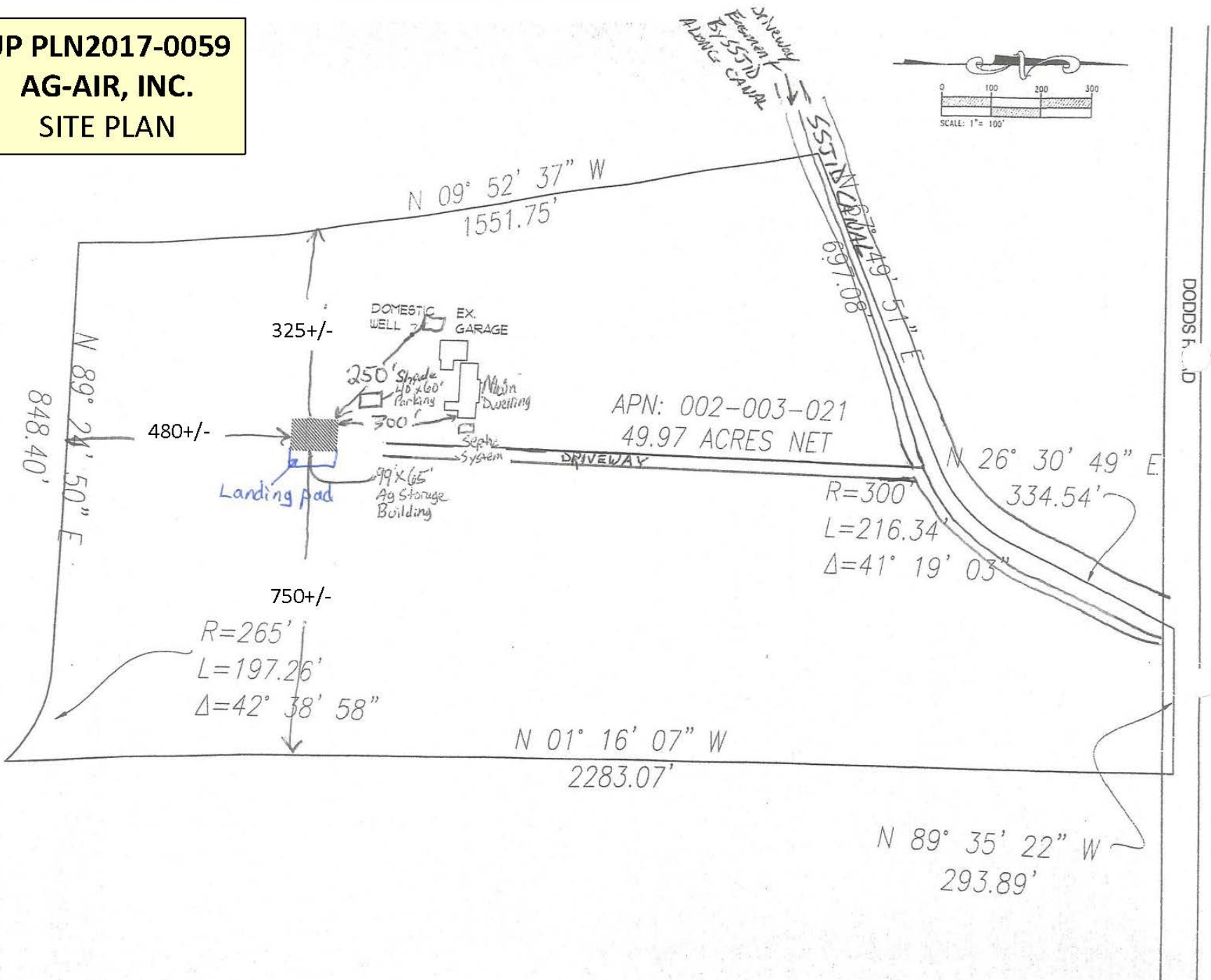
**DODDS RD**

**SITE**





**UP PLN2017-0059**  
**AG-AIR, INC.**  
**SITE PLAN**



UP PLN2017-0059  
AG-AIR INC.  
SITE PHOTO



EXISTING AG STORAGE BUILDING

# Zoning Ordinance

## *Section 21.20.040*

- Private Airports may be approved if:
  - Found Consistent with General Plan & County Policies
  - Not detrimental to health, safety, and general welfare of the County or surrounding neighborhood
  - Requires Board of Supervisors Approval



# Airport Siting Standards

## *Appendix V-A of Safety Element*

- Clear zone
- Buffer from neighboring structures
- Shall not constitute a nuisance or danger to neighboring property
- Prevent offensive dust, noise, vibrations, or bright lights
- CALTRANS Div of Aeronautics and FAA

Approval



# Planning Commission Hearing

- November 2, 2017
- Recommended Approval to the Board on a vote of 8-0





# Amended Conditions of Approval

- Public Works



# General Plan & Zoning Consistency

- General Plan
  - Agriculture
  - Private Airport Siting Standards
  - Noise Element
- Zoning
  - A-2
    - Use Permit - **Board Approval required**
  - Williamson Act Compatibility



# Environmental Review

- CEQA – Negative Declaration



# Recommendation

- Planning Commission and Staff recommendation
  - Project Approval
    - Amended Conditions of Approval
- Recommendations 1-5 of the Board Report
  - Environmental Review
  - Use Permit
  - Williamson Act



# Questions

