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Planning, Building & Environmental Services

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MEASURE D

Frequently Asked Questions (FAQs)

On June 5, 2018, the voters of Napa County approved Measure D by 61% to 39%. Measure D amends Section 18.120.010 of the Napa County Zoning Code, regarding Exceptions to Use Limitations, and makes two changes. First, under Measure D, use permits for personal airports and heliports are no longer available. Second, there are now three criteria that must be satisfied for a helicopter to takeoff or land outside permitted airports and emergency landing sites, and the helicopter operator must file a report within 48 hours whenever such a takeoff or landing takes place.

The County Planning, Building, and Environmental Services (PBES) Department is responsible for implementing and ensuring compliance with the changes made by Measure D. These FAQs provide guidance to private landowners, helicopter operators, and members of the public about Measure D requirements and enforcement.

1. Where may a helicopter take off or land in Napa County?

Just as before Measure D, helicopters may take off or land at public airports, approved private airports, and emergency medical services landing sites, provided that these locations have all required permits, licenses, or other required pre-approvals from all regulatory agencies, including the PBES Department.

On any other private property within the unincorporated area, however, takeoffs and landings must meet the Measure D requirements. All other takeoffs and landings violate the Napa County Code.

2. What are the Measure D requirements?

Measure D permits helicopter takeoffs or landings on private property only if ALL of the following conditions are satisfied:

- the takeoff or landing is solely in support of direct aerial agricultural activities and applications (see FAQ 3);
- all persons transported are essential to the conduct of the aerial activities (see FAQ 4);
- the takeoff or landing is unavoidable (see FAQ 5); and
- the helicopter operator files a written report with the Department within 48 hours (see FAQ 6).

3. What are “direct aerial agricultural activities” under Measure D?

Direct aerial agricultural activities and applications are actions performed by a helicopter directly in furtherance of raising crops or livestock. Examples include: pesticide application, seeding, fertilizer application, fungicide application, crop inspection, timber harvesting, frost control, pest management, imaging, and monitoring and research. Direct aerial agricultural activities do not include aerial tours or transporting persons who are not essential (see FAQ 4) to such activities to or from a farm, vineyard, or winery.

4. Who qualifies as an essential person under Measure D?

Essential persons are all persons who are needed to safely operate the helicopter and perform the direct aerial agricultural activities. Examples include: pilot and co-pilot, obstacle safety observers, spray operators, crop inspectors, and field managers if needed to direct the agricultural activity. A trainee may also be considered essential if performing necessary flight operations or agricultural activities. Essential persons do not include transport passengers or recreational observers.

5. When is a helicopter takeoff or landing considered unavoidable under Measure D?

Emergency takeoffs and landings for health or safety reasons are always deemed to be unavoidable events. Otherwise, a helicopter takeoff or landing on private property qualifies as unavoidable only when the aerial agricultural activity cannot be accomplished by taking off or landing at a public airport, or using a public airport would create a health or safety risk. Helicopters shall depart immediately following completion of the aerial operation.

Examples of circumstances in which a takeoff or landing on private property may be considered unavoidable include when:

- The distance from a Napa County public airport would prevent the helicopter from reserving sufficient fuel to conduct the agricultural activity, provided that the operation began with sufficient fuel.
- The necessary supplies or support services cannot be provided at the public airport.
- Using the public airport would require transporting exposed external loads, such as chemical tanks or seed buckets, over congested areas (as that term is used in Federal Aviation Administration Regulations), or otherwise would pose public health or safety risks from a possible spill.
- The agricultural activity must be undertaken or completed during severe weather occurring in the course of the operation that negatively impacts flight safety.
- Frost protection or crop drying operations are so time-sensitive that use of a public airport would substantially diminish the ability to protect the crops in the absence of other frost protection alternatives.

Takeoffs or landings are not considered unavoidable when, for example, they are made for convenience, to avoid standard airport fees, or to minimize costs.

6. **What, and how, must helicopter operators report under Measure D?**

If the helicopter takeoff or landing occurs at a location other than a public airport, approved private airport, or an emergency use facility, then the helicopter operator must file a report with the Napa County PBES Department within 48 hours of the event. Operators must use the attached County reporting form, include all requested information, and send it to the contact listed on the form.

7. **If a helicopter takes off from or lands on private property without meeting the Measure D requirements, or fails to file a report within 48 hours, what are the consequences?**

Violating the Measure D requirements creates a public nuisance. The owner of the private property where such violation occurs will be subject to the administrative and/or civil enforcement process and penalties set forth in Chapter 1.20 of the Napa County Code, including the enforcement costs incurred by the County.