



County of Monterey

Item No.1

Zoning Administrator

Legistar File Number: ZA 24-030

August 29, 2024

Introduced: 8/22/2024

Current Status: Agenda Ready

Version: 2

Matter Type: Zoning Administrator

PLN230357/NORCAL LOCKWOOD LLC

Public hearing to consider after-the-fact construction of a private airstrip (approx. 2,825 feet long by 50 feet wide) to partially clear Code Enforcement Case No. 23CE00563.

Project Location: 47920 Lockwood-Jolon Road, Lockwood

Proposed CEQA Action: Find the project Categorical Exempt pursuant to CEQA guidelines section 15301 and no exceptions apply pursuant to section 15300.2.

RECOMMENDATION

It is recommended that the Zoning Administrator adopt a resolution:

1. Finding the project Categorical Exempt pursuant to CEQA guidelines section 15301 and no exceptions apply pursuant to section 15300.2; and
2. Approving an After-the-fact Use Permit to partially clear Code Enforcement Case No. 23CE00563 and allow the construction of a 141,250 square-foot private airstrip (approximately 2,825 feet long by 50 feet wide).

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit A**). Staff recommends approval subject to 6 conditions.

PROJECT INFORMATION

Property Owner: Norcal Lockwood LLC

Agent: Christine Kemp, Attorney at Noland, Hamerly, Etienne & Hoss

APN: 423-042-011-000

Zoning: Farmland, 40 acres per unit

Parcel Size: 320 acres

Flagged and Staked: No

Project Planner: Fionna Jensen, Senior Planner

JensenF1@countyofmonterey.gov, 831-796-6407

SUMMARY

The subject property (consisting of two lots of record containing approximately 320 acres) is located approximately 3 miles east of Jolon and 2 miles northwest of Lockwood. The project site and the surrounding area are designated and zoned Farmland. In September 2023, HCD-Code Enforcement received a complaint alleging that the subject property had constructed a barn and private airstrip without obtaining necessary permits. After investigation, HCD-Code Enforcement confirmed that the complaint had merit and issued a citation. Construction of an accessory agricultural structure, such as a barn, is a principally allowed use in the Farmland zoning district. Accordingly, no discretionary permit

was required to abate this portion of the violation. However, pursuant to Title 21 section 21.30.050(T), airports, heliports, and landing strips for aircrafts requires the granting of a Use Permit.

As proposed, the project includes after-the-fact consideration of a Use Permit for a private use airstrip (landing strip) that is approximately 2,850 feet long by 50 feet wide, or 141,250 square feet. Per the draft Operations Plan (**Exhibit A3**), the turf landing strip would only be used by the property owner and their guests. The single-engine aircrafts expected to land here, including but not limited to Game Composites GB1 (22 feet long, 25 foot wingspan, 2 seater) and Cubcrafters Carbon Cub (23 feet long, 34 foot wingspan, 2 seater), would be stored off-site at hangers of the owner's preference. Although aircrafts may be stored occasionally overnight, the project site would not be used to store aircrafts on a long-term basis. The airstrip would not be open to the public and would only be used during the daytime and when weather permits. On an as-need basis, a limited number of employees may be onsite to ensure proper maintenance of the airstrip.

The turf landing strip was constructed across property lines (lots identified respectively as the Northeast $\frac{1}{4}$ section and the Southeast $\frac{1}{4}$ section of Section 5, Township 23 South, Range 8 East, MDM). The Applicant/Owner does not intend to sell either property and does not desire a merger of the properties. The Applicant/Owner has offered to record on Chain and Title a "Covenant and Agreement to Hold Property as One Parcel". This agreement requires that both properties are held under common ownership until such time that the landing strip is no longer operational and associated airstrip improvements have been removed. Recordation of this agreement has been applied as Condition No. 6 and effectively requires that both properties function as one without formally merging the boundaries.

Consistent with California Department of Transportation (Division of Aeronautics) design guidelines for private-use airports, the airstrip's runway length and width are adequate to be operated by single-engine aircrafts, the ends of the runway and the centerline of the runway are at least 200 feet and 50 from the property line (assuming the subject properties are held and functioning as one property - see Condition No. 6), and as conditioned, will be marked with the letter "R" in accordance with California Code of Regulations section 3543(a). No airstrip lighting is proposed. However, if future lighting is installed, the draft Operations Plan requires HCD-Planning review and approval. In addition to marking the airstrip with a letter "R" so that the runway is identifiable from the air, Condition No. 5 requires the runway corners to be marked with cones and a windsock be installed.

As detailed in the draft Operations Plan, general operating procedures for take-off and landing include announcing the pilot's intentions, watching for other air traffic, and adhering to Federal Aviation Regulations, including those applicable to the Fort Hunter Liggett's Special Use Airspace R-2513 boundary and Surface Danger Zone locations (see below discussion). The Property Owner specifically designed the airstrip to run north to south to keep the landing pattern west of the runway. This design feature ensures that all aircrafts remain over the subject property when landing and taking off and reduces potential overflight noise that adjacent properties may experience.

DISCUSSION

Staff has reviewed the project for consistency with the 2010 General Plan, South County Area Plan, and applicable Titles of Monterey County Code, including Title 21 (Zoning Ordinance) and Title 10 (Noise Ordinance). Granting of this Use Permit and obtaining a final inspection of a grading permit for the airstrip will fully abate the property's land use violation.

Noise

Title 10 section 10.060.030 stipulates that machinery of any kind shall not exceed 70 dBA (intended to be measured from the nearest sensitive receptor). However, if the machinery or an aircraft is to be operated at a distance of 2,500 feet or more from any occupied dwelling unit, this limitation does not apply. Given that the nearest residence is located approximately 2,485 feet southeast of the airstrip, section 10.60.030 applies. Additionally, General Plan Safety Element Goal S-7 states that new noise generators may be allowed where noise levels created by the proposed noise source are consistent with the surrounding existing land use(s). Per Table S-2 of the General Plan, normally acceptable community noise exposure levels (CNELs; measures in decibels) range between 55 to 75 decibels in agricultural land use areas. Conditionally acceptable CNELs increase are 70 to 80 decibels in agricultural land use areas.

The Acoustical Analysis, prepared by 45dB Acoustics (**Exhibit C**), calculated the airstrip's projected noise levels based on the Game Bird (GB-1) aircraft, which the Property Owner intends to utilize at the project site. The GB-1 has a published noise emission level of 75 dBA, when flying 50 feet above the ground.

U.S. Code of Federal Regulations Title 14 Volume 1 Part 36, Appendix G *Takeoff Noise Requirements for Propeller-Driven Small Airplane and Propeller-Driven Commuter Category Airplane Certification Tests on or After December 22, 1988* sets the criteria for how sound level emission from aircraft shall be declared/presented. Consistent with Title 10 requirements, this standard requires the aircraft's noise be reported when flying at a constant height of 50 feet above the ground before it ascends toward cruising altitude. According to 45dB Acoustics, the worst-case height for noise propagation of aircrafts is 50 feet. Below that altitude, the airplane's noise propagation can be reduced due to ground attenuation (which is influenced by the terrain type; the softer the terrain, the more the noise will be absorbed) and at altitudes greater than 50 feet, it will be reduced by the increase in source-receiver distance.

Per the report's field measurements, the calculated sound level of the GB-1 at a lateral distance of 50 feet from the center of the airstrip (70.5 feet from the aircraft) was 73.3 dBA. At a distance of 200 feet from the airstrip centerline, the calculated sound level of the GB-1 was reduced to 67.7 dBA. Finally, the calculated sound level of the GB-1 at a distance of 374 feet (nearest property line) was 63 dBA. Although the generated noise will exceed 70 feet when measured 50 feet therefrom, aircraft noise will be below 60 decibels when measured from nearby residences. Noise generated through use of the turf landing strip is within the normally acceptable CNELs for agricultural areas, such as the subject property and surrounding rural area.

Biological Resources

To ensure that the turf landing strip did not impact biological resources during construction, a Biological Report was prepared by Denise Duffy & Associates. Within 100 feet of the airstrip, the Project Biologist observed ruderal vegetation and ruderal annual grassland, neither of which are considered sensitive communities. Multiple ponds are located on the property. However, these ponds are located outside of the development footprint and were not impacted by construction of the project. Additionally, the Project Biologist did not observe any special-status plant or wildlife species during their on-site survey and concluded special-status species have a low to very-low potential to occur within the project site due to the lack of suitable habitat.

Nearby Military Operations

HCD-Planning staff contacted Fort Hunter Liggett (FHL) and the LeMoore Air Station to ensure that the turf landing strip will not interfere with military operations. Per FHL correspondence, the subject airstrip is located 1.27 miles north of FHL's Special Use Airspace R-2513. Special Use Airspace R-2513 is utilized on a daily basis by military aircrafts. For the protections of military aircrafts, safety of military pilots, flight crews and passengers, FHL informed staff that it is prohibited for private aircrafts to enter into Special Use Airspace R-2513. In addition, for the protection of the private planes and its pilots from weapons vertical hazards during military live fire training, no private planes used by the subject landing strip shall fly over designated FHL's Surface Danger Zones. FHL has multiple surface danger zones to the south and west of the subject private airstrip. A surface danger zone is the ground and airspace designated for vertical and lateral containment of projectiles, fragments, debris, and components resulting from firing, launching, or detonation of weapon systems to include explosives and demolitions. These restrictions have been incorporated into the draft Operations Plan. Please reference Page 3 of **Exhibit A3** for the R-2513 boundary and Surface Danger Zone locations and restriction box.

While the LeMoore Air Station did not have any comments and did not raise any concerns, they recommended that the Applicant/Owner submit Federal Aviation Administration Form 7480-1, (Notice for Construction, Alteration, and Deactivation of Airports), pursuant to Title 14 Code of Federal Regulations Part 157. This regulation requires that all civil or joint use airports/landing areas be registered with the Federal Aviation Administration (FAA). Form 7480-1 is used to activate and deactivate landing areas, change traffic patterns, change use types, and realign landing areas. On April 4, 2024, the Applicant/Owner submitted this form to the FAA.

Cultural Resources

The project site is in a documented area of high archaeological sensitivity. Based on the prepared Phase I Archaeological Study, one precontact archaeological site is approximately 0.4 miles southeast of the project site (P-27-001020/CA-MNT-964-H). However, the Project Archaeologist's surface reconnaissance found no evidence of cultural materials, topographic anomalies, or other features that may indicate precontact within the project footprint. The Archaeological Report concluded that there is no evidence that any cultural resources were disturbed, and the potential for inadvertent impacts to cultural resources is limited. All site improvements have been installed and therefore there is no additional potential impact to significant resources.

OTHER AGENCY INVOLVEMENT

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Environmental Health Bureau

HCD-Engineering Services

HCD-Environmental Services

South County Fire Protection District

LAND USE ADVISORY COMMITTEE

Staff referred the proposed project to the South County Land Use Advisory Committee (LUAC) for review (**Exhibit D**). The LUAC reviewed the project on July 17, 2024, and voted 3- 0 (3 ayes and 0 nays) to support the project as proposed. The LUAC members had concerns about potential noise-related impacts on neighbors and on-going enforcement to ensure the airstrip would not be used by the general public or by large-aircrafts. While this Use Permit does not restrict which types of aircrafts can utilize the airstrip, only those aircrafts owned and operated by the Property Owner and its guests can use the turf landing strip. All aircrafts using this airstrip are subject to the County's Noise Ordinance.

Prepared by: Fiona Jensen, Senior Planner

Reviewed and Approved by: Anna Ginette Quenga, AICP, Principal Planner

Attachments:

Exhibit A - Draft Resolution, including:

- Conditions of Approval
- Project Plans
- Operations Plan

Exhibit B - Vicinity Map

Exhibit C - Acoustical Analysis

Exhibit D - South County LUAC minutes for July 17, 2024

cc:Front Counter Copy; Anna Ginette Quenga, AICP, Principal Planner; Fiona Jensen, Senior Planner; HCD-Engineering Services; Environmental Health Bureau; HCD-Environmental Services; South Fire Protection District; Christine Kemp, Agent; Norcal Lockwood LLC, Owner; The Open Monterey Project (Molly Erickson); LandWatch; Laborers International Union of North America (Lozeau Drury LLP), Christina McGinnis, Keep Big Sur Wild; Project File PLN230357