



Staff Report to the Planning Commission

Application Number:
131132

Applicant: Volker Haag
Owner: Volker Haag
APN: 04909124

Agenda Date: March 8, 2017
Agenda Item #:
Time: After 9:00 a.m.

Subject

Revocation or amendment of permit 131132, originally approved to establish a skydiving landing site.

Location: 515 Calabasas Road

Supervisory District: 2nd District (District Supervisor: Zach Friend)

Staff recommendation: Revoke or amend permit 131132 to terminate use as an auxiliary landing site.

Exhibits

- A. Permit 131132 Staff Report and Findings
- B. Recorded Conditions of Approval for Permit 131132
- C. Six-month review of Permit 131132, 4/4/2014
- D. Permit compliance review of Permit 131132, 8/1/2014
- E. Comment letters received for Zoning Administrator review of 10/21/2016.
- F. Status Report to Zoning Administrator of Permit 131132, 10/21/2016
- G. Draft Resolution of Intent to Revoke Permit 131132
- H. Draft Resolution of Intent to Amend Permit 131132
- I. Revised flight paths
- J. Comment submitted by Brenda Marinovich on 12-20-16
- K. Comment packet submitted by Brenda Marinovich on 10-13-16 (available online only):
 - (a) Documents
 - (b) Photographs and testimonials of skydivers

Parcel Information

Parcel Size:	9.6 acres
Existing Land Use - Parcel:	Dwelling unit, skydiving landing site
Existing Land Use - Surrounding:	Rural dwellings and small farms
Project Access:	Driveway up from Calabasas Road
Planning Area:	Aptos Hills
Land Use Designation:	R-R (Rural Residential)

Zone District:	A (Agriculture)	
Coastal Zone:	<input type="checkbox"/> Inside	<input checked="" type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	N/A
Fire Hazard:	Not a mapped constraint
Slopes:	N/A
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate
Archeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	<input type="checkbox"/> Inside	<input checked="" type="checkbox"/> Outside
Water Supply:	Well	
Sewage Disposal:	Septic	
Fire District:	Cal-Fire	
Drainage District:	Flood Zone 7	

Background

Last August, the Zoning Administrator requested staff to review the status of permit 131132, a use permit approved August 2, 2013 to recognize a parachute landing area. At the October 21, 2016, Zoning Administrator hearing on condition compliance of permit 131132, the Zoning Administrator directed staff to prepare a letter to your Commission discussing the issues raised by the skydiving use approved by the permit and to request that your commission consider revoking the permit or modifying its conditions.

The original approval was based on the expectation that the operator was moving the landing site to the Watsonville Municipal Airport as soon as possible, after which time the landing site approved at 515 Calabasas Road "may be used only as an auxiliary landing site during times when the airport landing area is closed by the airport manager."

In preparing for the Zoning Administrator hearing, staff reviewed the permit history and made one site visit. Staff found required noise control signage, informational handouts and training measures still in place. The applicant reported, and the airport manager confirmed, that the approval process for relocating the landing site to the Watsonville Municipal Airport was nearing completion, and that the use of the subject site as the primary landing area could cease by early 2017.

Prior to the Zoning Administrator hearing of October 21, staff received comments objecting to

the skydiving activity from occupants and visitors of several neighborhood parcels. The primary concerns were alleged violations involving shouting, excessive jumps per day and noncompliant landing patterns. Complaints also involved noises not addressed by the permit, such as airplane engines, parachutes opening and conversation-level voices from skydiving participants.

Staff also received comments from numerous neighbors in support of the activity, who indicated that noise levels were acceptable or not noticeable and that the skydiving activity was a neighborhood amenity.

In presenting the status update to the Zoning Administrator, staff noted that although no monitoring study was conducted for the staff report, a compliance review focused on noise was reported to the Zoning Administrator on August 1, 2014. Based on three unannounced visits, staff reported that noise-regulating signage remained compliant and that the operator complied with the revised, approved flight path. Staff reported that "noise was brief and would not be expected to be noticeable to anyone unaware of impending landing."

At the October 21 hearing, staff concluded that, in light of the disparity between previous staff monitoring and the comment letters submitted by opponents of the skydiving, a new, on-site monitoring study would be necessary if desired to establish the level of compliance or noncompliance, including systematic observation from the property lines or parcel areas of neighboring properties. Staff also noted that a permit amendment or revocation process would take several months, at minimum, and recommended that the Zoning Administrator direct staff to report back in January on the status of the move to the airport.

The Zoning Administrator allowed oral comments from attorney Jean Marinovich, whose family's residence adjoins the skydiving property; Ms. Marinovich reiterated noise and flyover concerns and requested that the permit be revoked or amended to terminate by 2017. The ZA also heard from attorney Richard Manning on behalf of the operator, who stated that he was not certain that the skydiving operation would be moved by January of 2017.

The Zoning Administrator noted that the termination or hiatus in agricultural activity at the site was not grounds for revocation of the permit, because the permitted activity is not required to be ancillary to agriculture in the A (Agriculture) zoning district of the site. However, the ZA also observed that the 2013 approval was based in part on the testimony provided by the applicant that a primary sod farm use would be maintained on the site. The ZA further noted that the staff report was inconclusive regarding noise and flight path compliance.

The ZA directed staff to prepare a recommendation for Planning Commission on whether or not the skydiving permit should be revoked.

History

Under original permit 131132 (approved on 8/2/13), the skydiving operation was approved as a recreational activity on an Agriculture (A) zoned parcel, occupying about 5,000 square feet of a 9-acre site. Although the skydiving enterprise was approved as ancillary to an existing sod-growing operation, the staff report noted that the A district allows for recreational uses without the special findings required in the Commercial Agriculture (CA) or Agricultural Preserve (AP) zone districts. No Agricultural Resource lands are mapped by the General Plan on the project

site. It was understood at the time of the approval that the operator intended to move the landing site to the Watsonville Municipal Airport, and establish a permanent landing site there and continue the sod farm use on the subject property.

A revised parachute glide path (Exhibit I) was required and accepted by the County, whereby the prescribed landing approach always enters the property from the southwest, avoiding the parcels zoned for Residential Agriculture (RA), including the Marinovich parcel, to the northwest.

At a follow-up hearing on April 4, 2014, staff reported the business operator was in compliance with conditions of approval for permit 131132 including implementation of required signage, parking, landing path and updating neighbors regarding pursuit of permits to land at Watsonville Airport.

A subsequent compliance review reported to the Zoning Administrator on August 1, 2014, focused on noise. Based on three unannounced visits, staff reported that noise-regulating signage remained compliant, that customers were notified of noise restrictions, and that the operator complied with the revised, approved flight path. Staff observed jumps on 5/19/14, 6/29/14 and 7/19/14 and found that noise was limited to brief flapping of opening parachutes, conversation-level voices and a quick “whoo-hoo” from one group after landing. Staff also reported that all other aspects of the observed jumps and landing area appeared to comply with the required conditions for approval for Development Permit 131132.

Prior to the October hearing, a neighbor adjacent to the landing site provided pictures and videos of alleged violations. Most of these depict parachutes flying mostly over the operator’s property. The photos and videos are inconclusive as evidence – the location of the parachutists cannot be fixed, due to a lack of reference points and the fact that the neighbor’s house is only 60 yards from the property line. In only a few of the seven videos provided is any sound heard from the participants, a few distant whoops. It is worth noting that these are a tiny fraction of the yelling that would accompany any sports field establishment, or the talking, yelling and other noise associated with agricultural activities.

General Plan and Zoning Ordinance Compliance

The General Plan land use classification of the subject site is R-R (Rural Residential); the Zoning is A (Agriculture). The R-R classification is designed to provide low-density residential development in lands suitable for rural development and in recognition of differences in physical settings and community character to allow two types of rural residential zoning: one for primary residential use and another to permit some agricultural uses. The purpose of the A (Agricultural) zone is to encourage and to provide for noncommercial agricultural uses, such as family farming and animal raising, and to allow limited commercial agricultural activities on small amounts of agricultural land remaining in the County that are not designated as commercially suitable. The Zoning Administrator’s approval of permit 131132 included a finding that the skydiving use was suitable for this site for use in conjunction with the sod farm and single-family use.

Relocation to airport

Condition II.G of permit 131132 reads as follows:

“G. The property owner/applicant shall notify the Planning Department within 5 days of receiving approval from the Watsonville Airport Manager to land skydivers at the airport. At that time all skydive landings shall be made at the Watsonville Airport. APN 049-091-24 may be used only as an auxiliary landing site during times when the landing area is closed by the Airport Manager, unless a request is submitted by the applicant and approved by the Zoning Administrator to allow for additional landings at this site. The property owner / applicant shall mail notifications to neighbors at least 48 hours in advance of landings occurring.”

On January 26, 2017, the operator notified the County that the airport landing site was approved on that date by the airport manager, Rayvon Williams. Williams confirmed to County Planning that the skydiving operation was approved on January 26, 2017, to commence use of the airport landing site by February 15, 2017. The skydiving operator stated that he would start using the airport landing site on that date.

Current site conditions and permit status

Staff visited the operator’s office and landing site on Tuesday, September 13, 2016. The operator demonstrated that all of the noise-control protocols required by the permit and observed by staff in previous site visits remain in place, as do the required location signs.

The landing site is not currently being used for agricultural purposes, and has not been cultivated recently, according to the applicant. Farm equipment is available onsite for cultivating and irrigating the farmland, but the operator stated that the agricultural well on the site is no longer operational, possibly due to a mechanical problem with the pump.

The conditions of Permit 131132 state that “This permit expires three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.” The use commenced prior to the expiration date, and in three subsequent reviews, staff has found that the conditions of approval were complied with. Therefore the use has not expired.

The skydiving use also meets the criteria for a continuous use, in that it has not ceased for a continuous period of a year, and has been exercised for more than three of the previous five years.

Use chart interpretation

The Agriculture (A) zone district provides for the following conditional use, approvable by the Zoning Administrator:

“Recreational activities: playfields not involving permanent structures or paving. Within the Coastal Zone allow this use only in the A (noncommercial agriculture) Zone District.

Use for a parachute landing site is not one of the activities typically associated with the definition of a playfield, but that does not preclude such a use. The Santa Cruz County Code does not offer a definition of “playfield,” but the Merriam-Webster dictionary defines it as “a playground for outdoor athletics.” In turn, “playground,” according to the dictionary, is “an outdoor area where children can play that usually includes special equipment (such as swings and slides),” or “a

place where people go to do enjoyable things.” By these definitions, the landing site could conceivably qualify as a playfield. However, the landing site does not contain “special equipment” related to the skydiving use and people don’t go there to “do enjoyable things;” the enjoyable activity in this case is the skydiving itself, not the landing *per se*. Considering these things, the landing site could just as conceivably not qualify as a playfield.

The “Planner’s Dictionary” provided by the American Planning Association offers this definition of playfield: “A developed recreation area that may contain a playground as well as fields for competitive sports such as baseball, football, or soccer. Bleachers or grandstands may be provided.” Skydiving can be a competition sport that is judged on a variety of athletic and aesthetic criteria; benches are provided on the subject site for observing the activity. On the other hand, there is little or no competitive skydiving at the subject site.

The term, “Recreational activities” is a category of development, and “playfields” is one type of activity. The use chart does not state that recreational uses are limited to playfields; however, it does not specifically indicate or define any recreational activities beyond playfields.

Findings of neighborhood compatibility

As indicated by the attached comments, neighbors and family members of various adjoining or nearby parcels find that the skydiving activity is intrusive and disturbing. In approving the original permit for the skydiving landing site, the Zoning Administrator made a finding, required by SCCC § 18.10.230(A)(5), “That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.” The finding stated that, because the level of noise would not exceed General Plan guidelines and the hours of operation would be daytime hours (10 a.m.-7 p.m., May-September; 10 a.m.-6 p.m., October-April) – less than a typical agricultural parcel – that “the land use intensity of the site will not be increased as a result of the landing site in that the property is currently developed with a single family dwelling and the activity that takes place at the landing site following the parachute landing is consistent with that of a normal residential parcel.”

The level of complaints suggest that the use did not “complement and harmonize” with the existing land uses in the vicinity or the dwelling unit densities of the neighborhood – that the intermittent sound of aircraft and the noises associated with skydiving exceed the level of land use intensity associated with a single family dwelling, and have been distracting, invasive and stress-inducing, in ways that a small-scale agricultural operation, although louder, might not have been. Strict adherence to the approved flight path might reduce the negative impact on sensitive neighbors to the northwest. However, it is also reasonable to conclude that the cumulative effect of daily skydiving activities over the neighborhood – including inevitable whooping, possible deviations from prescribed flight paths, parachutes opening, shouting prior to parachute deployment, speaking-level voices afterwards and possible foul language – does not complement and harmonize with neighborhood land uses.

Permit revocation

County Code Section 18.10.136 provides that the Planning Commission (or Board of Supervisors) must make specific findings in order to revoke a use permit, and that a public hearing be held prior

to formal revocation. The procedure requires that the Planning Commission (or Board) adopt a resolution of intention, then provide the subject use adequate time to address the expressed concerns, prior to the revocation hearing:

18.10.136 Permit revocation.

(A) **Permits Which May Be Revoked.** Any permit heretofore or hereafter granted may be revoked or amended in lieu of revocation by the Planning Commission or Board of Supervisors, as provided herein, upon a finding that any term or condition of the permit has not been, or is not being complied with or that the permit has been issued or exercised in violation of any statute, law or regulation, or in a manner which creates a nuisance, or is otherwise detrimental to the public health and safety. Such revocation may be initiated by a resolution of intention adopted by either the Board of Supervisors or by the Planning Commission. Such resolution of intention shall provide notice to the permittee of the noncompliance, violation or nuisance and reasonable opportunity consistent within the public health and safety for permittee to correct same to the satisfaction of the County. Such reasonable opportunity for correction may be provided by scheduling the actual hearing on revocation for a date which will allow time for such correction.

(B) **Hearing Procedures.** If a resolution of intention is adopted, to initiate the revocation of any planning approval, the Planning Commission or Board of Supervisors shall set the matter for a hearing, giving notice of the time, place and level of the hearing as prescribed in SCCC 18.10.223. A copy of the resolution of intention shall be sent to the current owner of record. Upon the conclusion of the hearing, the Planning Commission or the Board of Supervisors may, upon making the appropriate findings, either revoke the permit or amend the permit in lieu of revocation.

(C) **Appeal Procedures.** Any decision of the Planning Commission to revoke a permit or amend a permit in lieu of revocation shall be subject to the appeal and special consideration provisions set forth in SCCC 18.10.310 through 18.10.360, inclusive. Any decision by the Board of Supervisors to revoke a permit or amend a permit in lieu of revocation shall be final, except for revocation or amendment of permits for projects cited in SCCC 13.20.122(A)(4) (major public works projects and major energy facilities) which may be appealed to the Coastal Commission according to the provisions of SCCC 13.20.122.

The potential grounds for adopting a resolution of intention to revoke permit 131132 include the following, as per County Code:

- **That terms or conditions of the permit have are not being complied with.**

The Planning Commission could determine that the neighbors' complaints, videos and photographs of alleged flight path deviation and excessive vocalizing, noise and other disturbance, provide grounds for a determination that the permit is possibly not being complied with, subject to a compliance review opportunity provided to the operator.

- **That the permit was issued or exercised in violation of statute, law or regulation.**

The Planning Commission could find that complaints by neighbors indicate that the original finding, that "The proposed project will complement and harmonize with the existing and proposed land uses in the vicinity," was incorrect, based on neighborhood complaints.

The Planning Commission could determine that the definition of "recreational activities: playfields" does not include recreational skydiving – that the original permit was issued in

violation of the zoning ordinance.

- **That the permit has been issued or exercised in ... a manner which creates a nuisance, or is otherwise detrimental to the public health and safety.**

The Planning Commission could determine that the level of noise, visual intrusion and disturbance alleged by the opposing neighbors is a nuisance, is stress-inducing and grounds for revocation.

The code section requires that "Such resolution of intention shall provide notice to the permittee of the noncompliance, violation or nuisance and reasonable opportunity consistent within the public health and safety for permittee to correct same to the satisfaction of the County. Such reasonable opportunity for correction may be provided by scheduling the actual hearing on revocation for a date which will allow time for such correction."

The revocation procedure requires that "If a resolution of intention is adopted, to initiate the revocation of any planning approval, the Planning Commission or Board of Supervisors shall set the matter for a hearing, giving notice of the time, place and level of the hearing as prescribed in SCCC 18.10.223. A copy of the resolution of intention shall be sent to the current owner of record. Upon the conclusion of the hearing, the Planning Commission or the Board of Supervisors may, upon making the appropriate findings, either revoke the permit or amend the permit in lieu of revocation. (*SCCC §18.10.136(B)*)."

After adopting a resolution of intention to revoke, the Planning Commission is required to allow the applicant "a reasonable opportunity consistent within the public health and safety" to correct the "noncompliance, violation or nuisance" prior to the revocation hearing. Thus, if the Planning Commission found that the use, as currently operated, is incompatible with the neighborhood, the Planning Commission would have to give the operator a reasonable opportunity to demonstrate neighborhood compatibility.

If your Commission desires to monitor jumps in order to correct a neighborhood compatibility issue prior to the revocation hearing, it could 1) authorize use of the at the Calabasas Road site as an auxiliary landing field for monitoring during a correction period, or 2) monitor jumps at the airport, based on the noise standards established for the Calabasas Road site and a predetermined glide path. Any 21-day monitoring period or specified monitoring days would provide the operator notice to establish the most compliant or compatible activity.

After providing a reasonable opportunity to the operator, the Planning Commission may hold a public hearing on the revocation and, following the hearing, take action to revoke or not to revoke the permit.

The attached "Resolution of Intention to Revoke Permit 131132" provides the date of May 10, 2017, for the revocation hearing. The draft staff report for this meeting is prepared on about March 29- April 4, 2017, which would give the applicant approximately 21 days to correct the operation and address Planning Commission requirements.

In adopting a "Resolution of Intention to Revoke," the Planning Commission should determine which of the findings of the draft resolution are applicable, to indicate the corrections that the

operator must implement to achieve compliance if the Planning Commission were not to revoke permit 131132.

Any decision by the Planning Commission to revoke the permit would be appealable to the Board of Supervisors.

Permit amendment

The Planning Commission could alternatively direct staff initiate a major amendment to the original permit, to change the conditions of approval. SCCC section 18.10.134 provides the grounds for amendment:

18.10.134 Permit amendment (project and plan changes).

(A) Grounds for Amendment. Amendment to a planning approval may be made on the following grounds: change of circumstances, new information, correction of errors, or public health, safety, and welfare considerations.

Jean Marinovich, the attorney representing the neighboring Marinovich family, has requested that the County amend the permit to modify condition II.G., which allows use of the Calabasas Road location as an auxiliary landing site.

G. The property owner shall notify the Planning Department within five days of receiving approval from the Watsonville Airport Manager to land skydivers at the airport. At that time, all skydive landings shall be made at the Watsonville Airport. APN 049-041-24 may be used only as an auxiliary landing site during times when the airport landing area is closed by the Airport Manager, unless a request is submitted by the applicant and approved by the Zoning Administrator to allow for additional landings at this site. The property owner / applicant shall mail notifications to neighbors at least 48 hours in advance of the landings occurring.

If the Planning Commission wished to eliminate or modify condition II.G of permit 131132, based on neighborhood or other concerns, the planning process is the same as for revocation, SCCC §18.10.136. The Commission adopts a Resolution of Intent to Amend Permit 131132, then provides the applicant a reasonable period to address concerns such as excessive noise or flight path deviation. The Planning Commission could direct staff to prepare a recommendation for hearing that could include, for example, a new condition of approval that the operator cease operation at the site by a specified date, eliminate the auxiliary use, or set a maximum number of days for auxiliary use of the Calabasas site.

The potential grounds for amendment include the following, as per the required findings in the County code:

- **Change of circumstances.**

The Planning Commission could determine that the cessation of sod growing in conjunction with the skydiving activity represents a change of circumstances under which agricultural activities are no longer the primary use.

- **New information.**

The Planning Commission could determine that the complaints submitted by the Marinovich family and other neighbors suggest that the use is incompatible with the neighborhood or inconsistent with the General Plan or Zoning Ordinance.

- **Correction of errors.**

The Planning Commission could determine that the Zoning Administrator erred in finding the skydiving use to an allowed recreational activity in the "A" Agricultural zone district, and that the landing site is not a playfield.

The Planning Commission could find that the use is a higher intensity than a residential use and is a type of intense human activity more intrusive than agriculture or more traditional sports activities such as soccer or baseball, and that the Zoning Administrator therefore erred in finding the skydiving use to be consistent with the General Plan or Zoning Ordinance.

- **Public health, safety, and welfare considerations.**

The Planning Commission could determine that the intrusive noise, language and activity of the skydiving use may create a stressful environment unhealthy to the persons subjected to it, even if only for a handful of days per year.

The attached "Resolution of Intention to Amend Permit 131132" provides the date of May 10, 2017, for the revocation hearing. The staff report for this meeting is completed on about March 29-April 4, 2017, which would give the applicant approximately three weeks to correct the operation and address Planning Commission requirements.

In adopting a "Resolution of Intention to Amend," the Planning Commission should determine which of the findings of the draft resolution are applicable, to indicate the corrections that the operator must implement if the Planning Commission were not to revoke permit 131132.

Any decision by the Planning Commission to amend the permit would be appealable to the Board of Supervisors.

The following conditions may exist during which the airport landing site may be closed while the rest of the airport remained open. If these conditions exist and there is no alternative skydiver landing site, the business could not operate for the duration of those conditions.

- **Fire.** According to the Airport supervisor, Robert Robertson, the airport has had three grass fires since 1987. All the fires were very small and extinguished in less than 1 hour. None of the fires were in the Parachute Landing Zone area.
- **Mowing.** Mr. Robertson states that the skydiving landing site may be closed briefly about three times a year for mowing. These are presumably scheduled in advance.
- **Fog.** On certain occasions, the sky may remain open on at the landing site at 515 Calabasas Road when the airport landing site is closed by fog. The Calabasas Road site is 1.7 miles northwest of the airport and about 120 feet higher in elevation, on the same geologic terrace formation as the airport.

Given the imprecision of predicting weather, it is difficult to forecast how many days per year the airport landing site will be closed and the Calabasas Site could be used as an auxiliary landing site. If your Commission finds that use of the Calabasas site is generally incompatible with the nearby residential neighborhoods, your Commission could reduce or eliminate its use as an auxiliary landing site when the airport site is closed. The effect of this may be that on certain infrequent occasions, skydiving clients who have already arrived for scheduled appointments will be turned away and their appointments cancelled or rescheduled, when they could otherwise have been accommodated at the back-up landing site.

Staff Recommendation

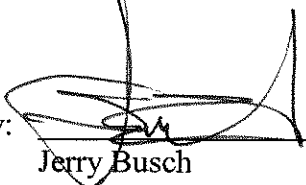
Staff recommends that your Commission accept public testimony and deliberate regarding whether adequate findings can be made to support the grounds for revocation or amendment of permit 131132.

Following deliberation, staff recommends that your Commission take one of the following actions, as applicable:


- 1) Determine that the permit authorizing use of the site at 515 Calabasas Road for a skydiving landing site meets specified criteria for revocation, and adopt the attached "Resolution of Intent to Revoke Permit 131132" intact or in modified form; or
- 2) Determine that Condition of Approval II.G of the permit be amended to remove the language allowing the site at 515 Calabasas road to be used as an auxiliary landing site, and adopt the attached "Resolution of Intent to Amend Permit 131132" intact or in modified form.

For questions about this report, please contact Jerry Busch at:
(831) 454-3234 or jerry.busch@santacruzcounty.us

Report Prepared By: _____


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Report Reviewed By: _____


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Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Planning Commission, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.



Staff Report to the Zoning Administrator

Application Number: **131132**

Applicant: Volker Haag
Owner: Watsonville Sod, LLC
APN: 04909124

Agenda Date: August 2, 2013
Agenda Item #: 3
Time: After 9:00 a.m.

Project Description: Proposal to allow for the operation of a parachute landing area on an Agricultural (A) zoned parcel. Requires a Level 5 Use Permit.

Location: Property located on the west side of Calabasas Road about 1.5 miles from Buena Vista Road (515 Calabasas Road).

Supervisory District: 2nd District (District Supervisor: Friend)

Permits Required: Level 5 Use Permit
Technical Reviews: None

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 131132, based on the attached findings and conditions.

Exhibits

- | | | |
|----|--|--|
| A. | Categorical Exemption (CEQA determination) | retrieved from Department of Chemistry, Purdue University (reference on exhibit) |
| B. | Findings | |
| C. | Conditions | H. 49 USC § 40103 – Sovereignty and use of airspace |
| D. | Program Statements and Maps | |
| E. | Assessor's, Location, Zoning and General Plan Maps | I. Correspondence from applicant and Attorney Richard Manning |
| F. | Property Deed to Watsonville Sod, LLC | J. Public comments & correspondence with map summary prepared by staff |
| G. | Noise Sources and Their Effects, | |

Parcel Information

Parcel Size: 9.62 acres
Existing Land Use - Parcel: Agriculture; developed with a single family dwelling
Existing Land Use - Surrounding: Agriculture and Residential
Project Access: Via Calababas Road
Planning Area: Aptos Hills
Land Use Designation: R-R (Rural Residential)
Zone District: A (Agriculture)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Not mapped
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: Primarily flat parcel
Env. Sen. Habitat: Not mapped habitat; it is noted and expected that raptors such as white tailed kites and red tailed hawks forage in the surrounding vicinity; however, there are no tall trees on the subject property that would be impacted by the landing of parachutes; therefore, there are no significant impacts to nesting anticipated as a result of this permit.
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate; no new structures or impervious surfaces proposed
Archeology: Not mapped

Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside
Water Supply: Private well
Sewage Disposal: Septic
Fire District: Pajaro Valley Fire District
Drainage District: Zone 7

History

Between 1979 and 1983, the property owner obtained permits to construct greenhouses, a nursery, and to install a permanent mobile home on the property.

The property came under ownership of Watsonville Sod, LLC in 2012.

In February 2013, the Planning Department received a complaint that the parcel was being used

EXHIBIT A

as a skydiving landing area and the County opened a subsequent code violation case (CV23291). The applicant filed a protest of the code violation and also submitted the current application to recognize the use. Given the permit application submittal, the red tag was subsequently removed from the property.

Photos from 2011, which were submitted by the applicant, show the extent of neglect on the property prior to the current ownership, including dilapidated greenhouse structures and sheds, piles of construction materials, and construction vehicles. The structures, vehicles, and other refuse were removed by the current property owner and the majority of the parcel was seeded for sod as shown in the below photo from 2013.



Google Maps; ©2013 Google; <https://maps.google.com/>
*Property line shown for reference only

Project Setting

The parcel is located on the south west side of Calabasas Road in Watsonville and is developed with a single family dwelling. The skydiving landing site is located towards the center of the parcel as shown on the photo above. The parcel is flat in the location of the landing site and slopes gently downwards to the south and west property lines. There is a steeper drop towards the southwest property line. There are residences on the adjacent parcels to the east, west and south, with the closest residence being approximately 250 feet east of the landing site.

Adjacent parcels to the north, east, and south are also zoned Agriculture (A) and the adjacent parcels to the west are zoned Residential Agriculture (RA).

Proposed Operations

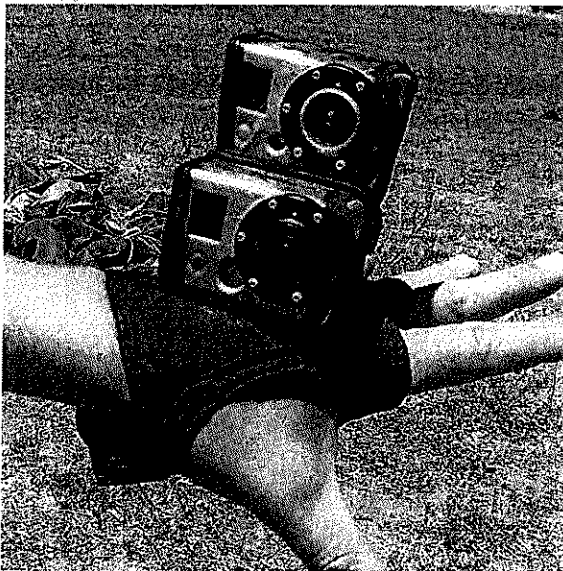
The proposal is to allow a skydiving operation (Skydive Surf City) that is located at the Watsonville Airport, to land skydivers on the Agriculturally (A) zoned parcel. The parcel, known as APN 049-091-24 or 515 Calabasas Road, is located about one and a half miles from the

EXHIBIT A

airport, as the crow flies. The skydiving business is owned by the property owner of the subject parcel and a business license for the operation was issued by the City of Watsonville.

A typical skydive lasts an average of 5 minutes and consists of approximately 1 minute of freefall and about 3.5 to 5 minutes of parachuting. The parachuting portion of the jump takes place between 5000 and 1000 feet. The landing of the parachute from 1000 feet in elevation to the ground is approximately 30 seconds long. Two skydives usually take place at the same time, or in the same jump run, and the owner indicates that there are two jump runs per hour max. Skydives currently occur between the hours of 9:30 a.m. and 7:00 p.m. The owner indicates that between 4 and 6 skydives jump runs take place in a typical day and that 15 is the maximum number of jump runs that has ever occurred in one day. (Amended at ZA mtg 8/2/13)

There are few skydives that consist of a single skydiver. The majority of the jumps are done in tandem with a Skydive Surf City instructor. During a tandem jump, the instructor (attached to the back of the customer) may take photos or video of the customer with a digital camera attached to their hand. The videos and photos focus exclusively on the customer's face. The cameras are not used to film any other person or property and could not likely be used to film other persons or properties given the direction that the camera is facing and the way that it's attached to the instructor's hand (see Exhibit I for additional photos).



Left: Cameras attached to instructor's hand; Above: Landing site

A Skydive Surf City shuttle van arrives at the landing site prior to the parachute landing and is used to shuttle all skydivers back to the airport immediately following the landing. Although family members and friends of the skydivers are permitted on the site to view the landings, existing signage at the landing site and verbal instructions from the skydiving business indicate that spectators should not yell up to the parachutes and that they should be mindful of neighbors. No additional activity occurs at the landing site with the exception of normal conversation that is expected in association with a residential use.

Project Analysis

Zoning & General Plan Consistency

The subject property is located within the Agriculture (A) zone district, a designation which allows for recreational uses without special findings that are required in the Commercial Agriculture (CA) or Agricultural Preserve (AP) zone districts. The A zone district implements and is consistent with the General Plan designation of Rural Residential (R-R), as per County Code Section 13.10.170, in that R-R designated parcels are intended to provide areas for low density development where the rural character of the area can be maintained.

The proposed use of the ~~pareels~~ *parcel* as a skydiving landing site is consistent with the purposes of the A zone district in that the primary use of the property is a sod growing operation and the landing site will be ancillary to the primary agricultural use of the parcel. (*Amended at ZA mtg 8/2/13*) The sod business is a limited commercial agricultural activity that is not impacted by the landing of skydivers. There are no proposed or existing structures, pavement, or land alterations associated with the landing site. Parachutes, small aircraft, hot air balloons, hang gliders, and other airborne recreational vehicles are a common feature or sighting in a rural landscape and, because the only actions that occur on the ground are consistent with that of a normal residential use, the operation does not impact the rural character of the county. Therefore, the operation is consistent with the purpose of the R-R General Plan designation and the A zone district and is an allowed use in the A zone district with Zoning Administrator approval.

Skydiving landing areas do not have specific regulations in the county code; however, the use requires approval of a discretionary permit and is therefore subject to all applicable code requirements. This analysis focuses on the use of the property as a skydiving landing site and not on the use of the airspace for skydiving as the use of airspace is regulated by the Federal Aviation Administration.

Parking and Traffic

Skydive Surf City's main office is located at the Watsonville Airport. The main office is where customers check in, receive training and instruction, complete administrative tasks, and depart in the plane. The proposed landing site at 515 Calabasas Road is located just less than 3 miles from the Watsonville Airport; therefore, a shuttle van is utilized to bring customers and instructors from the landing site back to the main office after the jump. Customers do not drive and park their own vehicles at the site. The only public traffic to and from the site is associated with occasional family or friends viewing the landing. The driveway terminates at the subject parcel and there is adequate room in the driveway to park two or three vehicles at the site, including the shuttle van; therefore, no additional parking is required.

It is not anticipated that the number of vehicle trips associated with occasional spectators at the site would generate traffic that would cause congestion on surrounding streets. However, the parcel is a flag lot that is accessed by an approximately 330 foot long driveway that is immediately adjacent to the neighboring driveway and the site is not clearly marked at Calabasas Road. Directional signage at the intersection of the private driveway and Calabasas Road would

help to reduce potential trespassing onto neighboring properties and would reduce the instance of lost drivers in the area. Therefore, a condition of approval is included which requires that the applicant submit a sign plan for a directional sign to be installed at the intersection of the private driveway and Calabasas Road that meets the requirements of County Code Section 13.10.584.

Noise

Throughout the processing of this application, the Department has received comments from some of the surrounding neighbors which indicate that the operation produces noise that is not consistent with the rural character of the area. Specifically, that the sound of the parachute opening, the sound of the parachute in flight, and the general cheering and yelling of airborne skydivers are loud and disturbing to adjacent residential uses.

On June 28th, a staff site visit was conducted and parachute landings were viewed from the following addresses: 555 Calabasas Road, 547 Calabasas Road, 400 Oak Hollow Road, and the subject property at 515 Calabasas Road. During the site visit, it was determined that the sound of the parachute opening was apparent from the ground as well as the sound of conversation between the instructor and the customer while under the parachute. Yelling and cheering did not occur during the jumps that were witnessed by staff. Both the mid-air conversational noise and the sound of the parachute opening were discernible from the yard of a neighboring property but they were not louder than the sound of a nearby ground level outdoor conversation. It was also observed that the freefall portion of the jump was not visible from the ground and that plane noise was not discernible from other ambient noise including other aircraft and power tools in the vicinity.

General Plan Policy 6.9.1 provides Land Use Compatibility Guidelines for new residential and noise sensitive land developments. The policy indicates that an exterior noise exposure of 60dB L_{dn} (day/night average sound level) in residential areas is normally acceptable. A noise source of 60 dB is comparable to that of conversation in a restaurant or office, background music, or an air conditioning unit at 100 ft distant (Exhibit G). The noise produced by both the opening of the parachute and by conversation in the air, while perceptible on the ground, is likely well under 60dB and would therefore meet the General Plan threshold for a normally acceptable exterior noise environmental for a residential area. Yells and cheers, although not witnessed during the site visit, would likely register similar to that of a bird call in terms of volume given the distance of the source; however, some of the neighbors expressed opposition to the repetitive nature of the noise. In response to the neighbors' comments, the property owner implemented a "no yelling" policy that the Skydive Surf City instructors are required to enforce to ensure that customers do not scream or cheer during the parachute portion of the jump. Instructors are required to advise customers of the policy during the mandatory safety briefings, in the aircraft, and while airborne. Additionally, visitors viewing the jumps from the landing site are also informed of the policy by Skydive Surf City staff and by signage posted at the landing site. Signage is also located at the business office and in the aircraft, and a condition of approval would require that the policy is included in the contract signed by the customer prior to the jump. An additional condition of approval would require that additional language is included on the signage in the office and on the contract that prohibits yelling or cheering while under the parachute and upon landing.

EXHIBIT A

Additionally, some neighbors have indicated that jumps take place very late in the evening; therefore, a condition of approval is recommended to that would limit skydives to between the hours of 10:00 a.m. and 7:00 p.m. between May and September and between the hours of 10:00 a.m. and 6:00 p.m. between October and April. The business is closed on Wednesdays; therefore, no landings shall occur on Wednesdays.

Watsonville Airport Landings

The applicant is currently in the process of obtaining permission to land skydivers at the Watsonville Airport. Landing skydivers at the airport from which the plane departs appears to be typical of other skydiving operations in most jurisdictions. According to the Watsonville Airport Manager, Skydive Surf City must obtain permission to land skydivers at the airport; however, the Watsonville Airport is mapped as critical habitat area for the Santa Cruz tarplant, which is a plant species that is listed as threatened by the U.S. Fish and Wildlife Service (USFWS), and permission to land at the airport is contingent upon the applicant first obtaining a biological opinion from both the USFWS and the Federal Aviation Administration (FAA). The applicant must notify three different divisions of the FAA prior to consideration by the USFWS. According to the Watsonville Airport Manager, the FAA regulations allow for skydivers to land at airports, however, there are preliminary reviews required to ensure that safety regulations are being met and that the landing site is mapped.

The Watsonville Airport Manager indicates that the applicant has begun the process of obtaining the necessary approvals/reviews from the FAA and estimates that permission to land skydivers at the airport could be obtained by the spring of 2014.

Environmental Review

The proposed use of the property as a skydiving land area qualifies for an Exemption to the California Environmental Quality Act (CEQA) under Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land).

Class 1 (Section 15301) exemption states: "Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

Class 4 (Section 15304) exemption states: "Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes."

The project does not involve the construction of new structures, the alteration of existing structures, or the removal of vegetation. No alterations to the land will occur as a result of the project in that parachute landing does not create excessive compaction of earth and is comparable to normal outdoor recreational activities that may occur on the site in association with the residential use. Additionally, parachute landing does not minimize the agricultural use of the parcel in that only about 5000 square feet of the 9 acre parcel is utilized for the operation.

EXHIBIT A

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **131132**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By: Samantha Haschert
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3214
E-mail: samantha.haschert@co.santa-cruz.ca.us

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the landing site is located in an area which allows for recreational uses, *as per County Code Section 13.10.312, the Agricultural Uses Chart* and is not encumbered by physical constraints that would impede the landing of parachutes on the property. The Federal Aviation Administration (FAA) is the responsible agency for controlling traffic within the airspace including sport parachuting and the FAA requires that skydiving operations comply with the safety guidelines and recommendations provided by the United States Parachuting Association. Therefore, the airborne portion of the operation is within the jurisdiction of the FAA and guidelines and standards are in place to ensure the health, safety, and welfare of the general public and of persons residing in the area. The landing site is within the County's jurisdiction, however, there are no proposed structures associated with the proposed use and there are no existing tall structures, trees, or other obstructions that would impede the landing of parachutes on the property. *(Amended at ZA mtg 8/2/13)*

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

The proposed use of the site as a recreational skydiving landing area is an allowed use in the Agriculture (A) zone district as per County Code Section 13.10.312 (Agricultural Use Chart) *which allows for "Recreational Activities: playfields not involving permanent structures or paving."* *The proposed use is considered to be appropriate for this category of use in that the skydiving landing area does not include the construction of new permanent structures or paving and is a use that can co-exist with the intended agricultural use of the property, which is a sod growing business. Although the use charts for other zone districts may have exclusive commercial use categories, the lack thereof from the agricultural use chart does not imply that it is not permitted. The Recreational Activities category does not distinguish between commercial and non-commercial recreational uses; therefore, it is interpreted that both uses are permitted subject to a Level 5 Use Approval. ~~and the~~*

The use is consistent with the purposes of the A zone district (SCCO 13.10.311) in that the parachute landings will not minimize or impact the primary use of the property, which is an agricultural sod growing operation with one single family dwelling, and the parachute landing area consists of only about 5,000 square feet of the 9 acre parcel. Grass, in conjunction with the sod business, is able to grow within in the landing area and is not impacted by landing skydivers. Parachutes are a common feature or sighting in a rural viewshed and the landing of skydivers, who are shuttled immediately back to the airport, does not impact the rural character of the community.

Although the adjacent to the west of the subject parcel are zoned as Residential Agriculture

EXHIBIT A

(RA), the subject property is zoned Agriculture (A) and is therefore not subject to the requirements and regulations in County Code Chapter 13.10.323.

For the above stated reasons, this finding can be made. (Amended at ZA mtg 8/2/13)

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

The proposed parachute landings are consistent with the use and density requirements specified for the Rural Residential (R-R) land use designation in the County General Plan in that there is only one residence currently on the site and no new residences are proposed that would increase the density of the site. The landing of parachutes at the site will maintain the rural character of the area because the proposed use is not an intensive development. No additional construction, paving, grading, or other land alterations or structures are required to support the proposed use.

The parcel is not designated as an agricultural resource in the County General Plan and is therefore subject to County Code Section 16.50.085; however, the proposal does not include a division of land or the creation of new parcels, therefore, this code section is not applicable.

The proposed use complies with General Plan Policies 6.9.1 (Noise Element) in that no noise associated with the landing site exceeds the maximum of 60 dB for residential areas. The noise associated with the landing site includes talking within a normal noise range and occasional cheering or shouting which are noises that are commonly associated with residential uses.

There are no structures associated with the proposed skydiving landing area; therefore the use is not subject to General Plan policies regarding the protection of scenic resources. Although the parachutes in flight may be visible from scenic roads as defined in General Plan policy 5.10.10, the policy does not regulate aircrafts or activities therefrom, in that airspace is regulated by the Federal Aviation Administration (FAA).

For these reasons, this finding can be made.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made in that there are no structures or land alterations associated with the proposed use that would overload utilities and the site is not open to the public to view landings. Occasional vehicles on site in conjunction with the landing site are either the shuttle van or are private vehicles associated with permitted spectators, such as family members or friends of a customer and these vehicles are not expected to generate more than the acceptable level of traffic on streets in the vicinity.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made in that the use of the property as a skydiving landing site does not

EXHIBIT A

create noise in excess of the standards set forth in the General Plan. The use will be conditioned to take place only between the hours of 10:00 a.m. and 7:00 p.m. during the months of May through September and between the hours of 10:00 a.m. and 6:00 p.m. during the months of October through April. There are no structures associated with the use that could be incompatible with the physical design aspects of the agricultural and rural residential neighborhood, and there are no new dwelling units proposed that would increase the density of the parcel. The land use intensity of the site will not be increased as a result of the landing site in that the property is currently developed with a single family dwelling and the activity that takes place at the landing site following the parachute landing is consistent with that of a normal residential parcel.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding is not applicable in that there are no structures associated with the proposed use that would be subject to the Design Standards and Guidelines in County Code Chapter 13.11.



COUNTY OF SANTA CRUZ

Planning Department

LEVEL 5 USE PERMIT

Owner: Volker Haag
Address: 515 Calabasas Road
Wastonville, CA 95076

Permit Number: 131132
Parcel Number(s): 049-091-24

PROJECT DESCRIPTION AND LOCATION

Proposal to allow for the operation of a parachute landing area on an Agriculturally zoned parcel. Requires a Level 5 Use Permit.

Property located on the west side of Calabasas Road about 1.5 miles from Buena Vista Road (515 Calabasas Road).

SUBJECT TO ATTACHED CONDITIONS

Approval Date: 8/2/2013

Effective Date: 8/16/2013

Exp. Date (if not exercised): see conditions

Coastal Appeal Exp.Date: n/a

Denial Date: _____

Denial Date: _____

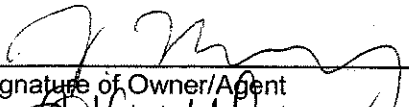
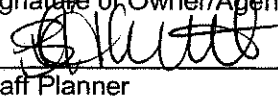
_____ This project requires a Coastal Zone Permit, which is not appealable to the California Coastal Commission. It may be appealed to the Board of Supervisors. The appeal must be filed within 14 calendar days of action by the decision body.

_____ This project requires a Coastal Zone Permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the County Code Section 13.20.110.) The appeal must be filed with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of local action. Approval or denial of the Coastal Zone Permit is appealable. The appeal must be filed within 14 calendar days of action by the decision body.

This permit cannot be exercised until after the Coastal Commission appeal period. That appeal period ends on the above indicated date. Permittee is to contact Coastal staff at the end of the above appeal period prior to commencing any work.

A Building Permit must be obtained (if required) and construction must be initiated prior to the expiration date in order to exercise this permit. **THIS PERMIT IS NOT A BUILDING PERMIT.**

By signing this permit below, the owner agrees to accept the terms and conditions of this permit and to accept responsibility for payment of the County's costs for inspections and all other actions related to noncompliance with the permit conditions. This permit shall be null and void in the absence of the owner's signature below.


Signature of Owner/Agent

Staff Planner

8/2/2013
Date
8/2/2013
Date

Distribution: Applicant, File, Clerical, Coastal Commission

EXHIBIT A

Return recorded form to:

Planning Department
County of Santa Cruz
701 Ocean Street, 4th Floor

Attention: Samantha Haschert
Application #: 131132



2013-0046154 09/19/2013 11:28:49 AM

OFFICIAL RECORDS OF Santa Cruz County

Sean Saldavia Recorder

RECORDING FEE: \$30.00

COUNTY TAX: \$0.00

CITY TAX: \$0.00



NOTI

6 PGS

RCD152

Notice

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(CALIFORNIA GOVERNMENT CODE §27361.6)

Conditions of Approval – Application Number: 131132 - APN: 04909124

EXHIBIT B

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

Planning Department
Attn: Samantha Haschert
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Conditions of Approval

Development Permit No. 131132

Property Owner: Volker Haag

Assessor's Parcel No.: 04909124

Exhibit D: Program Statements and Maps, prepared by Volker Haag, property owner.

- I. This permit authorizes parachute landings to occur on the Agiructure (A) zoned parcel. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
 - C. Submit a sign plan to the County Planning Department for review and approval. The sign plan shall provide details for a new directional sign that shall be installed on the subject parcel at the frontage of the parcel, clearly visible from Calabazas Road. The sign shall comply with the requirements of County Code Section 13.10.584.
 - D. The following language shall be added to the existing signage in the Skydive Surf City main office and shall be added to the waiver or contract that is signed by the customer prior to the skydive: "No noise above a normal speaking level is permitted when under the parachute." The applicant shall submit photos of the revised signs and a copy of the revised waiver/contract to the Planning Department for review and approval prior to exercising any rights granted by this permit.
 - E. Off-street parking shall be provided for a minimum of two vehicles in addition to

Conditions of Approval – Application Number: 131132 - APN: 04909124

the parking spaces required for the residential use. A loading area shall remain available on site to accommodate the shuttle/van.

- F. Within 30 days of the effective date of this permit, the property owner/applicant shall submit to the Planning Department a revised landing path plan that shows the descent of skydivers occurring further to the south, away from the west adjacent Residential Agricultural (RA) zoned parcels. This new landing path shall be implemented upon Planning Department approval.

II. Operational Conditions

- A. Operations hours are limited as follows:
1. May 1st through September 30th, skydive landings shall occur only between the hours of 10:00 a.m. and 7:00 p.m., Thursday through Tuesday.
 2. October 1st through April 30th, skydive landings shall occur only between the hours of 10:00 a.m. to 6:00 p.m., Thursday through Tuesday.
 3. No landings shall occur on Wednesdays.
- B. A maximum of four spectators shall be permitted on the site at any one time.
- C. Busses shall not be used to transport skydivers or spectators.
- D. All signage associated with the "No Yelling" policy shall remain on site and shall be maintained in a legible condition.
- E. The "No Yelling" policy shall be consistently enforced. Instructors shall discourage noise greater than a normal speaking level when under the parachute or on the ground.
- F. Skydives shall be limited to a maximum of two jumps per jump run and a maximum of 10 jump runs per day.
- G. The property owner/applicant shall notify the Planning Department within 5 days of receiving approval from the Watsonville Airport Manager to land skydivers at the airport. At that time, all skydive landings shall be made at the Watsonville Airport. APN 049-091-24 may be used only as an auxiliary landing site during times when the airport landing area is closed by the Airport Manager, unless a request is submitted by the applicant and approved by the Zoning Administrator to allow for additional landings at this site. The property owner/applicant shall mail notifications to neighbors at least 48 hours in advance of the landings occurring.
- H. This permit shall be reviewed by the Zoning Administrator at a public hearing after 6 months of operation to review condition compliance and the status of the process to land skydivers at the airport. The property owner/applicant shall submit tracking records as evidence of condition compliance and public testimony will be received. It has been noted that the business will be closed for the months of December and January; therefore, the 6 month review shall occur in April 2014.

After the 6 month review, the property owner/applicant will have the ability to submit a new application to increase the number of landings on APN 049-091-24.

- I. An update letter shall be mailed to all parcels that are located within 300 feet of the subject parcels boundaries every 2 months for one year starting on the effective date of this permit. The mailing list shall also include the county project planner and any member of the public who requests a copy of the update. The letter shall provide a status update of the approval to land skydivers at the airport. This notice is informational only and does not impact the issuance of this permit.
 - J. The operation shall comply with all applicable Federal regulations for a skydiving landing site at all times, including but not limited to lighting, signage, and markings of the landing site
- III. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
 - C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
 - D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

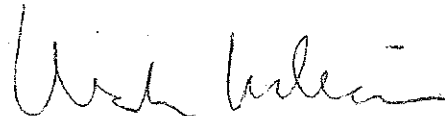
Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.

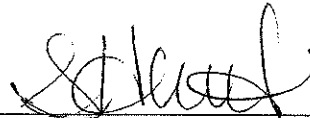
Approval Date: 8/2/2013

Effective Date: 8/16/2013

Expiration Date: 8/16/2016



Wanda Williams
Deputy Zoning Administrator



Samantha Haschert
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

By signing below, the owner agrees to accept the terms and conditions of approval of Application 131132 and to accept responsibility for payment of the County's cost for inspections and all other action related to noncompliance with the permit condition. The approval of Application 131132 is null and void in the absence of the owner's signature below.

Executed on September 19, 2013
(date)

Property Owner(s) signatures:

[Signature]
(Signature)

VOLKER HAAG
(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

**ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.
IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT
SHALL BE ATTACHED.**

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ} ss

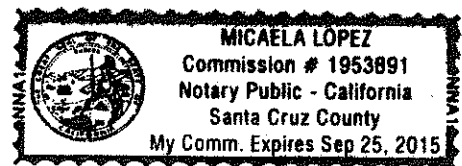
On September 19, 2013, before me, Micaela López, Notary Public, personally appeared Volker Haag, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature

[Signature]
(Signature of Notary Public)



This form must be reviewed and approved by a County Planning Department staff person after notarization and prior to recordation.

Dated: 9/19/13

COUNTY OF SANTA CRUZ

By:

[Signature]
Planning Department Staff



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

March 4, 2014

Agenda Date: April 4, 2014

Zoning Administrator
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Subject: Six month review of Permit #131132, which allows for a parachute landing site at 515 Calabasas Road in Watsonville.

The proposal to allow for the operation of a parachute landing area at 515 Calabasas Road in Watsonville was approved by the Zoning Administrator on August 2, 2013. The staff report and the recorded conditions of approval of the permit are attached as Exhibits A and B, respectively.

Condition of approval II.H requires that the project be reviewed by the Zoning Administrator at a public hearing after six months of operation to review condition compliance and the status of the process to land skydivers at the Watsonville airport. The skydiving business was closed during the months of December and January, therefore, the six month follow-up is taking place in April.

Condition Compliance

The conditions of approval of the permit which impact the operation of the skydiving business are provided below in **bold**, with staff responses in *italics*.

- I.C. Submit a sign plan to the County Planning Department for review and approval. The sign plan shall provide details for a new directional sign that shall be installed on the subject parcel at the frontage of the parcel, clearly visible from Calabasas Road. The sign shall comply with the requirements of County Code Section 13.10.584.**

A 9" x 12" directional sign was installed at the site frontage clearly visible from Calabasas Road. In order to identify the site to guests of the skydivers and not to advertise the location to members of the public, the sign only includes the business logo and an arrow. The sign complies with the requirements of County Code section 13.10.584 in that the sign is less than 12" x 42", it contains the business logo and one arrow only, and it is not illuminated. (Exhibit C)

- I.D. The following language shall be added to the existing signage in the Skydive Surf City main office and shall be added to the waiver or contract that is signed by the customer prior to the skydive: "No noise above a normal speaking level is permitted when under the parachute." The applicant shall submit photos of the revised signs and a copy of the revised waiver/contract to the Planning Department for review**

and approval prior to exercising any rights granted by this permit.

The waiver/contract that is signed by guests prior to skydiving, has been revised to include the above required language. The language was also added to signs in the office, on the landing site (spectator area), in the airplane, and in the shuttle van. Photos are attached as Exhibit D.

I.E. Off-street parking shall be provided for a minimum of two vehicles in addition to the parking spaces required for the residential use. A loading area shall remain available on site to accommodate the shuttle/van.

Two designated guest parking spaces are located adjacent to the spectator area and a loading area remains available. Photos are attached as Exhibit E.

I.F. Within 30 days of the effective date of this permit, the property owner/applicant shall submit to the Planning Department a revised landing path plan that shows the descent of skydivers occurring further to the south, away from the west adjacent Residential Agricultural (RA) zoned parcels. This new landing path shall be implemented upon Planning Department approval.

A revised landing path plan was submitted to the Planning Department on November 12, 2013, however, the applicant indicated that the new approach paths were implemented immediately after the public hearing. The skydivers now travel to the landing site from further south and do not overfly parcels 049-451-08 (Underwood) or 049-091-20 (Marinovich). The applicant has also provided an alternative landing path that is used approximately 10% of the time when the wind comes from inland rather than the coast. This alternative approach also does not overfly the above referenced parcels. (Exhibit F)

As evidence of the revised landing path, a GPS device was used to track the actual path of the skydivers in their descent. The waypoints, or coordinates, were mapped with Google Earth and provide an image/path of an actual landing (Exhibit G). Although the applicant has indicated that every landing will not follow this exact path, the instructors are aware of the location constraints and are required to make every possible effort to not overfly the residential properties to the west.

II.I. An update letter shall be mailed to all parcels that are located within 300 feet of the subject parcels boundaries every 2 months for one year starting on the effective date of this permit. The mailing list shall also include the county project planner and any member of the public who requests a copy of the update. The letter shall provide a status update of the approval to land skydivers at the airport. This notice is informational only and does not impact the issuance of this permit.

Three update letters have been mailed to parcels that are located within 300 feet of the parcel boundaries. See Exhibit H.

Status of Watsonville Airport Landing Area

An Airport Layout Plan (ALP) is used to depict existing and planned development for an airport and must be kept up-to-date at all times. It appears that an updated ALP for the Watsonville

Airport, which shows the location of the parachute landing area, has been submitted to the Federal Aviation Administration (FAA) and is currently under review. An email from the FAA was submitted by the applicant (Exhibit I), which indicates that the parachute landing zone has been air spaced and is up for the Airport District Office's (ADO) approval and that approval of the ALP is progressing as anticipated.

As discussed at the August 2013 public hearing, the Watsonville Airport is designated as a "critical habitat" area by the U.S. Fish and Wildlife Service due to the potential for disturbance to tarplant, red-legged frog, and salamander habitat. The FAA is required to comply with the National Environmental Policy Act (NEPA) for all proposed airport development projects that require a federal action. Therefore, the parachute landing area will need environmental evaluation prior to use. Following approval of the ALP, the applicant will be required to work with the City of Watsonville to prepare and submit to the FAA an Extraordinary Circumstances Information Submittal for the establishment of the parachute landing zone. The FAA will determine if the project qualifies for a Categorical Exclusion under NEPA. (Exhibits I & J)

Recommendation

It appears that the applicant is making progress in obtaining all necessary approvals to land skydivers at the Watsonville airport and that any delays to approve such use are associated with the FAA's review and approval process.

The Planning Department has not received any complaints regarding the continuation of the operation at 515 Calabasas Road since the August 2013 public hearing and the applicant has provided evidence of compliance with all operation conditions of approval of permit #131132.

Condition of approval II.J requires the applicant to submit letters to the owners of all parcels within 300 feet of the subject parcel's property lines and to the Planning Department regarding the status of the approval to land skydivers at the airport. The continued requirement for update letters will allow for Planning Department staff to ensure that the applicant continues to pursue the required approvals that would allow for airport landings.

Therefore, staff recommends that all conditions of approval of permit #131132 remain in effect, and approval of the following additional requirement:

- If it is determined by Planning Department staff that the progress to transfer parachute landings off of the subject property has significantly stalled or been delayed either purposefully or as a result of approval processes, Planning Department staff may refer the item back to the Zoning Administrator for review at a scheduled public hearing to re-evaluate the conditions of approval of the permit or to consider permit revocation.

Sincerely,



Samantha Haschert
Project Planner
Development Review

Reviewed By: Steven Guiney
Steven Guiney, AICP
Principal Planner
Development Review

Exhibits:

- A. August 2, 2013 Staff Report to the Zoning Administrator
- B. Commercial Development Permit #131132 and recorded conditions of approval
- C. Directional signage photos and description, prepared by applicant.
- D. Waiver/contract and signage with noise limitations, prepared by applicant.
- E. On-site parking area photos, prepared by applicant.
- F. Revised parachute landing path, prepared by applicant.
- G. GPS Flight Path Tracking Records, prepared by applicant.
- H. Update letters to neighbors dated 11/3/13, 1/21/14, and 3/19/14.
- I. Comments and Correspondence, received from applicant.
- J. How to Prepare your Categorical Exclusion (CATEX) Information and Prepare a Brief Environmental Assessment, flowchart (slide 6) and Steps in the CATEX Process (slide 11), prepared by the FAA, dated 9/21/06.
- K. Comments and Correspondence, received from the public.

EXHIBIT C



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

Agenda Date: August 1, 2014

July 18, 2014

Zoning Administrator
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Subject: Condition compliance review of Permit 131132

Introduction

On August 2, 2013, following a public hearing, you approved Application 131132, a proposal to allow for the operation of a parachute landing area at 515 Calabasas Road in Watsonville. Condition of approval II.H. required the project to be reviewed by the Zoning Administrator at a public hearing after six months of operation to evaluate condition compliance.

The follow-up hearing was held on April 4, 2014 and staff planner Samantha Haschert presented an evaluation of the status of project compliance pursuant to Conditions I.C. - I.F, as well as Condition II.I. These conditions included requirements for directional signage, signage restricting noise, parking requirements, a revised landing path and providing neighboring parcels with a status update regarding the pursuit of permits to land at Watsonville Airport.

The April 4, 2014 Zoning Administrator Hearing concluded with direction to staff to provide an additional update with respect to condition compliance. Specifically, Code Compliance personnel were asked to make periodic visits to the landing site at Calabasas Road to provide you with concrete information regarding the noise conditions, the number of jumps, the absence of jumps on Tuesdays, and conformance generally with the conditions of approval.

Protocol

I made four unannounced site visits to the landing area at 515 Calabasas Road. The visits were conducted on May 19th, June 3rd, June 29th, and July 19th. On May 19th, June 29th, and July 19th, the landings occurred per the schedule provided by the project applicant. The June 3rd site visit was conducted in order to ensure that no landings were occurring on Tuesdays. The visits were conducted at different times in the afternoon, from 2:30 pm (May 19th), 3:30 pm (June 29th) and 4:20 pm (July 19th).

EXHIBIT D

The landings were viewed from the parking lot adjacent to the landing site.

Observations

During each of the three visits that were conducted during regular operating hours, parachutists were observed following the revised flight path, approaching the landing site from the south-southwest. No landings were observed on Tuesday, June 3rd.

May 19th - No noise was heard from the ground with the exception of brief conversations and the sound of the flapping parachute. The noise was brief and barely noticeable.

June 29th - The noise of the deployed parachutes was again detected, but brief and non-disruptive. Upon landing, the customers let out a quick "whoo-hoo" but, again, the noise was not disruptive and very brief.

July 19th - Similar to the previous observation, the flapping of the chutes was detected and upon landing, brief exclamations were exchanged between the parachutists. Again, the noise was not prolonged, nor did it was it disruptive or otherwise noticeable.

No other spectators were observed during the three site visits.

Conclusion

In my opinion, the landing paths observed during all three site visits conformed to the revised, approved flight path. While there was detectable noise attributable to the incoming parachutists, the noise was brief and would not be expected to be noticeable to anyone unaware of the impending landing. The signage was also readily visible at the landing site, indicating to customers and staff, the restrictions on noise levels. Customers are also required to sign declarations attesting to their understanding of the noise restrictions.

The manifest provided by the project applicant indicates that no jumps were scheduled for either Tuesday or Wednesday and my site visit on Tuesday, June 3rd confirmed that no jumps or landings occurred on that day. The overall number of jumps that have occurred during the observation period complies with Conditions II.F, which limits jumps to a maximum of two per run and a maximum of 10 jump runs per day.

All other aspects of the observed jumps and landing area appeared to comply with the required conditions of approval for Development Permit 131132, however, I have not received any updates with respect to the expected approval date from the Watsonville Airport Manager for landing at the airport.

Sincerely,

Robin Bolster-Grant
Code Compliance Administrator

EXHIBIT D

Jerry Busch

From: meehan1@apple.com on behalf of Cathy Meehan [meehan1@apple.com]
Sent: Wednesday, September 28, 2016 2:26 PM
To: Wanda Williams; Jerry Busch
Subject: Parachute Landings at 515 Calabasas Rd.

Hello,

I reside at 750 Calabasas Road and often see the skydiving up in the sky near my ranch. I am often outside on the weekends tending to my horses and other animals. I just wanted to let you know that I am not affected by it even though the skydivers jump out near my property. Since our area is rural, I would be surprised if this would bother anyone. The noise is minimal when the chute opens. It does not bother my livestock and I do not hear voices. When my small grandchildren come to visit they look forward to seeing the brightly colored chutes open. Please allow them to keep doing business at 515 Calabasas Rd.

Cathy Meehan
750 Calabasas Rd.
408-425-6100

EXHIBIT E

Jerry Busch

From: Volker Haag [volker@skydivesurfcity.com]
Sent: Wednesday, September 28, 2016 4:39 PM
To: Jerry Busch; Wanda Williams
Subject: Fwd: Meeting tonight

Dear Jerry, Dear Wanda

This is an email I received today. This lady confused a public discussion is going on tonight about the airport landings in Watsonville with my permit to land on 515 Calabasas Rd.

I receive emails like this on a regular basis. I don't even know this lady.(yet) Just forwarding this to you. There is countless neighbors that share their passion about us having been here. I have also forwarded your email addresses to her should she want to "converse" with you more.

Thanks

Volker

----- Forwarded Message -----

Subject: Meeting tonight
Date: Wed, 28 Sep 2016 11:41:16 -0700
From: Cathy Meehan <meehan1@apple.com>
To: info@skydivesurfcity.com

Hello,

I reside at 750 Calabasas Road and often see the skydiving up in the sky near my ranch. I am often outside on the weekends tending to my horses. I just wanted to let you know that I am not affected by it and the noise is minimal when the chute opens. I do not hear voices. I am all for you continuing to do your business at 515 Calabasas Rd.

Cathy Meehan
750 Calabasas Rd.
408-425-6100

EXHIBIT E

Jerry Busch

From: Daniel Gold [dansfloor@gmail.com]
Sent: Wednesday, October 05, 2016 2:54 PM
To: Wanda Williams
Cc: Zach Friend; Jerry Busch
Subject: Skydiving on Calabasas Road

Dear Ms Williams,

I am a property owner directly across the street from the skydiving landing site on Calabasas Road. The landing of parachutes on the property across the street from my property has been going on for several years now and I have not noticed any ill effect from the skydiving activity whatsoever. Those of us who live on the property across the street and our guests are quite entertained by watching the beautiful chutes open, drift and land above our heads.

Please consider my comments when deciding any issue relating to continuation of the skydiving activity.

Sincerely,

Daniel Gold
514 Calabasas Road
Watsonville, CA 90277
(310) 428-1987

EXHIBIT E

To:
County of Santa Cruz
Zoning & Planning Administrator

October 2 , 2016

Subject:
Parachute landings next door

To Whom It May Concern,

We live on the 513 Calabasas Road property, right next door to the FAA approved parachute drop area. (The parachute symbol is even on the FAA sectional charts!)

Compared to any other neighbor, we share the longest property line with the field where the parachutes are landing. Would there be any negative impacts, we would have the most. There are none. Neither to us nor to our animals.

We have 100 percent no problem with this activity to continue. The skydiving business has been a pleasure to work with. When I once had a small complaint about dust on the driveway they immediately reacted and went above and beyond to fix the problem. They repaired the driveway, put up a dust barrier and had the van driver slow down.

As usual, reaching out and talking to the neighbors is much more effective than complaining with the county or suing.

We support this activity, this local business and wish nothing but the best for them. We would miss them if they started landing somewhere else.

My mother in law, Jean Favre has written support letters in the past.

I hope you will take our support letters into consideration

Respectfully Submitted,

Matt Fearnough

A handwritten signature in black ink, appearing to read 'Matt Fearnough', with a stylized, sweeping flourish extending to the right.

CC: Supervisor Zach Friend

EXHIBIT E

October 4th, 2016

Santa Cruz Planning Department
Departmental Review
701 Ocean Street- 4th Floor
Santa Cruz California 95060

Ref. Parachute Landings on property 515 Calabasas Rd, Watsonville

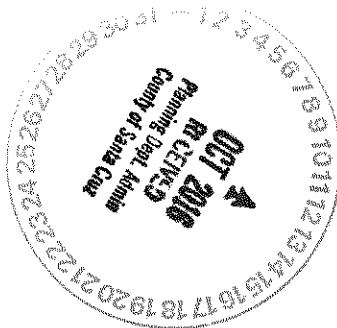
To Whom It May Concern,

My name is Jennifer Stearns. I am living at 511 Calabasas Road which is the property directly adjacent to 515 Calabasas Rd.

Once again I have absolutely no problem in regards to the parachute landings next door. I enjoy them.

Sincerely,

Jennifer Stearns
(Renter 511 Calabasas Rd.)



October 6, 2016

Santa Cruz Planning Department
Jerry Bush & Zoning Administrator
701 Ocean Street
4th Floor
Santa Cruz California 95060

CC: Zach Friend

Letter of support for parachute landings on 515 Calabasas Rd, Watsonville

Dear Ms Williams,

I am supporting Skydive Surfcity's operation and I am glad that the county issued a permit for the landing area .

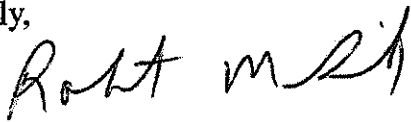
My property on 557 Calabasas Road is one of the Residential Agricultural zoned parcels just west of the parachute landing field.

We are not disturbed by the parachutes nor any associated sounds. We are not hyper-sensitive. In this agricultural area, there is always something going that is much louder: noise from farm equipment, music from field workers, animal noises, low flying airplanes and helicopters. Parachuting is a harmless activity.

The landings of the parachutes have no negative impact on me or my family.

Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Silva", written in a cursive style.

Robert Silva
557 Calabasas Rd.

EXHIBIT E

Jerry Busch

From: Kim Sotero [kim@skbookkeeping.com]
Sent: Sunday, October 09, 2016 9:42 AM
To: Wanda Williams
Cc: Zach Friend; Jerry Busch
Subject: Surf City Skydive Parachute Landing Permit

Dear Ms. Williams,

My home address is 226 Scarlet Ct. Watsonville, Ca 95076. I attended the hearing in 2013 and was in support of the Surf City Skydive landing at 515 Calabasas Rd. We watch them all the time from our property and we enjoy seeing this activity.

I am writing this email because I will not be able to show my support for this permit at a potentially upcoming review hearing. Please put down that my family (children and pets) are in support of the Surf City Skydive business and landing at 515 Calabasas Rd.

Thanks

Kim Sotero

Certified Bookkeeper

S K Bookkeeping
P.O. Box 1569
Aptos, CA 95001
831-722-3020 Phone
831-722-3050 Fax

EXHIBIT E

Jerry Busch

From: llbkam@aol.com
Sent: Tuesday, October 11, 2016 11:21 AM
To: Jerry Busch
Subject: Skydiving at 515 Calabasas Road

Dear Mr. Busch,

My husband and I are the property owners of 6 acres located at 155 Scarlet Court which is less than a tenth of a mile away from the skydiving landing site. We spend the majority of our day working outside on our property and the parachuting in no way creates a nuisance of any kind. We do not hear the parachutes opening or the jumpers as they come down. We do however get to experience watching the parachutes drift down and absolutely love it. We consider the skydiving operation to be an asset to our neighborhood and fully support it.

Sincerely,

Lacie Bowers

EXHIBIT E

Jerry Busch

From: Hanna Wallace [hannanwallace@gmail.com]
Sent: Wednesday, October 12, 2016 3:27 PM
To: Wanda Williams
Cc: Zach Friend; Jerry Busch
Subject: Supporting the Parachuting on Calabasas Rd

Dear Ms. Williams,

My name is Hanna Wallace. My family lives on 350 Calabasas Road, just down the road from where skydivers are landing. We have previously sent support emails to the county. Our family has never had any problems with the skydivers or parachutes.

We are still supporting Skydive Surfcity and we would like to have these emails are considered.

Thank You

Hanna Wallace

EXHIBIT E

Jerry Busch

From: Lenny and Geri Wolff [wolffden@cruzio.com]
Sent: Thursday, October 13, 2016 12:54 PM
To: Wanda Williams
Cc: Zach Friend; Jerry Busch
Subject: Skydiving Landing at 515 Calabasas Rd.

Dear Ms. Williams,

We live at 514 Calabasas Rd. Watsonville, directly across from 515 Calabasas Rd. In the past we have submitted email in support of the parachute landing at this site. This email is sent to reiterate that support. We hope you will consider this support when making any decision regarding the landing site.

Cordially,

Geri & Lenny Wolff

RICHARD M. MANNING

Attorney at Law
P. O. Box 1930
Aptos, CA 95001

(831) 688-4133

E-mail: rmm1266@gmail.com

October 20, 2016

By e-mail

Ms. Wanda Williams
Mr. Jerry Busch
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Reference: Application No. 131132 – “Status Review” of Permit/
October 21, 2016 Hearing

Dear Mr. Busch and Ms. Williams:

Although the vast majority of the Staff Report for the above-referenced item correctly analyzes all relevant matters, the Report contains erroneous statements. The purpose of this letter is to comment on those erroneous statements, lest failure to rebut them could be construed as acquiescence.

Toward the bottom of Page 4 under the heading “Permit Revocation” the Report says: “If the Zoning Administrator determined that the current lack of farming on the subject site possibly warrants pursuit of permit revocation...” That language, in isolation, implies that any failure to have extensive ongoing sod growing operations could be construed as a permit violation. However, the discussion on the first three pages of the Report correctly analyzes the relevant ordinances. There is a correct summarization of this subject at the end of the partial paragraph at the top of Page 4 which says: “The conditions of Permit 131132 do not require maintenance of the agricultural use.” That being the case, it would obviously be completely illegal for the Zoning Administrator to even consider permit revocation on the basis that there was a “current lack of farming on the subject site...”

Next, the last full paragraph on Page 4 seems to indicate that the Zoning Administrator could undo the permit approval by now reaching a deter-

mination completely contrary to that made at the hearing that culminated in permit approval—a determination that was in accordance with Santa Cruz County ordinances. Again the Report well-summarizes the applicable principles in the part of the Report entitled “Use Chart Interpretation.” There the Report says:

“The description of ‘Recreational activities’ offered by the Agricultural use chart does not state the recreational uses are limited to playfields, nor does it indicate any recreational activities beyond playfields. However, the mere insertion of the term ‘recreational activities’ in addition to playfields implies a wider range of activities than would be the case if “playfields” were used alone.

Because of the general terms used in the use chart and the lack of a definition for the allowed activity, there is no clear-cut basis for making a determination that the original decision allowing the skydiving landing field was made in error.”

To the degree that Page 5 of the Report suggests that the Zoning Administrator could at this late date re-interpret (in my view completely erroneously) the zoning ordinance and thereby revoke the permit is not only quite contrary to the Santa Cruz County ordinances but at also completely violates the well established principles of vested rights. Persons who go through land use proceedings (in this case, arduous ones) and thereafter fully implement the activity allowed by the use permit have vested rights, which under constitutional law are property rights. If a long administrative proceeding that was in all respects complete (including exhaustion of the appeal period) could simply be negated by the fact that a Zoning Administrator wants to engage in re-interpretation, that would completely negate the concept of vested rights. It would mean that no permit holder could ever exercise any permit with the certainty that human affairs require, because county personnel could engage in re-interpretations. Many items in the permit were objectionable to the applicant and, in my view, could have successfully been challenged. However, once the appeal period expired on the permit, its terms became final. The law does not allow situations in which the permit holder has lost the ability to challenge the permit conditions, but the County could take it upon itself to change the permit--in this case over two years after it had been issued and relied on.

Before the Zoning Administrator gives any real thought to re-interpreting or amending the permit, she should check with the County Counsel's Office to see if that office believes she has the authority to take those steps.

The final item that deserves comment appears at the top of Page 6 where it suggests that as a result of the scheduled "status review" it might be within the Zoning Administrator's power to commence proceedings to "amend" the permit. The County Code contains no provisions whatsoever that would allow anyone including the Zoning Administrator, to amend any previously approved permit for which rights have become vested. Doing so would violate constitutional rights.

My client and I will therefore treat the October 21 hearing as being an informal information exchange situation. We do favor communications or determinations related to this use permit be made in the open in a way that the permit holder is aware of what is going on and thus to supply correct and pertinent information.

Respectfully yours,

Richard Manning

RM/dm
cc: Client

Watsonville, October 4th , 2016

Santa Cruz Planning Department
Zoning Administrator & Supervisor Friend
701 Ocean Street
4th Floor
Santa Cruz California 95060

CC: Zach Friend

Parachutes over Calabasas Road

To Whom It May Concern,

For the second time, I am sending a letter to the county in support of Skydive Surfcity's operation.

My name is Robert Loomis. I live on 12 Calabasas Road. My house is between the Watsonville Airport and the grass field on Calabasas Road where the parachutes are landing.

The landing field is located within the "2 Mile Airport Influence Area". And yes, neighbors that choose to live here will see air traffic. The unpowered parachutes are much quieter than helicopters or airplanes. But even airplane noise is ok. The airport has been here first, so if you want to live here, deal with aviation!

Parachuting is an FAA recognized and regulated aviation activity. Is the County of Santa Cruz now regulating airspace? I doubt that there are any ordinances in the county code dealing with parachutes and/or airspace?

We need businesses like this in Watsonville. They are good for the community! Please let them continue.

There is strong support of this business in the neighborhood. Like many neighbors, my wife and I cannot afford to go to the county hearings because we are not retired. We have a jobs. Please read our letter during any county hearings.

Sincerely,



Robert Loomis & Summer Campell

October 10, 2016

Santa Cruz Planning Department
Attn: Zoning Administrator: Wanda Williams
701 Ocean Street- 4th Floor
Santa Cruz California 95060

Letter of support for parachute activity on property 515 Calabasas Rd, Watsonville

Dear Ms Williams, Dear Mr Busch,

this is the forth letter we are writing in support of this wonderful activity on our neighbor's property. My son and I attended all the county hearings to show our support.

Our address is 511 Calabasas Road. Our property is next to the landing spot. On most days the parachutes line up directly over our house before they fly their pattern over the 515 Calabasas Road parcel where they touch down. It does not affect us in any way. We thoroughly enjoy them.

It is mind-boggling to us and other neighbors, why the County of Santa Cruz is still looking into this issue. There was a sophisticated and costly permit application process. The permit was issued. The County reviewed it and checked for condition compliance. A lawsuit brought forward against this permit ended in favor of the skydivers. Yet after all this, the county seems to still harass the permit holder.

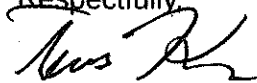
Had all the supporting neighbors sent weekly emails and letters or if we kept calling the county, would you still be looking into this? This seems to be a case of the "the squeaky wheel getting the grease".

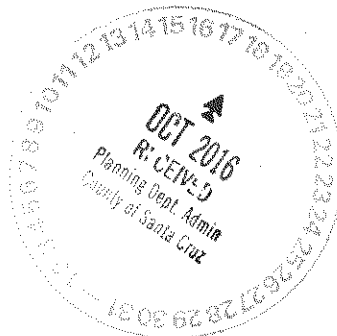
There is strong support for this parachute landing area in this neighborhood. It fits very well with the ag characteristics of our area. We are only 1.5 miles from the airport and we expect them to continue flying over our parcel when they start landing on the airport. Issuing a county permit was the right thing to do.

Please start supporting this local business!

Do not hesitate to contact us at 831 7613265 if you have any further questions.

Respectfully,


Terry Hinojosa



Jean M. Marinovich
Attorney at Law

P.O. Box 2327
Salinas, CA 93902-2327
(831) 998-2302

Zoning Administrator Wanda Williams
Santa Cruz County Planning Department
County Government Center
701 Ocean Street, Room 407
Santa Cruz, CA 95060

October 5, 2016

Re: Permit #131132
Applicant Volker Haag
515 Calabasas Road, Watsonville, CA
APN(S): 049-091-24
Status Hearing Date 10/7/16

Ms. Williams,

As you know, I represent homeowners Bill and Brenda Marinovich, who have continually objected to use of the subject parcel, which is adjacent to their residential parcel, for skydive landings. I am also writing on behalf of neighbors Shawn and Jennifer Underwood, and David Kikuchi and Priscilla Partridge, who join in this complaint and request for revocation of the permit. These parties will hereafter be referred to collectively as "Neighbors."

The Neighbors complain of the continued use of the property for skydive landings and request revocation on the following bases:

- (1) the permit holder obtained the permit under false pretenses and has continually violated the conditions of the permit;
- (2) the use has exceeded the temporary nature of the permit; and
- (3) the permitted use is inconsistent with the zoning ordinances.

The Neighbors hereby incorporate all of their previous objections, written or verbal, pertaining to this application.

I.

False Assertions and Violations of the Conditions of the Permit

A. False Assertion that the Parcel's Primary Use Is a Sod Farm

Approval of the permit was based on the use being "ancillary to the primary agricultural use of the parcel" as a "sod growing operation." ([Staff Report for 8/2/13 hearing, p. 5] Ex. B.) In a letter to the county dated July 8, 2013, Mr. Haag's attorney claims the property was "a sod farm." (Ex. C, p. 1.) However, there has never been any evidence presented to date of any sod planting or harvesting on the subject property. In fact, evidence belies the claim that Mr. Haag is running a sod farm on the property.

Google Earth Images from 2011 to 2016 demonstrate that no sod has ever been grown or harvested on the property. (See Ex. D.) On June 2, 2013, Mr. Haag wrote an email to the county admitting that his skydiving business ran on average 12 hours a day. (Ex. E.) At the hearing on April 4, 2014, Mr. Haag's office manager admitted that the skydiving business was booking jumps at peak capacity, "20 per day." (Ex. G, pp. 66-67.) These facts illustrate that there is no sod farming at all, let alone as the primary activity on the property.

B. False Assertion that Skydivers Never Fly Over Complainants' Property

Mr. Haag's attorney represented that "No parachutist ever comes within 1000 feet, as the crow flies, of the Marinovich patio." (Ex. C, p. 5.) At the August 2, 2013, hearing, Mr. Haag stated, "We fly in over on the side of our property between ours and the Hinajosa property," i.e., the east. (Ex. F, p. 13.) He claimed "we have completely excluded flying vertically above [the Neighbors'] property." (Ex. F, p. 17.) The office manager also stated, "They do not overfly the [Neighbors'] property." (Ex. G, p. 65.) One of Mr. Haag's instructors stated:

I've been here for two years roughly, a little more than two years.
Uh, without a doubt since this, uh, first occurred I have not been
flown over the Marinovich's property nor [have I seen] anyone else
do that, uh, and it is, I don't know where they're looking. If you're
looking straight up you're not going to see us.

(Ex. F, p. 29.) The same instructor stated at the April 4, 2014, hearing, in response to the Neighbors' claim that the skydivers were directly over their property, "That is absolutely 100% unequivocally not true. Um, unless we're talking about changing the definition of the word 'above.'" (Ex. G, pp. 68-69.)

I have personally taken hundreds of photos of skydivers from the yard of the Marinovich property. I have attached a sampling of those photos. (Ex. H, J.) The photos span from July 2013 until July 2016. Some of the photos, taken looking directly up, show the underside of the parachute and the soles of the skydiver's feet. (Ex. H, J.) Such photos obviously could not be taken unless the parachutes were directly overhead and belie the claim that "if you're looking straight up, you're not going to see us."

Some photos show the Marinovich house in the photos, directly below the parachutes (Ex. H, J), which discredits the claim that the parachutes do not fly over the Marinovich property. Some of the photos show the parachutes floating to the south of the Marinovich property, which would be directly over the Underwood property. (Ex. H, J.) Some photos show the parachutes approaching from the West, contradicting the claim that they approach from the South or East. (Ex. H, J.)

C. Violation of the Conditions

Conditions of the permit include not flying over the Neighbors' properties, from the West. (Ex. A, p. 1-2.) Violation of this condition has been established, above. (Ex. H, J.)

Conditions also limited landings to 10 am and 7 pm May 1st through September 30th and 10 am to 6 pm October 1st through April 30th. (Ex. A, p. 2.) Yelp reviews of the skydiving business describe arriving at the business at sunset on the Tuesday before March 5, 2015 (Ex. I, p. 6-7, 10), i.e., March 3, 2015. Sunset on March 3, 2015, occurred at 6:05 pm. One client described seeing the sunset "again" as they "got up in the air." (Ex. I, p. 10.) Therefore, that landing occurred well outside the 6 pm limit.

Conditions of the permit also state that the "No Yelling" policy shall be consistently enforced. (Ex. A, p. 2.) Although one client acknowledged being told not to yell (Ex. I, p. 6), another Yelp review describes screaming and shouting "all through the process." (Ex. I, pp. 1, 6.) I have taken video from the Marinovich yard recording yelling by the skydivers. I took one video after I heard the chutes open and people yelling from inside the house. I went outside and recorded both skydivers as they descended. The recording captured repeated yelling by both divers.

II.

The Use Has Exceeded the Temporary Nature of the Permit

This permit was clearly intended to be temporary. At the August 2, 2013, hearing, you, Ms. Williams, sitting as the Zoning Administrator, stated, "I'm assuming that in about a year's time you'll obtain permission from Watsonville Airport to land on the airport." (Ex. F, p. 10.) Mr. Haag's attorney stated, "That's right." You asked the airport manager, "can it be completed in the year's time?" (Ex. F, p. 35.) The airport manager deferred to Mr. Haag. You asked Mr. Haag, "do you feel that this, uh, process can be completed realistically in a year?" (Ex. F, p. 35.) Mr. Haag did not answer the question. Nevertheless, you proceeded on the assumption that the business could be moved in a year. (Ex. F, p. 42.)

On April 4, 2014, the project planner proposed a revision to the report "to include an expiration date on the permit. The date would be 1 year from the effective date of this action . . . [¶] The condition would read, 'This permit expires on April 18, 2015.'" (Ex. G, p. 48.) That condition was apparently inadvertently omitted. Nevertheless, you questioned the Neighbors about their willingness to put up with the use temporarily. You specifically asked if they would have an objection to the temporary use of the site if the business were moved to the airport "during the next 6 to 12 months." (Ex. G, p. 57.)

It is now October 2016. The Neighbors have endured the skydiving intrusion on their peace and privacy of the home for four years. And the skydiving continues.

III.

The Permit Is Inconsistent with the Zoning Ordinances

A. Purpose of the Ordinances

The purpose of the zoning ordinances is to protect the character of the designated area. (S.C.C.O. 13.10.120, subds. (B) [promote peace and comfort] & (C) [protect character, stability and satisfactory interrelationships].)

Zoning laws . . . are enacted for . . . the stabilization of the economic and social aspects of a neighborhood, and the promotion of aesthetic considerations. [Citation omitted.] "Esthetic considerations are only a part of the basic object and purposes . . . **the more important consideration is that of preserving the basic character of a residential neighborhood for residential purposes.**"

(*Secrhist v. Municipal Court* (1976) 64 Cal.App.3d 737, 746, emphasis added.)

The zoning administrator is responsible for interpreting the provisions. (S.C.C.O. 13.10.250.) The zoning administrator is constrained by the letter and spirit of the county ordinances. "A use approval . . . may only authorize such development or use of the property as is allowed by the zone district." (S.C.C.O. 13.10.220, subd. (A).)

B. The Use Must Be Consistent with the Residential Character of the Area and the Agricultural Designation of the Parcel

All zoning regulations and discretionary uses are required to be consistent with the **General Plan**, the importance of which is emphasized by its repetition in several different ordinances. (S.C.C.O. 13.01.130, subd. (A) [county shall not approve a discretionary land use project unless it is consistent with the General Plan]; 13.02.030 [all specific plans shall be consistent with the provisions of the General Plan]; 13.10.120, subd. (A) [purpose of Zoning Regulations is to implement the General Plan]; 13.10.170, subd. (A) [zoning plan and regulations shall be consistent with the general plan]; S.C.C.O. 18.10.140, subd. (A) [all permits and approvals shall be consistent with the General Plan].)

There are four separate General Plan designations: Agricultural, Commercial, Public Facility, and Residential. (S.C.C.O. 13.10.170, Zoning Implementation Table.) The subject property sits in an area designated in the General Plan as "Rural Residential (R-R)." (II CT 400) "Rural Residential" is listed under the "Residential" heading, not agricultural or commercial. (S.C.C.O. 13.10.170, Zoning Implementation Table.) Thus, the overall character of the area is residential; therefore, all discretionary uses must be consistent with the residential character.

All zoning regulations and discretionary uses must also be consistent with the **particular zoning**. (S.C.C.O. 13.10.140, subd. (A) [a new use of land must conform to a permitted use or an authorized discretionary use in the zone district where located].) The "Rural Residential" General Plan designation provides four zone districts: rural residential ("RR"), residential agriculture ("RA"), agricultural ("A"), and single-family residential ("R-1"). (S.C.C.O. 13.10.170, Zoning Implementation Table.) The subject parcel is zoned "A," Agricultural. (II CT 400.) Section 13.10.311, et seq., details the purpose and authorized uses for an agriculturally-zoned parcel.

Therefore, any use of the parcel must be consistent with the overall Rural Residential character, as well as the Agricultural zoning. Permit #131132 is legally authorized only if a commercial skydiving business is consistent with both agricultural and residential use.

C. Skydive Landings Are Not Consistent with the General Plan or Particular Zoning

The county based its authority to grant the permit on a reference in the chart attached to 13.10.312, which lists allowed uses in agricultural districts. (RT 6-7.) Specifically, the chart lists as a discretionary activity requiring Level V authorization "Recreational activities: playfields not involving permanent structures or paving." (S.C.C.O. 13.10.312, subd. (B), Agricultural Uses Chart.) Petitioners dispute the county's interpretation of the reference.

1. Skydiving Is Not Consistent with the Agricultural Zone

a. "Commercial" Recreational Activity Is Not Authorized

In interpreting statutes, the courts give statutory language its common sense meaning. If the words of a statute are subject to more than one reasonable interpretation, courts look for guidance from other sources, including the rest of the statutory scheme of which the statute is a part.

Here, "Recreational activities" are not defined, and the reference does not distinguish between commercial or noncommercial use. Therefore, the statute, if read in isolation, may be considered ambiguous. However, a common sense reading of the language in the context of the entire statutory scheme dictates a finding that neither *commercial* recreational activities nor skydiving are contemplated. The use of the term "commercial" in other places in the chart, the overall purpose of the Agricultural zoning, and public policy demonstrate that only noncommercial playfields consistent with the overall residential character of the area are permitted.

The term "commercial" is conspicuously absent from the description of recreational activities permitted on an agriculturally-zoned parcel, although the term "commercial" is applied to three other uses listed in the same chart: "Commercial dairying," "Commercial boarding of animals," and "Kennels, commercial or private." (S.C.C.O. 13.10.312, Agricultural Uses Chart.) When a legislative body uses a term in some areas and not others, it is presumed that the term was omitted intentionally. (*Wells v. One2One Learning Foundation* (2006) 39 Cal.4th 1164, 1190.) Therefore, it may be presumed that the crafters of the ordinance would have applied the term "commercial" to "Recreational activities"

if they intended to permit commercial playfields.

Other commercial-related activities listed in the chart are governed by special statutes referenced therein, i.e., child care homes, home occupations, veterinary offices, wineries and visitor accommodations. Moreover, each of these activities is related to and/or consistent with either agriculture or residential use, which dovetails with the purpose of the Agricultural zoning. (See below.) Skydiving, on the other hand, is not.

**b. Skydiving Is Not Consistent with the Purpose of the
Agricultural Zone District**

The purpose of the A Agriculture Zone District is to encourage *noncommercial agricultural uses, such as family farming*, and to allow *limited commercial agricultural activities*:

A Agriculture. The purposes of the A Agriculture Zone District are to encourage and provide for noncommercial agricultural uses, such as family farming and animal raising, and to allow limited commercial agricultural activities, on the small amounts of agricultural land remaining in the County which are not designated as commercially suitable, but which still constitute a productive natural resource; to provide for agricultural uses of a higher intensity in rural areas than those allowed in the RA Residential Agricultural Zone District where such use is compatible with the surrounding land uses and the environmental constraints of the land; to maintain options for a diversity of farm operations; to implement the agricultural preservation policy of Chapter 16.50 SCCC; and to maintain productive open space and rural character in the County.

(S.C.C.O. 13.10.311, subd. (B), emphasis added.) The ordinances' provisions are to be read liberally only *as they apply to agricultural pursuits and services* and not interfere with any *normal accessory use*:

Interpretation of Provisions. The provisions of this chapter shall be liberally interpreted insofar as they apply to agricultural pursuits and services and shall not be deemed or construed to interfere with any normal accessory use conducted in conjunction therewith. It is the intention of the County to retain for commercial agricultural production, and to encourage the commercial agricultural use of, lands designated by the Board of

Supervisors as Type 1, Type 2, or Type 3 agricultural lands on the map entitled "Agricultural Resources" on file with the Planning Department; to provide maximum protection to existing and future agricultural enterprises from restrictions which may be instituted later at the request of future residents; to restrict incompatible development on or adjacent to agricultural land; and to maintain the existing parcel sizes for parcels zoned CA and AP, except where it is clearly demonstrated that any division of such parcels shall not diminish the productivity or in any way hamper or discourage long-term commercial agricultural operations on said parcels or adjoining or nearby parcels. [Ord. 3432 § 1, 1983].

(S.C.C.O. 13.10.311, subd. (D), emphasis added.) Santa Cruz County Ordinance 13.10.700 defines "Agriculture" as

the art or science of cultivating the ground, including the harvesting of crops and the rearing and management of livestock; tillage; husbandry; farming; horticulture.

There is no conceivable rational connection between recreational skydiving and agriculture. Skydiving does not cultivate the ground or involve livestock. Therefore, recreational skydiving is neither a *noncommercial agricultural use, such as family farming*, nor a *limited commercial agricultural activity*, contemplated by S.C.C.O. 13.10.311, subd. (B). Skydiving is not consistent with the purpose of the Agricultural zone designation.

Skydiving is also not a "normal accessory use" which qualifies for the liberal interpretation under S.C.C.O. 13.10.311, subd. (D). The county determined that the skydiving business is "ancillary" to the "primary agricultural use," purportedly a sod farm. The Neighbors disagree.

Santa Cruz County defines "accessory" as "appurtenant use." (S.C.C.O. 13.10.700-A, see also 13.10.700-U.) "Appurtenant use" is defined as "any use accessory to the main use and customarily a part thereof; an appurtenant use is clearly incidental and secondary to the main use and does not change the character of the main use." (*Ibid.*) Similarly, "ancillary" "means a use secondary to the main use of the property. (*Ibid.*) It is a use "in support of and connected with that main use." (*Ibid.*) Thus, the county had discretion to permit skydive landing only if it is "customarily a part" of, "clearly incidental" to, or "in support of and connected with" agricultural use.

There is no conceivable rational means of characterizing recreational skydiving as customarily part of or clearly incidental to a sod farm, or any other agricultural pursuit. They are not even remotely related. No evidence of a link has been presented, nor could it be.

Mr. Haag's attorney characterized parachute landing as "an ideal accessory use" to a sod farm because "it makes sod growing more economically feasible." (Ex. C, p. 6.) In other words, Mr. Haag is not making a living growing sod. This statement suggests that any business venture, no matter how unrelated to agriculture, becomes "accessory" by virtue of providing economic support. Obviously, adopting such a rationale would bootstrap any activity to agriculture, rendering the limitation meaningless, which cannot have been the intent of the legislative body.

Skydiving is not related to agriculture in any way, and it does not serve the stated purpose of the agricultural zone district. Therefore, the permit was granted contrary to the ordinances.

2. Skydiving Is Not Consistent with the Residential Designation in the General Plan

a. "Commercial" Recreational Activity Is Not Authorized

Santa Cruz County ordinances governing residential areas provide discretionary approval for an exclusive list of commercial uses, from which recreational activities are excluded. (S.C.C.O. 13.10.322, subd. (B) & attached chart.) The county provides discretionary approval for an exclusive list of recreational activities, from which commercial enterprises are excluded. (*Ibid.*) Only the "noncommercial recreational" list includes "sports fields." (*Ibid.*)

The ordinance specifically contemplates only private, noncommercial recreational activities. The term "residential" is normally used in contradistinction to "commercial" or "business." Thus, the commercial nature of the skydiving-landing site renders it inconsistent with the General Plan residential designation. The permit was granted in violation of county ordinances.

b. Skydiving Is Not Consistent with the Residential Designation

According to the ordinances, skydiving is accessory to residential use of the property only if it qualifies as "customarily a part" of and "clearly incidental" to residential use. (S.C.C.O. 13.10.700-A.)

It is common knowledge that skydiving is not customarily a part of, or clearly incidental to, single-family dwellings. Nowhere has recreational skydiving been so defined. No evidence has been submitted to suggest that single-family residents customarily engage in skydiving to and from their residences.

Thus, recreational skydiving is not authorized in the rural residential area, and the permit was granted in violation of the ordinances.

3. Use of the Property as a Commercial Skydiving Landing Site Is Not Excepted as a Home Occupation

Home occupations are allowed in both Agricultural and Residential districts, subject to S.C.C.O. 13.10.613. (Agricultural Uses Chart, S.C.C.O. 13.10.322, subd. (b)(1); Residential Uses Chart; S.C.C.O. 13.10.312, subd. (b).) The purpose is to allow limited home occupations while protecting nearby residents from potential adverse effects on their property, such as excessive noise or any nuisance. (S.C.C.O. 13.10.613, subd. (A).)

Among other restrictions, there may not be any "visible or external evidence of the home occupation" and "all noise shall be contained within the boundaries of the site." (S.C.C.O. 13.10.613, subds. (B)(1) & (9).) The commercial skydiving-landing site does not qualify, as it is extensive, rather than limited. It is not confined within the dwelling or accessory structures, and there is significant visible external evidence of the business, including noise and intrusion.

The county has acknowledged that the skydivers are visible from neighboring properties and noise from the chutes and divers' conversations are audible. The Neighbors have submitted numerous declarations, photos and testimony of residents and visitors evidencing the excessive noise and nuisance that results from Mr. Haag's business. Other residents submitted similar complaints. Even proponents of the use acknowledged shadows, noise from the chutes, conversation and yelling. It is not the type of use contemplated by the home occupation exception.

Moreover, a person whose residential use of a home is so disproportionate to its commercial use is not "residing on the premises" within the meaning of the exception. (See, e.g., *County of Butte v. Bach* (1985) 172 Cal.App.3d 848, 865-866.) As discussed above, Mr. Haag's primary use of the property is a commercial skydiving business. Therefore, his residential use of the property is so disproportionate to its commercial use that it is not a "home" occupation, but rather an occupation at which he resides.

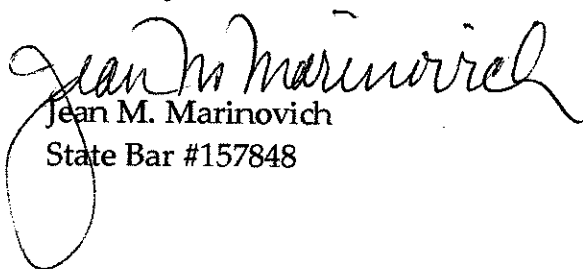
REQUEST FOR REVOCATION OF THE PERMIT

For the foregoing reasons, the Neighbors request revocation of the permit. Mr. Haag obtained the permit by falsely claiming that he operated a sod farm, and he has consistently violated the conditions of the permit. The permit was granted with the expectation that the business would be moved to the airport within a year. (Ex. F, pp. 10, 42.) Three years later, landings continue at the subject parcel.

The Neighbors have consistently objected throughout the process. The county "dropped the ball" by failing to specifically include in the permit conditions the recommended expiration date of April 18, 2015. (Ex. G, p. 48.) On August 24, 2015, the county represented to me that the permit would expire on August 16, 2016, and, in light of that purported expiration date, declined to take action on evidence of violations of the permit. In August 2016, however, the county reversed its position, stating the permit had no expiration date.

The skydive landings have had a devastating impact on the Neighbors' enjoyment of their homes and yards. The Neighbors should not suffer these mistakes any longer. They deserve relief. Please honor the rules and representations of the county and revoke the permit.

Sincerely,



Jean M. Marinovich
State Bar #157848

Mr. & Mrs. Partridge-Kikuchi
400 Oak Hollow Lane
Watsonville, CA 95076

October 17, 2016

To Wanda Williams, Zoning Administrator
cc: Zach Friend, County Supervisor

We ask that the County of Santa Cruz revoke the permit for skydiving and landing at 515 Calabasas Road. The permit-holder has routinely and regularly violated conditions of the permit over several years.

At the August 2014, hearing, we reported violations but were told by Ms. Williams to keep track. This we did and submitted Log #1 at the August 19, 2015 hearing. The permit was "approved for a year" anyway.

We do not see these violations in the staff report prepared for this hearing. We have resubmitted by email Log #1 (2014-2015), plus Log #2 (2015-16) and Log #3 (since the permit expiration, August 18, 2016). We do not believe it is our responsibility to monitor the conditions of the permit.

The skydive business has violated the following Operational Conditions of the permit:

Operational Conditions	April 2014 to August 2015 16 months	August 2015 to August 2016 12 months	August 18 to October 14, 2016 8 weeks
Screaming and hollering by customers	52	53	2
Screaming by employees	2	1	1
Drops less than 30 minutes apart	3	12	5
More than two parachutes per drop	1	3	4
Dropping outside permit hours	--	2	1
Dropping outside permit days	--	--	1

The business continues to violate the agreement with us that it initiated prior to the first hearing to not flyover or drop jumpers over our house and property.

We are disturbed that the staff reports do not show opposing documentation:

- 1- In the original staff report, Miss Haschert stated that she visited our property on June 28. We were home the entire day waiting for her visit. She did not visit. She also stated that you can not see the jumpers leaving the plane while standing on the LZ. You don't see or hear the jumpers at the LZ because they are not dropping over the LZ. From our deck, we can see the jumpers leave the plane (without magnification).
- 2- The initial permit was allowed because Haag claimed he had a sod (agricultural) business and the skydiving was ancillary. We protested this reasoning at that time. Now, it is clear there has been no agricultural use, yet the current staff report contradicts the earlier requirements.
- 3- Letters against the permit have been submitted to the Planning Department but do not appear in the staff reports – none of our letters or documents or those from other people who have sent letters against have been acknowledged or included in staff reports.
- 4- The staff reports do not report any correspondence against the permit that has taken place over the past few years.

As we have stated before, the constant repetitive engine noise, the screaming overhead, the flapping of the chutes continues 4-5 hours a day is a nuisance and impacts our home occupation and enjoyment of the natural environment of the area.

We continue to object to a commercial business that impacts people outside the parcel boundary: the business must be contained ON the property. Regardless, over four years, the permit holder has demonstrated that he is unable to follow the Operational Conditions of the permit. Hence, the permit must be revoked.

Sincerely,

Mr. & Mrs. Priscilla and Dave Partridge-Kikuchi

Emailed to Jerry Busch and Wanda Williams:
Letter from Partridge-Kikuchi, October 17, 2016
Parachute Log #1
Parachute Log #2
Parachute Log #3

Partridge-Kikuchi
400 Oak Hollow Lane
Watsonville, CA 95076

August 19, 2015

PARACHUTE LOG #1

April 7, 2014–August 6, 2015

Record of activity that we have experienced when we were at home and were able to stop what we were doing in order to make an entry in the log. This log does not suggest or imply that these were the only times these intrusions occurred; only the times we were able to make a record.

2014 [last hearing was Friday, April 1, 2014]

Thurs. 4/7	3:45 pm Constant screaming
Sun. 4/27	1:15 pm Overhead; dropped through the clouds; couldn't see plane and only sometimes saw parachute
	3:25 pm Over the house; screaming
Mon. 4/28	3:10 pm Over back yard and garden; both parachutes screaming and hollering
Thurs. 5/1	12:15 pm Screaming
Sun. 5/4	2:05 pm Dropped over property; both parachutes screaming
	4:51 pm Dropped over property; both parachutes screaming
Fri. 5/9	3:30 pm Over property
	4:00 pm Dropped over house; screaming
	5:00 pm Came across property and house from the north; screaming
Sun. 5/11	5:05 pm Dropped over house and floated across property
Mon. 5/12	5:04 pm Screaming
Fri. 5/23	5:00 pm Dropped over the house; both parachutes screaming
Thurs. 5/29	3:15 pm Dropped and floated over the house; turned and went back & forth in front yard; screaming
Sun. 6/8	1:30 pm Dropped over the house; two parachutes
Sat. 6/7	noticed the parachutes dropped over the lake and float back and forth over lake near Marinovich and Underwood homes.
Sun. 6/8	5:30 pm Dropped two over house, directly over skylight in bathroom while I was showering
Thurs. 6/12	4:50 pm Dropped over house; screaming
	5:15 pm Dropped over house; screaming
	5:50 pm Dropped over house
Mon. 6/16	2:50 pm Screaming during drop in front of house
Mon 6/23	4:35 pm Dropped over house; screaming
Sat. 6/28	4:25 pm Screaming during drop in front of house
Mon. 6/30	11:30 am Screaming

***Debris fell from parachute

- Sun. 7/13 Midday: A banner or piece of material separated from the parachute and floated south toward Old Adobe Road
- Thurs. 7/17 A boisterously windy & cloudy day; the airplane flew overhead for 20+ minutes trying to find an opening in the clouds
- Fri. 7/18 2:00 pm Screaming
4:50 pm Screaming
- Mon. 7/21 Screaming; parachutes dropped through the clouds
- Fri. 7/25 4:35 pm Over property; screaming
- Sun. 7/27 3:10 pm Over property; screaming
- Sun. 8/3 2:15 pm Plane flew north over the house, turned south and dropped the parachutes over the property where they did somersaults and floated back and forth
5:05 pm Dropped and floated over property; male and female screaming
- Fri. 8/8 4:00 pm Over the house; screaming
6:15 pm Over the house; screaming
- Fri. 8/15 4:20 pm Over front yard; screaming
- Sun. 8/17 12:30 pm Much conversation between parachutes; screaming also; continued flapping of the parachutes even after the initial opening
- Mon. 8/18 1:10 pm Continuous screaming from the blue parachute after it opened
- Sun. 8/24 5:15 pm Dropped and opened over property; screaming
- Sat. 9/13 after 3:30 pm Two people screaming; dropped and floated over front yard
- Sun. 9/14 3:30 pm Dropped and opened over front yard
- Mon. 9/15 2:15 pm Screaming and yelling during drop; both parachutes floated over house; more hooting and yelling; more hollering over the yard (I was trying to read on my deck)
- ***20 minutes later....
- 2:35 pm Dropped over property and floated north over house; yelling and screaming at each other over my head
3:05 pm Over front yard; hollering and yelling
- Sun. 9/21 1:30 pm Floated over the house doing spins; yelling; between the clouds
- Sat. 9/27 5:30 pm Dropped near southern boundary but floated north over house; much talking between parachutes and flapping of parachutes
- Fri. 10/3 5:00 pm Screaming
- Sun. 10/5 11:55 am Parachutes dropped at north side and floated across house and property toward the south
5:15 pm Dropped and floated from north across front yard
5:45 pm Dropped and floated from north across front yard
- Mon. 10/6 12:55 pm Parachute dropped and opened directly over our lawn and patio area while we were trying "to enjoy" our yard
- Thurs. 11/6 1:50 pm Dropped and floated directly over our backyard
4:50 pm Dropped overhead; screaming
- Sat. 11/8 1:05 pm Female screaming

***3 parachutes dropped at once

Sun. 11/9 11:40 am 1 parachute was floating over the trees by neighbor's corral as 2 more parachutes opened overhead

***Wednesday

Wed. 11/12 4:00 pm Two parachutes dropped and floated
Sat. 11/15 4:10 pm Dropped over house and front yard
Sun. 11/16 3:05 pm Screaming while floating over front yard

2015

Thurs. 1/22 11:30 am Dropped second parachute directly over hot tub while I was in it; both parachutes were screaming
[Fri. 1/23 Observed from Calabasas Road: 1:30 pm Parachutes floating between Calabasas and Larkin Valley Road and then landed from the east on 515 Calabasas]
Thurs. 2/5 12:00 pm Heard the plane circling overhead (sky was cloudy); parachutes dropped down through the clouds
Thurs. 2/12 4:45 pm Parachute people talking loudly and hollering
Fri. 2/13 2:35 pm Parachute people hooting and hollering
Mon. 2/16 11:00 am screaming
Another one but did not record the time

***3 drops within 41 minutes

12:14 pm Screaming, hollering and hooting
12:31 pm Another 2 dropped
12:55 pm Another 2 dropped

Sun. 2/22 12:15 pm A "shrieker"; both parachutes floated back and forth screaming over front yard

***Very strong winds

Fri. 2/27 1:40 pm Dropped parachutes while still climbing over northwest side of our property (lowest we've seen plane drop); float over house and front yard; blue color of the jumpsuits and the individual strings of the parachutes were distinguishable
Thurs. 3/19 2:55 pm Dropped overhead; one over the back yard
[Fri. 3/27 Observed from Calabasas Road: Parachutes were flying over Koeing Road and landed from the south]
Sun. 3/29 4:20 pm Parachute opening was extremely loud; male and female screaming and hollering
Sat. 4/4 2:00 pm Dropped overhead; screaming and hollering for 5 minutes or longer
2:40 pm Dropped overhead; again constant screaming and hollering
Mon. 4/6 11:15 am Scattered clouds; first parachute dropped through a cloud and opened in the cloud although there was blue sky around

[Many foggy days]

Mon. 6/1 4:00 pm Dropped over house; much hollering

Sat. 6/6 Cloudy all morning
3:25 pm Heard the plane; 3:30 pm two parachutes dropped through clouds
Sun. 6/7 5:15 pm Dropped over house; screaming

***3 drops within 50 minutes

Mon. 6/8 4:10 pm to 5:00 3 sets of parachutes

[out of town]

Sat. 6/27 12:45 pm Very windy; plane sounded like it was struggling; flew over us to the north then looped back; meanwhile fast moving clouds came over house; then they dropped over house and floated south
Sun. 6/28 5:30 pm Dropped over front yard; screaming and hollering

***Near miss

Sun. 7/5 Rain in AM; clouds all morning; then patches of blue sky
Approx. 2:30-3:00 heard plane circling over clouds (sky and plane not visible); a parachute dropped the same time as a plane came from the west under the clouds
Sun. 7/19 Thunder and Lightning forecast all day
12:25 pm Screaming; plane not very high; dropped overhead; parachute opened closer to ground; short float time
Continued to drop parachutes all afternoon
Mon. 7/20 11:55 pm Female shrieking for 2 minutes
Sun. 7/26 Fog was covering airport; several planes flew low, 500 ft, south to north over house toward Aptos where sky was clear
11:40 am Two parachutes opened in the clouds
Sun. 8/1 4:00 pm Screaming during freefall and hooting after parachute opened
4:35 pm Dropped over head ("trying" to read on my deck and enjoy my yard)

***20 minutes between

Sun. 8/2 5:05 pm Dropped overhead; screaming (again, "trying" to enjoy my yard)
5:25 pm Dropped overhead
6:02 pm Overhead; plane circled after dropping parachutes
Mon. 8/3 4:45 pm Dropped over front yard; hooting and screaming
Thurs. 8/6 between 2-3:00 pm sky as full of clouds; overcast all day with no signs of breaking; 2 parachutes dropped; plane could not be seen
6:45 pm partly cloudy by this time; plane flew lower than normal and dropped 2 parachutes; screaming (once again, "trying" to enjoy a meal outside)

See Parachute Log #2

Submitted by email to Santa Cruz Planning Department 10/1716

Partridge-Kikuchi
400 Oak Hollow Lane
Watsonville, CA 95076

August 16, 2016

PARACHUTE LOG #2

August 20, 2015 through August 16, 2016 [after hearing when permit was "approved for a year"]

Note: This is a continuation of the record of activity (previous records April 7, 2014-August 6, 2015) that we have experienced when we were at home and were able to stop what we were doing in order to make an entry in the log. This log does not suggest or imply that these were the only times these intrusions or violations occurred; only the times we were able to make a record.

2015

Thur. 8/20 1:30 pm Screaming

*****Dangerous**

Fri. 8/21 4:50 pm Plane at the edge of the fog. Plane dropped 2 parachutes to the east while the fog was over us. The chutes dropped through the clouds and appeared again as a plane (the same or another?) was heading over our house (toward the southeast) toward the parachutes. The plane and parachutes were in the same visual field (seen together at the same time).

*****Harassment**

Thur. 8/28 6:45 pm Fog was thick in Larkin Valley and in Watsonville. As 2 parachutes floated over the valley/pond area, a plane (with red stripes under the wings) flew north to south over our house at a low altitude (approx. 1,000 ft). The plane must have circled around and then came down lower over house.

*****Harassment**

Fri. 8/29 5:06 pm We were at our mailbox when we saw a yellow parachute (the first one) hover and stop over the Marinovich house for 5+ seconds; 2nd parachute floated directly to the landing site.

*****Too late**

Fri. 8/29 7:00 pm 1st jumpers exited the plane. 40 sec later 2nd jumpers exited plane. Both screamed all the way down the free fall part.
At 7:02 pm the plane circled around and passed overhead for the second time

[out of town]

*****Dangerous**

- Sun. 9/13 4:55 pm plane dropped 2 parachutes as the plane disappeared into the clouds. Prior to the drop we heard the plane for 10 min or more circling overhead, either climbing to elevation overhead and or possibly looking for an opening in the clouds.
- Thur. 9/17 5:10 pm (Went out to enjoy our yard) The first jumper yelled during the free fall. Then the second parachute screamed during the floating part.
- Mon. 9/28 11:10 am Screaming
- Thur. 10/8 4:00 pm Plane flew over house. Dropped 1st chute in front yard and 2nd chute over south yard. Within 3 minutes the plane had circled around and flew at a lower elevation westerly over the house.

*****Too late at night**

- Sat. 10/10 6:30 pm Driving on Buena Vista I noticed that the sun had set (sky was orange). On Calabasas, I then saw 2 chutes floating down.

[out of town]

- Fri. 11/6 4:30 pm Plane dropped jumpers directly over my deck (we had guests). The chutes floated back and forth screaming and yelling.
- Sat. 11/21 4:30 pm At mailbox on Calabasas, sun had set, but 1st parachute was landing and the 2nd waiting to land.

2016

- Thur. 1/7 12:55 pm Very cloudy day; Saw a "new" green chute.
- Sun. 1/10 12:40 pm 2 parachutes came down. The sky was completely cloud covered.
- Mon. 1/11 3:30 pm 2 parachutes came through the clouds. The green & red one floated over the house. [see photo]
- Sun. 1/24 est. 1:30 pm Heard plane from living room while watching football and saw the chutes through SE windows.
1:50 pm Heard plane motoring and then slow down. Went outside and saw parachutes floating one on each side of my house going from the north across property to the south.
2:20 pm Plane flew over house. Dropped 1st jumper over front of house. Then it flew through a cloud and dropped 2nd on north side of house.
- Sat. 1/30 2:35 pm Plane flew east to west over the house; very noisy (spark plugs bad?). Dropped one over house and 2nd directly over flower bed in back yard where I was gardening.

*****The employee screamed as well (or three people to a parachute)**

3:15 pm Plane went east-west direction, very loud. Dropped both over the house. Blue chute did spins over the south yard while male & female voices screamed from that chute. Green chute hovered. Blue chute moved toward pond and did spins and more screaming (which echoed). Green chute was quiet.

*****15 minutes between drops (or a 3rd parachute was dropped)**

At 3:40 pm a parachute was already floating over the valley (which means it was dropped at least 10 minutes before (3:30pm).

Sun. 2/14 est. 4:15 pm Screaming from 2 chutes dropped over house [See photos].
Thur. 2/15 12:00 noon Dropped over my head in back yard.
12:30 pm Dropped over my head in back yard.
4:10 pm Again, 2 chutes close together, dropped over my head in back yard.

[Rainy weather]

Sat. 3/19 1:54 pm Green/orange chute dropped overhead – girl screamed on opening of chute and again during spins.
2:30 2 jumpers, 1st one had a male screaming during free fall and then hooted after chute opened [too annoying to stay outside]

*****Dangerous**

5:50 pm Green/orange chute opened in front of house. Airport was in the fog, and fog/cloud cover was solid over house and to the west.

Thur. 3/24 10:50 am Plane flew north and dropped 2 chutes. The 1st (orange/green) floated over front yard and screamed. 2nd (blue/purple) floated north over house and did spins over house. Female screaming and hollering.
11:20 am Green/orange dropped over house, female screaming. 2nd chute screamed during free fall.
26 min. 11:46 Dropped over the house screaming.

[Holiday/Easter weekend; very noisy plane]

Sat. 3/26 11:25 am Plane left airport and flew directly overhead. Dropped two. Both screaming during free fall.
3 jumps in est. 12:05 pm [dropped in between] Screaming.
52 minutes 12:17 pm Jumpers
2:00 pm Dropped on north boundary and south yard. Screaming during free fall.
25 minutes 2:25 pm Heard plane from the airport until it shifted in to neutral for the jump and then headed immediately south [see sketch].
25 minutes 2:50 pm Dropped second one over house and immediately went back to the airport. Screaming during free fall.
20 minutes 3:10 pm

3:45-3:55 pm Plane "sat" overhead; finally at 3:55 plane went into neutral and two jumped.
4:10 pm
5:00 pm
5:30 pm
Sun. 3/27 Jumpers all day.
5:35 pm Screaming.
Mon. 3/28 11:40 am Dropped north west of house and floated across back yard and house. Screaming all the way.

*****Dangerous – Parachute malfunction/debris**

Fri. 4/1 4:05 pm One jumper had to discard/disconnect first parachute and open a second chute. Green/orange chute floated down and the red/American flag chute went straight down. [see photos]
27 minutes 4:32 2 more jumpers.

Sat. 4/2 Constant drone of the plane overhead; 12:00 noon to 4:00 pm
We had barely 15 minutes of quiet out of every 30 minutes.
Note: During the last week the planes were flying directly north from the airport over the house, slowing down, dropping jumpers, and then turning back.

Sun. 4/3 Many jumpers today. Heard the plane from inside.
6:15 pm Plane headed directly north from airport, dropped 1st over our south yard and turned south and dropped the 2nd. Screaming from both.
25 minutes 6:39 pm Again, dropped jumpers at property line and headed back. Screaming.

[Rained all weekend]

Mon. 4/11 1:35 pm Female screamed for 5 minutes, the entire time she was floating plus during the free fall.
Fri. 4/15 Several drops already that day.
2:50 pm Screaming. Dropped over front yard, came down and floated less than 500' over front of house. Did spins, then floated over to LZ.

*****Dangerous**

Thur. 4/21 2:50-3:00 pm Plane circled overhead for 10 minutes, then cut engine. Looked outside back and front – couldn't see a parachute, sky was cloudy – but heard it open. Went back out and saw chute under the clouds.
3:15 pm Plane circling again. No blue sky visible.
3:30 pm Plane flew around and around and finally went back to the airport (too cloudy).
Sat. 4/23 Once again, went outside to enjoy the sunshine, and hear the plane shift into neutral and drop 2 jumpers directly over head.
Fri. 4/29 3:30 pm Screaming. Heard from inside while trying to work.
4:10 pm Repeated hollering and screaming.
20 minutes 4:30 pm Screaming during free fall.
Mon. 5/2 1:45 pm Yelling & screaming.

Between 1:45 and 3:30 fog came back in, but there were several more jumps.
3:30 pm Plane circled low but finally went away; no jumpers noticed.
Mon. 5/23 3:30 pm Dropped 2 directly over back yard. Screaming constantly by a male.
4:00 pm Dropped one over house and one over back yard. Plane sputtered [a disturbing, anxiety causing sound to someone on the ground].

Sat. 5/28, 5/29, 5/30 Memorial Day weekend. Plane flew over all three days; drone of engine, then silence, then drone again.

Fri. 6/3 1:15 pm Dropped directly over the back yard.

[out of town]

Thur. 6/23 10:45 am Continuous screaming. Dropped overhead.

Fri. 6/24 12:45 pm Screaming.
2:00 pm Screaming over house (heard from inside).

Fri. 6/25 2:45 pm Screaming.

*****3 parachutes**

5:00 pm 1st red white and blue chute, 2nd lime green chute, then saw 3rd orange chute hanging out above the other 2 [saw all 3 within 10 minutes].

Fri. 7/1 2:30 pm Screaming.

Sat. 7/9 4:30 pm Dropping in front and floating over house.
4:45 pm

3 in 45 minutes

5:15 pm Screaming.

Mon. 7/11 1:20 pm Hollering non-stop, male.

Fri. 7/15 2:15 pm Hooting and hollering over backyard, male.
5:00 pm Dropped chutes over back deck.
5:30 pm Again, dropped over back deck.

Sun. 7/17 2:50 pm Hooting and hollering and talking during entire float time (overhead), male.

3:18 pm Screaming. Dropped in front of house.

3:44 pm Hooting and hollering the entire time, male.

4:12 pm Another drop.

Mon. 7/18 3:00 pm Screaming. Dropped in front of house.

Fri. 7/22 3:15 pm Screaming.

Sun. 7/24 5:00 pm Hollering, male.

6:15 pm Constant hollering from each chute; may have been hollering at each other.

[Can't we have quiet time in the evening?]

*****Dangerous**

Mon. 7/25 1:05 pm Hooting and hollering. Dropped over back yard.

Started dropping at 12:30 pm and moved north closer to us each jump and finally over the back yard.

1:45 pm Still dropping overhead even though sky is **smoky from Soberanes fire**.

5:45 pm Continued every ½ hour all afternoon. Constant buzzing of the plane under and around the fog and smoky haze.

*****Dangerous**

- Mon. 7/31 4:50 pm Heard the plane but couldn't see it. Dropped a jumper through and opening in the fog. Chute floated in the fog for several minutes until it came out to descend to the LZ.
Screaming from within the fog/clouds.
Plane headed to airport in the fog.
- Thur. 8/4 1:50 pm Plane with dark wing tips flew low over the house, then rose sharply to get above the fog clouds. Proceeded to circle around and drop parachutes.
Dropped parachutes all afternoon through rapidly moving, changing fog clouds.
4:24 pm Heard plane slow down and drop 1st chute before a cloud and then dropped 2nd which appeared on the other side of the cloud.
Screaming.
4:50 pm Plane flew loud and low over the house (loud buzzing). Must have circled around and gone higher. At 5:00 pm chutes were hollering and hooting over the house.
5:10 pm Plane flew over the house, struggling to climb, heading west.
- Fri. 8/5 5:00 pm Screaming. Plane low over house, very loud.
5:30 pm Screaming. Plane low over house, very loud.

*****Dangerous**

- Thur. 8/11 Fog all morning. Then **smoke from Soberanes fire** came in and cut visibility drastically. We couldn't see across the pond to LZ.
12:45 pm to 2:00 pm Constant plane circling overhead (looking for an opening in the fog and smoke?).
At 2:00 pm visibility across the valley improved but instead there were fast moving, ever changing clouds.
2:15 – 4:45 pm Dropped chutes by flying low over the house, and around and in between fog clouds.
5:00 pm Helicopter flew twice over property at approx. 500' at the same time as parachutes were dropping.
6:00 pm More jumpers.

*****Dangerous**

- Fri. 8/12 4:10 pm Heard two planes. Sky above us was completely covered with fog/clouds. Heard parachute open directly overhead. Screaming.
1 minute later we could see parachutes through an opening in the fog.

- Sat. 8/13 4:19 pm Screaming in front of the house during free fall. Then heard chutes open up.
4:50 pm While sitting on deck, saw plane take off from airport heading west. Then it turned east and flew directly over house, dropping 1st chute over our heads and the 2nd in front. The 1st (yellow & red) screamed all during free fall (over us) and then did spins over the house. Plane did not climb to 10,000 ft (was much lower).
5:18 pm Again plane took same path, dropping chute over us while sitting between house and table. Screaming by 1st chute (blue & red). 2nd dropped over front of house. We could hear the hooting of the 2nd (green) chute while it was over Marinovich and Underwood homes.
5:43 pm Plane came over head from the north west (loud engine), slowed, dropped 1st over us and 2nd in front yard. Floated over the house and hooted.
6:16 pm Plane came in from north west again, loudly, dropped 2 chutes over south yard. Plane circled around CCW toward the south then circled around to the north CW at a lower altitude and flew back over the north side of house (figure eight).
6:40 pm Heard a plane coming loudly in from the northwest, slowed down over deck. 1st chute opened overhead, 2nd over the south yard.
- Sun. 8/14 Overhead sky was clear but fog sitting on coast.
12:10 pm Plane flew in from southwest, climbing up over the house, circled around in front and went south to drop the jumpers nearer to Marinovich house.
Non-stop plane activity all day.

*****3 parachutes**

6:10 pm Saw two planes at the same time, going the same direction, at the same altitude. Then we saw 3 parachutes. 1st Blue, 2nd Orange, 3rd Orange/Yellow stripes.

Note: That afternoon, the planes had been taking off toward the east which is most unusual. The planes made sharp left turns after lift off heading west. We saw three circling the same area within a few minutes of each other, so it seemed that maybe one plane had circled around over the airport and not gotten very high. Afterwards it was apparent this may have been a second plane. We were concerned because there may have been three planes overhead circling and we definitely saw two in the same area. Then we saw the two overhead, one following the other, dropping 3 parachutes.

See Parachute Log #3

Submitted by email to Santa Cruz Planning Department 10/17/16

Partridge-Kikuchi
400 Oak Hollow Lane
Watsonville, CA 95076

October 14, 2016

PARACHUTE LOG #3

August 18, 2016 through October 14, 2016

Note: This is a continuation of the record of activity (previous records April 7, 2014-August 16, 2016) that we have experienced when we were at home and were able to stop what we were doing in order to make an entry in the log. This log does not suggest or imply that these were the only times these intrusions or violations occurred; only the times we were able to make a record.

2016 continued on August 18, 2016

*****Nuisance and Dangerous**

Thur. 8/18 [Weather very hazy and smoky; visibility low.]
12:00 noon Plane took off to the east, loudly climbing in elevation toward our property line. At 12:15 plane overhead, and finally at 12:30pm dropped 2 chutes. Then the plane flew under the parachutes back to the airport.
1:20 pm plane overhead, shifted to neutral, no jumpers, then flew away and at 1:30 dropped chutes.

Fri. 8/19 1:00 pm flying and dropping all afternoon; repeated climbing noise and circling over the house and flying lower than usual. [Hazy, smoky conditions]

Sun. 8/21 1:00 pm Screaming

Mon. 8/22 1:45 pm male screaming during freefall over back yard

Sun. 8/28 All afternoon, non-stop

Mon. 8/29 12:30 pm Loud hooting and hollering on front side of our house
[out-of-town]

Sat. 9/17 6:15 pm Screaming overhead

Sun. 9/18 5:00 pm Parachutes talking across to each other overhead

*****Less than 30 min. between drops**

Fri. 9/23 1:15 pm drop
1:40 pm drop

4:00 pm Screaming in front of house

Sat. 9/24 11:15 am Screaming; over the house; chutes sounded like thunder cracks
 12:40 pm Screaming during freefall, over house
 4:50 pm Screaming during freefall; hooting and hollering between
 parachutes; over the house

*****20 minutes apart**

 5:30 pm Screaming
 5:50 pm Dropped over the house. Screaming and hollering; floated toward
 each other meeting over the deck and house

9/25 or 26 2:30 pm Screaming from both chutes during freefall and then hooting and
 hollering during float
 2 hours of non-stop buzzing of the plane as it climbed to altitude overhead

Thur. 9/29 12:20 pm Hollering while floating
 1:25 pm Female screaming from floating parachute

*****Floating below 500' elev.**

Fri. 9/30 3:00 pm Parachute did somersaults at <500' elevation by house
 3:30 pm Saw parachute through the trees doing somersaults over the
 valley, therefore <500' elevation

*****21 minutes apart**

Sat. 10/1 4:55 pm Both parachutes yelled and screamed during floating
 5:16 pm Both parachutes yelled and screamed during floating; one
 screamed during freefall

Sun. 10/2 11:20 pm Yelling between chutes
 1:10 pm Female screaming as chute opened

Tuesday Not banned by permit but offered at a hearing by skydiving
 representative to appease complaints and accepted by administrator

Multiple drops of 3 jumpers – 8 in an hour

*****3 parachutes**

10/4 1:00 pm Both parachutes screamed (1-blue one and 2-black one)
 1:05 pm 3-yellow/black chute opened and circled over our yard

 1:35 pm Screaming and hooting directly overhead (green and green-
 orange)

*****3 parachutes again**

*****Employee screamed as well (or three people to a parachute)**

2:05 pm Much screaming, male and female, 1-orange/yellow chute
(customer and employee)

2:10 pm 2-red/wh/blue chute and orange/green opened

3:20 pm Hooting and hollering from both chutes

*****Less than 30 min. between drops**

Fri. 10/7 12:10 pm Dropped overhead
 12:35 pm Dropped overhead; Hollering
 4:30 pm Helicopter flew around the parachutes

Sat. 10/8 11:55 am 2 chutes hollering overhead

 4:20 pm Dropped 2 chutes overhead
 4:30 pm Screaming by both chutes

*****3 parachutes – 7 in less than one hour**

25 minutes 4:55 pm dropped 3 parachutes [see photos]
21 minutes 5:17 dropped 2 more

*****Too late at night - October after 6:00 pm**

Tues. 10/7 6:20 pm Dropped 2 chutes

Thur. 10/9 5:05 pm Female screaming constantly during float over property

Fri. 10/10 12:00 noon Screaming during freefall (heard it while in the house)
 4:20 pm Yelling overhead

Thur. 10/13 12:15 pm Yelling during freefall; yelling while floating
 1:00 pm Screaming during freefall; hollering during float
 5:00 pm Hollering; plane flew much lower than usual [under the cloud
 cover]

Jerry Busch

From: Allyson Violante
Sent: Friday, October 14, 2016 10:25 AM
To: Jerry Busch
Cc: Wanda Williams
Subject: 10/21/16 ZA hearing
Attachments: ZA item 131132.pdf

Jerry,

Attached please find letters that were sent to Supervisor Friend's office reference to the ZA hearing on October 21, 2016. In particular they relate to permit 131132 that is being called up for review.

=====
Allyson Violante
County Supervisor's Analyst
Supervisor Zach Friend, 2nd District
(831) 454-2200



Please consider the environment before printing this e-mail.

Jerry Busch

From: Millie McChesney <MMcChesney20@holynames-sea.org>
Sent: Sunday, October 16, 2016 12:55 PM
To: Jerry Busch; Wanda Williams
Subject: Haag Skydiving Hearing

Dear Mr. Busch and Ms. Williams,

My grandparents have been dealing with the parachuters for longer than they should have been. The parachuters present a problem not only to my grandparents, but to their family members who visit them. As a family member who used to live in California and make frequent visits to their home, I can attest to the fact that the parachuters are a disturbance and an infringement upon their privacy.

During many of my visits, the parachuters have been seen frequently, and heard even more. When my family goes to the backyard to have a fun and relaxing day in the pool, our private and relaxing time are disturbed with noise from the parachuters. We have heard many parachuters yelling swear words, and even trying to speak to us from above us. In addition to the yelling being a problem, we also feel very uncomfortable having strangers seeing what we are doing in my grandparents backyard.

My grandparents social lives, and the lives of the people around them are being invaded by people who they do not know. During family parties or days out by the pool, we are constantly dealing with the parachuters. Being out by the pool in our bathing suits is very uncomfortable for us. In addition to not wanting to be seen in our bathing suits by complete strangers, our family gathering and parties are becoming a public event open to the frequent visits of the parachuters.

At the last hearing for this, the company said that they would change the flight patterns, stop the yelling, and if anything stop the frequency of the jumps. I know not a lot of this has changed, and since I cannot be there to tell you in person what I have written above, I hope that you take what I said into account when you are making your decision on renewing the permit. Thank you for taking the time to read this email.

Sincerely,

Millie McChesney
(831) 251-0406

Jerry Busch

From: Toni McChesney <totomcc@yahoo.com>
Sent: Sunday, October 16, 2016 12:02 PM
To: Jerry Busch; Wanda Williams
Subject: Haag Skydiving Permit 10/21

Dear Mr. Busch and Ms. Williams,

I am writing to you about the Haag/Skydiving hearing scheduled for Friday, October 21st at 9:00 AM. I am out of town and cannot attend the hearing. I want to be certain you have my input on this decision. I lived at 555 Calabasas Road for 15 years until leaving for college. My parents, Bill and Brenda Marinovich still live at that address and I visit there frequently. The skydiving business operated by Mr. Haag has been extremely intrusive to my parents' privacy. As I stated when I attended the hearing 2.5 years ago, the flight patterns, the shouting, the close proximity of the parachutes, and the frequency of jumps is extraordinary in this small, rural community. In the 2.5 years since the last hearing, not much has changed. They are still yelling, flying directly over the Marinovich property, and doing many jumps in a single day, multiple days a week.

Driving by the skydiving property daily, it is abundantly clear to me the property is used solely for skydiving purposes. The brightly colored flags are spread out on the field and white vans come and go picking up customers after their jumps are completed.

I have two children who have enjoyed spending time with their grandparents in the back yard of 555 Calabasas Road until the skydiving began. The yelling, profanity and jolting snap of parachutes has kept them from going outside. My 13-year old daughter no longer wears a bathing suit or swims in the backyard pool after two different jumpers yelled down at her.

I hope you will take into consideration what I have shared with you and decide not to renew the skydiving permit.

Respectfully,

Antoinette McChesney
206-972-7593

Jerry Busch

From: Annie Allen <bannieallen@yahoo.com>
Sent: Wednesday, October 19, 2016 1:58 PM
To: Jerry Busch
Cc: Wanda Williams; Annie Allen
Subject: Joey Allen's Letter opposing Skydiving Business on Calabasas Road

To Whom It May Concern,

I am unable to attend the hearing this Friday because I will be in school. Here is my testimony about the skydiving business by my grandparents house that I wrote on July 22, 2016:

It will never be the same as it was 3 or 4 years ago going over my grandparents house, because at that time it was nice in the back yard, and now... well it's not too relaxing anymore. It just makes us feel uncomfortable when at first you're having a great time in the pool, but not anymore, that feeling has now gone away and is replaced with the screaming of skydivers swooping down right above our heads. Although we tell them that it's rude and annoying they don't hesitate to stop. I don't want my grandparents to have to live there when every 5 minutes you hear a loud pop and screams that last for about 3 minutes.

Joey Allen, age 12

Jerry Busch

From: Annie Allen <bannieallen@yahoo.com>
Sent: Wednesday, October 19, 2016 1:49 PM
To: Jerry Busch
Cc: Wanda Williams; Annie Allen
Subject: Letter opposing skydiving operation on Calabasas Road, Watsonville

To Jerry Bush and Whom It May Concern,

I am writing to object to the skydiving operation on Calabasas Road in Watsonville. My parents live at 555 Calabasas Road which is directly next to the landing site and the exact point where the skydivers fly over low before they land. This ongoing nuisance and invasion of privacy continues to frustrate me; my parents lived peacefully at this property for over 45 years until the Planning Department approved a recreational permit in an agricultural zone without considering the impact on my parents daily lives. Even more frustrating is that the Planning Department has allowed this business to continue operating despite our complaints for three years and the violations of the agreement (namely noise, flying directly over the property, and having no so-called "sod business" as they described). The findings listed on the Staff Report based on three separate visits to the site are narrowly subjective - clearly one must understand that three visits (for one hour?) do not begin to compare to three YEARS of MULTIPLE DAILY LANDINGS and OBTRUSIVE NOISE and INVASION OF PRIVACY. Anyone visiting the landing site will not have the same experience as someone in my parents back yard, nor will they be able to experience the invasion of private space. Similarly, the supportive letters from neighbors are inconsequential because their properties are not located next door to the landing site so their experience is totally different than my parent's.

Please note that I am not against skydiving; it sounds like a thrilling experience. I assume that is why people yell and scream when they fly down - I'm sure I would too. But that is precisely why it is not appropriate at it's current location. Even more bothersome than the noise (surprise screams that startle us, expletives, the snapping of the chutes in the wind), is the invasion of privacy. It's difficult to explain; I can only suggest that you imagine gardening in your back yard and every half hour a total stranger bursts through your garden gate, smiles and waves, walks across the yard and leaves through a gate on the other side of the yard. I cannot imagine that anyone would find this acceptable in THEIR back yard. The skydivers claim they do not fly directly over the house. The reality is that they DO fly directly over the property and we can clearly hear and see them! If we can see them, they can see us. Sometimes they wave and call out to us "hello!" so obviously they can see us. It truly is an invasion of privacy to have people in the airspace of my parent's backyard watching us socialize, entertain and swim in the pool.

I am surprised the Planning Department issued this permit in the first place and I cannot understand why it continues to allow the skydiving business to operate at the current location. My parents complaints are not being taken seriously; as property owners for 45 years, they have the right to live peacefully and privately on their property. This area is zoned for residential and agriculture, not recreation; stop allowing skydivers to land at the Calabasas site immediately.

Thank you,

Annie Allen
Soquel, CA

Jerry Busch

From: Steve McChesney <mcchez13@yahoo.com>
Sent: Monday, October 17, 2016 11:35 AM
To: Jerry Busch
Cc: Wanda Williams
Subject: Marinovich Case

Jerry:

I am writing this email as a frequent visitor to the home of Bill and Brenda Marinovich at 555 Callabasas, Watsonville, CA.

On many of my visits I have seen (and heard) the skydiving patrons as they have flown directly over the Marinovich home. Initially, I thought the activity was interesting and even exciting, but very quickly it simply became an annoying invasion of personal space.

I have no idea how an organization can be allowed to operate such a disruptive business in an otherwise quiet community.

I would encourage you to deny the permit so the business can relocate to a more appropriate location.

Thank you for your consideration,

Steve

Jerry Busch

From: Sofia Coelho <sofiacoelho651@yahoo.com>
Sent: Monday, October 17, 2016 12:47 PM
To: Jerry Busch
Cc: Wanda Williams
Subject: On behalf of Marinovich family
Attachments: Letter for Grandparents.docx

Attention: Jerry Busch and Wanda Williams

I am writing this letter on behalf of my family, the Marinovich family, and my Aunt Jeannie Marinovich. This is in regard to the status review of permit 131132 and the skydiving business at 515 Calabasas Road. While I am in full support of individuals having their fun and adventure, it should never come at the cost of other individual's daily peace surrounding their own property, where they have chosen to retire and enjoy peace and outdoors. My Grandparents built their home decades ago where they raised their 5 children, and are now basically being told to have to deal with strangers floating (for lack of a better term) and quite literally, yelling directly over their property.

I graduated high school in 2009 and now live in Kansas for my job. It is not often that I get to come home to Santa Cruz and visit my grandparents at their home in Watsonville, where the majority of our family gatherings are held. It is now expected that a beautiful day at my grandparents can almost always include strangers yelling and floating directly over us as we try to enjoy company and peace of the beautiful property that my grandparents hard work has earned them. The most frustrating part of this issue is the fact that those folks in favor of allowing these skydivers to continue diving in this area, are folks who do not have to deal with being in the skydiving path. The sky divers are so accurately and directly above that I can hear the phrases that they yell, clear as day. As they are floating down, I have even heard light curse words. I don't see any reason my grandparents shouldn't have the sole choice of whether or not they mind the nuisance of these skydivers. If I was going to buy a property and the property fell under the course of skydivers, I would absolutely not buy that property. I have seen enough of how annoying it is to watch complete strangers float and yell directly over my Grandparents backyard. Unfortunately for my Grandparents, they weren't given a choice, because this skydiving company has intruded on their daily living with no consideration on how their course of action will directly affect residents. That alone, in my opinion, should be reason enough to have to shut down. I support my Grandparents 100% in that they should not have to listen to people yelling in the sky. If opposing individuals are so adamant about allowing the skydivers to continue as they have, then go ahead and change the skydiving floating course to be directly over the properties of those individuals who do not seem to mind it.

Thank you very much for your time,
Sofia N. Coelho (daughter of Lisa Marinovich, granddaughter of Bill and Brenda Marinovich)

(I have also attached this letter in a Word document)

Jerry Busch

From: Otis Allen <ojallen10@gmail.com>
Sent: Wednesday, October 19, 2016 7:54 PM
To: Jerry Busch
Cc: Wanda Williams
Subject: Otis Allen Testimony

Hello,

I am writing testimony this to protest the skydiving that has been continuing on Calabasas Road in Watsonville. As I am a full time student, I unfortunately cannot attend the hearing this Friday, October 21st.

My grandparents live in a rural area of Watsonville. Their house was the perfect spot for family dinners, holidays, and other get-togethers. Sadly, that is no longer the case. There have been skydivers parachuting to a landing area that is next door to my grandparents house, but that is not even the true problem. Watching the skydivers drift above our heads at grandpa and grandma's used to be something to look forward to, that is, until the yelling. Now, every time we go to their house, any outside conversations, dinners, and even swims are accompanied by screaming and cursing from the skydivers as the float directly over the house, back and forth, back and forth. The curse words and shouting is obviously annoying, but there is also the issue of privacy. Not that anything that someone shouldn't see is happening, but there is a prevalent invasion of privacy. Would you want someone to be able to see into your yard from above?

Some may think that all the testimonies being given here are products of parental encouragement to do so, but I can say truly that this is coming from me and only me, and to close, let's give my grandparents, their house, and the rest of their family some peace and privacy.

Thanks you
Otis Allen

Jerry Busch

From: lisa marinovich <lisa_marinovich@yahoo.com>
Sent: Monday, October 17, 2016 12:33 PM
To: Jerry Busch
Cc: Wanda Williams
Subject: Permit 131132 - 515 Calabasas Road

Hello,

I am writing in regard to the status review of permit 131132 and the skydiving business at 515 Calabasas Road.

My parents live at 555 Calabasas Road, which is right behind the skydiving site. I visit my parents 1-2 times a month, and more often than that in the summer months.

The path of the skydivers goes directly over my parents' home. They are on their way down, so when they are flying over, they are on their descent, and rather close to my parents' property. During the summer months, there is no privacy outside. One can hear the parachutes flap open, and can hear the the people yelling on the way down. Sometimes they yell at us, when we are in the backyard, "Hellooooo down there!" I know that the business tells people not to yell, but they still do. I can't blame them, it seems only natural to yell if you're skydiving. No matter how hard the business tries, it's the **cumulative effect** that is the most bothersome. Even if we disregard the yelling, imagine hearing the parachutes flapping open all day long? People flying over your property, all day long? Even if we are inside, we can hear the parachutes flapping open, and can see them flying by the windows. It's constant for anyone who lives under the flight path.

Please review a map carefully; not all neighbors are underneath the flight path.

I understand that Mr. Haag received the permit to operate a sod farm. Please know, there has never - **never** - been any evidence of any agricultural activity there. We drive by Mr Haag's property anytime we visit my parents. As a matter of fact, we have such a clear view of the property from my parents' driveway, because Mr. Haag removed my parents' trees that were there.

This business is a nuisance to the neighboring properties in a neighborhood that was once a quiet and tranquil place.

Sincerely,
Lisa Marinovich
831-461-4187

Jerry Busch

From: Priscilla Partridge <kajimom2012@gmail.com>
Sent: Monday, October 17, 2016 6:06 PM
To: Jerry Busch; Wanda Williams; Zach Friend
Subject: Permit 131132
Attachments: Letter to SCCounty 101716_PartridgeKikuchi.pdf; Parachute Log #1_081915 submit 101716.pdf; Parachute Log #2_081616 submit 101716.pdf; Parachute Log #3_submit 101716.pdf

Attached please find our letter and three additional documents regarding our opposition to permit 131132.

--

Priscilla Partridge

Jerry Busch

From: rayleneallen22@gmail.com
Sent: Wednesday, October 19, 2016 9:58 PM
To: Jerry Busch
Cc: Wanda Williams
Subject: Raylene Allen Letter Opposing Skydiving Business

I'm Raylene Allen, Bill and Brenda's granddaughter, and I'm 15 years old. This skydiving business has been exceedingly disrupting the lives of my grandparents for 3 years now. I think it is unbelievable that the question of whether this company should be allowed to fly over my grandparents property, or any private property for that matter, is even up for discussion. I may only be a teenager in high-school, but I do know when you buy property with your money and live on it, it is private property. Therefore it is not open to the public, yet for multiple years now my grandparents property has been anything but private. This skydiving business is intruding on their property and even their daily lives. People must take into account the fact that the divers sail over multiple times every single day. Strangers sail over the backyard so close, I am able to see detail in their face and hear their conversations with their diving partner. My grandparents also have a pool in their backyard where I used to lay in a bikini because I felt I had privacy and peace. However, I cannot even be comfortable in my family's yard now. The skydivers constantly yell, scream, and swear as they pass over. This unruly business needs to find a different place to land their divers. It's incredible of how much discomfort and disruption I feel when I am visiting, but it is inconceivable how exasperating it would be to live with this happening every day of my life.

Thank you ,
Raylene Allen

Jerry Busch

From: Jean Marinovich <jean.marinovich.esq@gmail.com>
Sent: Thursday, October 20, 2016 9:42 AM
To: Jerry Busch
Subject: Re: FW: 131132 Staff Report
Attachments: Skydiving_Letter_Butier.docx

Here is another letter in opposition to continued skydive landings at 515 Calabasas Road.

On Mon, Oct 17, 2016 at 10:04 AM, Jerry Busch <Jerry.Busch@santacruzcounty.us> wrote:

Greetings to inquiring parties,

Attached is the status report on permit 131132 for the Zoning Administrator. The item is first on the ZA agenda, at 9:00 a.m. on 10/21/16.

Comment letters received by staff subsequent to Thursday, Oct. 13 were too late for inclusion in the packet, but will be noted in the verbal presentation .

Thank you,

Jerry Busch

Planner III, Development Review

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-3234
jerry.busch@co.santa-cruz.ca.us

Jerry Busch

From: Ruby McChesney <mcrubysu@gmail.com>
Sent: Sunday, October 16, 2016 12:15 PM
To: Jerry Busch; Wanda Williams

Dear Mr. Busch and Ms. Williams,

I am writing to you about the Haag/Skydiving hearing on Friday, October 21 at 9:00 AM. I visit my grandparents Bill and Brenda Marinovich whenever we travel to California. While I am there, it makes me uncomfortable because when they skydive down, it looks like they are staring right at me and I am in my bathing suit. I have heard them yell and shout bad words down at us.

I hope that what I told you in this letter makes you decide not to renew the skydiving permit. Thank you for reading this letter.

From,

Ruby McChesney
206-953-5184

Jerry Busch

From: Shawn Underwood <underwds@gmail.com>
Sent: Wednesday, October 19, 2016 7:13 PM
To: Jerry Busch; Wanda Williams
Subject: Sky Diving Nuisance Hearing

Dear Mr. Busch & Ms. Williams,

We're writing to oppose any further inaction or permit extension for the skydiving landing zone at 515 Calabasas Road.

We live at 547 Calabasas Road, and our front porch is less than 100 yards from the landing zone. The activity is a nuisance and a disturbance of our privacy. The parachutists still sometimes fly low directly over our house, contrary to what they said they would do when you issued the temporary permit. Even worse, virtually every day they use the landing area someone is screaming or yelling almost the entire trip down. The yelling is sometimes expletive-laden. One time, while we had guests sitting out eating on our back deck, someone was yelling "f**k yeah!, f**k yeah" the whole way down.

We understand that Mr. Haag is instructing his customers not to yell and be considerate of his neighbors. But they're jumping out of an airplane. Of course they're going to yell and scream.

Please have this activity stopped now and redirected to the airport where it belongs.

Regards,

Shawn & Jennifer Underwood

Jerry Busch

From: Nathan Coelho <nathancoelho@gmail.com>
Sent: Monday, October 17, 2016 6:15 PM
To: Jerry Busch
Subject: Skydive Landings at 515 Calabasas Road

Good afternoon,

My name is Nathan Coelho and I am contacting you today on behalf of my grandparents Bill and Brenda Marinovich.

This is in regards to the status review of permit 131132 and the skydiving business at 515 Calabasas Road.

For the last year or so my grandparents have been struggling with skydivers coming down over there house, obstructing their privacy, and creating a great deal of noise (even yelling directly at them at times). The noise carries a great deal out there since typically the air is quite still and the area is quiet and peaceful. They fly over the backyard and obstruct our privacy while we are trying to enjoy our visits as well.

It is my understanding that this area is zoned residential/ agricultural (and not for commercial use) and that this company is trying to argue that it is in adjunct use to a sod farm. I don't see how skydiving is in any way consistent with agricultural or residential uses. It is also my understanding that there has never been a sod farm on this parcel and that the company is clearly trying to abuse a loophole in the zoning.

I do not get to see my grandparents very often (about once a month), and since they are growing older I consider our visits very important. I find it incredibly disturbing when our visits are marred by strangers flying low over their house, looking down at us, and screaming as they fly by. I find this especially disturbing since I do not know how many more of these visits we will have. It hurts me deeply to hear that my grandparents have to deal with this level of stress instead of enjoying their retirement.

To clarify my claims I would like to list the specific issues that we are having trouble with:

1. The skydivers fly directly over my grandparents house and backyard obstructing their privacy.
2. The skydivers land on weekdays.
3. The skydivers can be heard talking and yelling and the chutes can be heard flapping in what is normally a peaceful and quiet area.
4. The zoning does not provide for this type of commercial activity.

Thank you for your time and for considering my message.

With respect,

Nathan Coelho

(831) 818-3971

Jerry Busch

From: Brenda Marinovich <brendamarinovich@yahoo.com>
Sent: Tuesday, October 18, 2016 5:13 PM
To: Jerry Busch
Subject: Skydiving on Calabasas Road

Dear Mr. Busch:

My name is Brenda Marinovich. My husband and I live at 555 Calabasas Road. We bought our property in 1969 and built our home in 1970. My previous complaints about the skydiving operation are still my viewpoint. It is a very deep invasion of the privacy of our home than anyone seems to be able to understand. I can see them if I'm vacuuming upstairs, reading a book downstairs, sitting on our deck or welcoming family and friends into our home.

I don't believe most people can understand the disruption of private life unless they experience it on a regular basis-----which is what we experience because this is our home and we cannot avoid the effects of the overhead "business". Our home has lost it's privacy, peacefulness, quiet and retreat from busy life. They say they do not fly directly over our home, but they do fly directly over our home and they do fly three times an hour all day long when the weather and time of year permits this-----which is most of the time.

There have been two occasions that I have seen three (3) parachutes drop from the same airplane at the same time directly over our home. There is no way to ignore them. The popping of the chute as it opens makes you aware they are there again.

It is like living in a Public Park instead of a private family home in the country. Many people say there are worse noises-----farm equipment, animal noises, airplanes and helicopters. These actions have never bothered us and do not bother us now. This is part of our country life.

Volker Haag has stated from the beginning that he is running a sod business. He is not running a sod business. There is "grass" growing on his property but his only business is Skydiving. Our properties border each other and anytime I leave or enter my property I drive on my road past his landing area.

I would like the peacefulness of my home back. We were told the permit would expire this year. We would like to see that happen.

Thank you.

Brenda Marinovich

Jerry Busch

From: Kevin Allen <jkevallen@yahoo.com>
Sent: Wednesday, October 19, 2016 10:08 PM
To: Jerry Busch
Cc: Wanda Williams
Subject: Skydiving over 555 Calabasas Rd home

Dear Jerry -

I am writing in regards to the 3+ year ongoing nuisance of skydivers parachuting, yelling and generally invading the privacy of my mother and father in-law at 555 Calabasas Rd in Watsonville. On many occasions I have witnessed drops of 2 to 3 skydivers at once at 20 to 30 minute intervals over Bill and Brenda Marinovich's house throughout the past few years in all seasons. The skydivers coast down directly over their back yard and patio area invading any common sense level of privacy. I don't object to skydiving as an entertainment outlet at all, but to have it occur directly overhead in the privacy of your own backyard, on a continuous basis for years in a row stretches the limits of decency and respect. My father and mother in-law, now in their 80's, have lived at this address since the late 1960's and have lived in peace until 2013 when this activity began - and has continued unrestricted or unenforced since. My father in law served Watsonville as an attorney for many years, often representing those least able to afford legal representation in the community. His service to Watsonville as a third generation family has to garner at least some level of respect from the Planning Department, which thus far has mysteriously turned a deaf ear to the issue. Why they have allowed this to continue raises a few questions, not the least of which is the skydiving co. owner's influence in negating restrictions and regulations around this activity. It seems that at any level you or the Planning dept would be able to at minimum place a moratorium on any further skydiving until this case can be presented at a public hearing. I would encourage you to see that my in-laws at least have this opportunity.

Sincerely,
Kevin Allen

jkevallen@yahoo.com
831-251-4711



Staff Report

Application Number: **131132**
Applicant: **Volker Haag**
Site Address: **515 Calabasas Road**

APN: **04909124**
Owner: **Volker Haag**

Subject

Status review of Permit 131132.

History

Use permit 131132, to recognize a parachute landing area, was approved by the Zoning Administrator on August 2, 2013. The operation was approved as a recreational activity on an Agriculture (A) zoned parcel, occupying about 5,000 square feet of a 9-acre site. Although the skydiving enterprise was approved as ancillary to an existing sod-growing operation, the staff report noted that the A district allows for recreational uses without the special findings required in the Commercial Agriculture (CA) or Agricultural Preserve (AP) zone districts. No Agricultural Resource lands are mapped by the General Plan on the project site.

At a follow-up hearing on April 4, 2014, staff reported the business operator was in compliance with conditions of approval for permit 131132 including implementation of required signage, parking, landing path and an update to neighbors regarding pursuit of permits to land at Watsonville Airport.

A subsequent compliance review, reported to the Zoning Administrator on August 1, 2014, focused on noise. Based on three unannounced visits, staff reported that noise-regulating signage remained compliant, that customers were notified of noise restrictions, and that the operator complied with the revised, approved flight path. Staff observed jumps on 5/19/14, 6/29/14 and 7/19/14 and found that noise was limited to brief flapping of opening parachutes, conversation-level voices and a quick "whoo-hoo" from one group after landing. Staff reported that "noise was brief and would not be expected to be noticeable to anyone unaware of impending landing." Staff also reported that all other aspects of the observed jumps and landing area appeared to comply with the required conditions for approval for Development Permit 131132.

Relocation to airport

Condition IIG of permit 131132 reads as follows:

"G. The property owner/applicant shall notify the Planning Department within 5 days of receiving approval from the Watsonville Airport Manager to land skydivers at the airport. At that time all skydive landings shall be made at the Watsonville Airport. APN

049-091-24 may be used only as an auxiliary landing site during times when the landing area is closed by the Airport Manager, unless a request is submitted by the applicant and approved by the Zoning Administrator to allow for additional landings at this site. The property owner / applicant shall mail notifications to neighbors at least 48 hours in advance of landings occurring."

The operator has obtained approval for the location of a parachute landing area at the airport from the Federal Aviation Administration (FAA). The FAA approval included environmental review under the National Environmental Policy Act (NEPA) addressing issues related to the existing designation of Watsonville Airport as a critical habitat for Santa Cruz tarplant, red-legged frog and Santa Cruz long-toed salamander.

Prior to relocation of the skydiving business to the airport, the airport manager will adopt "Minimum Commercial Standards" for all aeronautical activity at the facility, setting forth the requirements for all commercial operations at the airport. A draft document has been completed and is being circulated to commercial enterprises at the airport. Once comments are received and evaluated, a final regulation will be promulgated by airport management. After the Minimum Commercial Standards are adopted, the final requirement for the applicant's relocation will be to apply for a Commercial Aeronautical Activity Permit, with documentation of compliance with the Minimum Commercial Standards. The operator will also need to enter into a lease agreement incorporating the required standards.

Both the applicant and the airport operator estimate that the relocation to the airport will be accomplished prior to January 1, 2017.

The operator stated that his business normally closes for a winter break around Thanksgiving and reopens around the first of the year. Thus it is possible that only one month of activity remains at the subject site prior to relocation.

Current site conditions and permit status

Staff visited the operator's office and landing site on Tuesday, September 13, 2016. The operator demonstrated that all of the noise-control protocols required by the permit and observed by staff in previous site visits remain in place, as do the required location signs.

The landing site is not currently being used for agricultural purposes, and has not been cultivated recently, according to the applicant. Farm equipment is available onsite for cultivating and irrigating the farmland, but the operator stated that the agricultural well on the site is no longer operational, possibly due to a mechanical problem with the pump.

County Code §13.10.314, relative to uses on CA-zoned land (commercial agricultural land), requires several findings, including that the use enhance or support continued commercial agricultural operations on the parcel and that the use be ancillary, incidental or accessory to the principal agricultural use of the property. However, the subject parcel is not zoned CA, rather it is zoned A (noncommercial agricultural land) and so those findings are not required and no agricultural use of the property is required.

Permit 131132 became effective on 8/2/16. The permit conditions state that "This permit expires

three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date." The use commenced prior to the expiration date, and in three subsequent reviews, staff has found that the conditions of approval were complied with. Therefore the use has not expired.

Cessation of use

Santa Cruz County Code §18.10.132(D) addresses cessation of use as follows:

(D) Cessation of use. If the exercise of a use permitted by a development permit ceases or is abandoned for a continuous period of one year, then without further action by the County, said permit shall become null and void. The property formerly subject to said permit shall be subject to all of the regulations of this chapter and other pertinent County ordinances.

The County of Santa Cruz General Plan provides the following definition of "Continuous History of Commercial or Light Industrial Use:"

The utilization of a building or site for commercial purposes for a period of three or more of the previous five years in legal conformance with the provisions of the County Zoning Ordinance. (See Land Use section on Existing Commercial Uses.)

The skydiving use meets the criteria for a continuous use, in that it has not ceased for a continuous period of a year, and has been exercised for more than three of the previous five years.

Change of circumstances

In approving the skydiving operation, the County made a finding "That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located." The County finding, in part, was as follows: "The use is consistent with the purposes of the A zone district (SCCO 13.10.311) in that the parachute landings will not minimize or impact the primary use of the property, which is an agricultural sod growing operation with one single family dwelling, and the parachute landing area consists of only about 5,000 square feet of the 9-acre parcel. Grass, in conjunction with the sod business, is able to grow within the landing area and is not impacted by landing skydivers."

The skydiving operation was approved on the basis of a finding that it would not interfere with, and was ancillary to, an existing sod growing operation. Because sod cultivation, as the primary agricultural use, no longer exists on the parcel, the finding that provided a basis for approval of the skydiving operation is no longer valid. If the County were to pursue a permit amendment at public hearing before the Zoning Administrator, or a permit revocation hearing by the Planning Commission, this provides a basis for reevaluating permit status and conditions. As provided by SCCC §18.10.134(A), "Amendment to a planning approval may be made on the following grounds: change of circumstances, new information, correction of errors, or public health, safety, and welfare considerations."

However, as noted in the staff report for 131132 and above, the subject site is zoned Agriculture (A) and is not designated as Agricultural Resource land. Neither the zoning ordinance nor the General Plan requires conditional uses in the A zone to maintain commercial agriculture or the economic viability of commercial agricultural operations, or be ancillary to an agricultural use. The conditions of permit 131132 do not require maintenance of the agricultural use.

Use chart interpretation

The Agriculture (A) zone district provides for the following conditional use, approvable by the Zoning Administrator:

"Recreational activities: playfields not involving permanent structures or paving. Within the Coastal Zone allow this use only in the A (noncommercial agriculture) Zone District.

Use for a parachute landing site is not one of the activities typically associated with the definition of a playfield, but that does not preclude such a use. The Santa Cruz County Code does not offer a definition of "playfield," but the Merriam-Webster dictionary defines it as "a playground for outdoor athletics." A "playground," according to the dictionary, is "an outdoor area where children can play that usually includes special equipment (such as swings and slides)," or "a place where people go to do enjoyable things." By these definitions, the landing site qualifies as a playfield.

The "Planner's Dictionary" provided by the American Planning Association offers this definition: "A developed recreation area that may contain a playground as well as fields for competitive sports such as baseball, football, or soccer. Bleachers or grandstands may be provided." Skydiving may not seem, intuitively, to fit this definition. However, skydiving can be a competition sport that is judged on a variety of athletic and aesthetic criteria. Benches are provided on the subject site for observing the activity.

The description of "Recreational activities" offered by the Agricultural use chart does not state that recreational uses are limited to playfields, nor does it indicate any recreational activities beyond playfields. However, the mere insertion of the term "recreational activities" in addition to playfields implies a wider range of activities than would be the case if "playfields" were used alone.

Because of the general terms used in the use chart and the lack of a definition for the allowed activity, there is no clear-cut basis for making a determination that the original decision allowing the skydiving landing field was made in error.

Permit revocation

If the Zoning Administrator determined that the current lack of farming on the subject site possibly warrants pursuit of permit revocation, or that the definition of "recreational activities: playfields" possibly indicates that the original permit was issued in violation of the zoning ordinance, the Zoning Administrator could recommend pursuit of revocation proceedings.

A revocation proceeding begins with a "resolution of intention" to revoke a permit, based on a finding by either the Planning Commission or Board of Supervisors that "the permit has not

been, or is not being complied with or that the permit has been issued or exercised in violation of any statute, law or regulation, or in a manner which creates a nuisance, or is otherwise detrimental to the public health and safety (SCCC §18.10.136(A)).

The code section requires that "Such resolution of intention shall provide notice to the permittee of the noncompliance, violation or nuisance and reasonable opportunity consistent within the public health and safety for permittee to correct same to the satisfaction of the County. Such reasonable opportunity for correction may be provided by scheduling the actual hearing on revocation for a date which will allow time for such correction."

The revocation procedure requires that "If a resolution of intention is adopted, to initiate the revocation of any planning approval, the Planning Commission or Board of Supervisors shall set the matter for a hearing, giving notice of the time, place and level of the hearing as prescribed in SCCC 18.10.223. A copy of the resolution of intention shall be sent to the current owner of record. Upon the conclusion of the hearing, the Planning Commission or the Board of Supervisors may, upon making the appropriate findings, either revoke the permit or amend the permit in lieu of revocation. (SCCC §18.10.136(B))."

Any decision of the Planning Commission to revoke or amend a permit is appealable. An appeal to the Board of Supervisors of an action by Planning Commission must be heard within 60 days or at the first available hearing, whichever comes first.

Based on standard permit processing procedures, November or December would be the soonest that a permit revocation resolution could likely be presented to the Planning Commission. If adopted, the Planning Commission would then be required to allow the applicant time to correct the use or permit deficiency, prior to the revocation hearing. Once the public hearing was held and the Planning Commission acted, the action would be appealable to the Board of Supervisors. The timeline for a permit revocation is thus likely to extend well past the January 1, 2017, date by which the use may reasonably be expected to cease at the site.

Permit amendment

The Zoning Administrator could alternatively recommend that staff initiate an amendment before the Zoning Administrator, based on change of circumstances (cessation of sod production) or correction of errors (does not meet the Agricultural use chart provision for recreational activity).

If the Zoning Administrator recommended amendment of the use permit, based on changed conditions (lack of agriculture) or other actionable cause, staff could prepare a recommendation for hearing that could include, for example, a new condition of approval that the operator maintain agricultural use based on the purposes of the Agriculture zone district, or cease operation at the site by a specified date.

The purposes of the Agriculture (A) zone district are "to encourage and provide for noncommercial agricultural uses, such as family farming and animal raising, and to allow limited commercial agricultural activities, on the small amounts of agricultural land remaining in the County which are not designated as commercially suitable, but which still constitute a productive natural resource; to provide for agricultural uses of a higher intensity in rural areas than those allowed in the RA Residential Agricultural Zone District where such use is compatible with the

surrounding land uses and the environmental constraints of the land; to maintain options for a diversity of farm operations; to implement the agricultural preservation policy of Chapter 16.50 SCCC; and to maintain productive open space and rural character in the County.”

The Agriculture (A) zone district implements Objective 5.14 of the County General Plan, for Noncommercial Agriculture. Objective 5.14 reads as follows;

To encourage and provide for limited agricultural uses, such as small-scale agriculture and community gardens, on the limited amount of agricultural land remaining in the County which is not designated as commercially viable, in order to maintain a diversity of farm operations and to maintain productive open space and rural character.

Based on standard permit processing procedures, December 2, 2016, is the soonest that an amendment to 131132 could be presented to the Zoning Administrator. The Zoning Administrator’s action on an amendment would be potentially appealable to the Planning Commission, and the Planning Commission’s action would be appealable to the Board of Supervisors. The timeline for amendment is likely to extend well past the January 1, 2017, date by which the use is likely to cease of its own accord.

Staff Recommendation

Permit 131132, authorizing recreational use of the subject site, was exercised and has not expired. The permit did not establish any general or specific dates for cessation of parachute landing use of the subject parcel. The farming activity cited in the original findings for the permit is currently fallow, but maintenance of farming is not required by the permit, County Code or General Plan. No general definition of “continuing agricultural use” is provided by the code. The definition of playfield may or may not reasonably include skydiving, but “recreational activity” certainly does include this sport. It is questionable whether revocation of the permit is warranted by re-interpretation of the meaning of recreational activities allowed by the Agricultural Use Chart, particularly absent an explicit definition. Amendment of the permit based on changed circumstances (cessation of sod-farming) could be justified, but is unlikely to have any effect before the applicant terminates the use on his own, according to information from the airport operator and from the business operator.

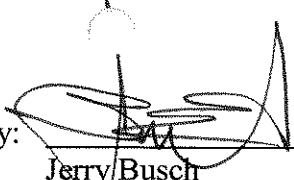
Staff recommends that the Zoning Administrator accept and file this report and direct staff to report back on the status of the existing use after January 1, 2017.

Exhibits

- A. Permit 131132 Staff Report and Findings
- B. Recorded Conditions of Approval
- C. Six-month review, 4/4/2014
- D. Permit compliance review, 8/1/2014
- E. Comment letters received

For questions about this report, please contact Jerry Busch at:
(831) 454-3234 or jerry.busch@santacruzcounty.us

Report Prepared By:



Jerry Busch
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Mail to:

Volker Haag
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Appeals

In accordance with Section 18.10 et seq of the Santa Cruz County Code, the applicant or any aggrieved party may appeal an action or decision taken by the Zoning Administrator. Appeals of Zoning Administrator decisions are made to the Planning Director. All appeals shall be made in writing and shall state the nature of the application, your interest in the matter and the basis on which the decision is to be considered to be in error. Appeals must be made no later than fourteen (14) calendar days following the date of publication of the action from which the appeal is being taken or the date on which the notices are mailed, whichever is later and must be accompanied by the appropriate filing fee.

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SANTA CRUZ,
STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner:
Duly seconded by Commissioner:
The following resolution is adopted:

PLANNING COMMISSION RESOLUTION OF INTENT TO REVOKE PERMIT 131132

WHEREAS, on August 2, 2013, the County of Santa Cruz Zoning Administrator approved discretionary permit 131132 to allow use of a parcel at 515 Calabasas Road for use as a landing site for recreational skydiving; and

WHEREAS, the conditions of approval of Permit 131132 limited skydives to a maximum of two jumps per jump run and a maximum of 10 jumps per day; and

WHEREAS, the conditions of approval of Permit 131132 established the following operations hours:

During May 1st through September 30th, landings only between the hours of 10:00 a.m. and 7:00 p.m., Thursday through Tuesday, and

During October 1st through April 30th, landings only between the hours of 10:00 a.m. and 6 p.m., Thursday through Tuesday; and

WHEREAS, the conditions of approval of Permit 131132 required the skydiving operator to implement measures to minimize the noise and disturbance associated with the activity and to relocate parachute flight paths away from neighboring parcels zoned Residential Agriculture (RA); and

WHEREAS, in the interest of expediting relocation of the landing site to the airport, the conditions of approval of Permit 131132 required the skydiving operator to notify the Planning Department within five days of receiving approval from the Watsonville Airport Manager to land skydivers at the airport, and thenceforth to conduct skydive landings at the Watsonville Airport, using the Calabasas site only for auxiliary purposes when the airport was closed, or if the Zoning Administrator approved a request for additional landings at the Calabasas site; and

WHEREAS, on January 26, 2017, the skydiving operator notified the County Planning Department that use of the airport as a skydiving landing site had been approved by the airport manager on that date, to start on February 15, 2017, and the operator confirmed his intent to commence landing at the airport starting on February 15, 2017; and

EXHIBIT G

WHEREAS, the Planning Commission has held a duly noticed public hearing to receive testimony from the public and has considered such testimony and other evidence submitted.

NOW, THEREFORE BE IT RESOLVED, that the Santa Cruz County Planning Commission makes the following findings:

1. That, despite the signage, training and reminders provided by the operator, neighbors protest that parachute flyovers, excessive levels of noise and disturbance persist; and
2. That the noise, visual intrusion and cumulative disturbance associated with skydiving, including the noise of chutes opening, shouting of noncompliant clients, visual intrusion of parachutes and skydivers, spatial proximity of skydivers and a possible lack of privacy due to overhead activity is such that the permit, irrespective of the conditions of approval, does not "complement and harmonize with" the residential land uses adjoining the Calabasas landing site, as required by Santa Cruz County Code Chapter 18.10; and
3. That the findings made in approving Permit 131132 – that it would complement and harmonize with the adjoining land-uses, that the skydiving use was consistent with that of a "normal" residential parcel in the A (Agriculture) zone district pursuant to the General Plan's Rural Residential Land-Use Designation, and that the use would not impact the primary use of the property in the A (Agriculture) zoning district as an agricultural sod-growing operation in conjunction with a single family dwelling – were not valid, and therefore the permit was approved in violation of County code; and
4. That, a commercial skydiving enterprise does not constitute a playfield use consistent with the uses allowed in the A (Agricultural) zoning district, which allows "Recreational activities: playfields not involving permanent structures or paving," and is therefore inconsistent with the Santa Cruz County Code.

BE IT FURTHER RESOLVED, that the Planning Commission intends to revoke Permit 131132; and

BE IT FURTHER RESOLVED that the Planning Commission will allow 21 days from the date of this hearing for the operator to demonstrate that:

1. The use of 515 Calabasas Road as an auxiliary site will both comply with the conditions of approval of Permit 131132 and reduce the noise, disturbance, visual intrusion, proximity of skydivers and reduced privacy associated with the skydiving activity to a level that is determined by staff and this Commission to "complement and harmonize with" the residential land uses adjoining the Calabasas landing site; and

2. The use of 515 Calabasas Road as an auxiliary site will be consistent with the intensity of use associated with a "normal" residential parcel in the A (Agriculture) zone district pursuant to the General Plan's Rural Residential Land-Use Designation, and
3. The skydiving use has not affected the primary use of the property in the A (Agriculture) zoning district as an agricultural sod-growing operation in conjunction with a single family dwelling; and
4. The commercial skydiving enterprise constitutes a playfield use consistent with the uses allowed in the A (Agricultural) zoning district, which allows "Recreational activities: playfields not involving permanent structures or paving;" and

BE IT FURTHER RESOLVED that the Planning Commission directs staff to report back on the skydiving use at the regular meeting of the Commission scheduled for May 10, 2017.


PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 8th day of March, 2017, by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson

ATTEST: _____
Secretary

APPROVED AS TO FORM:



COUNTY COUNSEL

Cc: County Counsel
Planning Department

EXHIBIT G

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SANTA CRUZ,
STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner:
Duly seconded by Commissioner:
The following resolution is adopted:

PLANNING COMMISSION RESOLUTION OF INTENT TO AMEND PERMIT 131132

WHEREAS, on August 2, 2013, the County of Santa Cruz Zoning Administrator approved discretionary permit 131132 to allow use of a parcel at 515 Calabasas Road for use as a landing site for recreational skydiving; and

WHEREAS, the conditions of approval of Permit 131132 limited skydives to a maximum of two jumps per jump run and a maximum of 10 jumps per day; and

WHEREAS, the conditions of approval of Permit 131132 established the following operations hours:

During May 1st through September 30th, landings only between the hours of 10:00 a.m. and 7:00 p.m., Thursday through Tuesday, and

During October 1st through April 30th, landings only between the hours of 10:00 a.m. and 6 p.m., Thursday through Tuesday; and

WHEREAS, the conditions of approval of Permit 131132 required the skydiving operator to implement measures to minimize the noise and disturbance associated with the activity and to relocate parachute flight paths away from neighboring parcels zoned Residential Agriculture (RA); and

WHEREAS, in the interest of expediting relocation of the landing site to the airport, the conditions of approval of Permit 131132 required the skydiving operator to notify the Planning Department within five days of receiving approval from the Watsonville Airport Manager to land skydivers at the airport, and thenceforth to conduct skydive landings at the Watsonville Airport, using the Calabasas site only for auxiliary purposes when the airport was closed, or if the Zoning Administrator approved a request for additional landings at the Calabasas site; and

WHEREAS, on January 26, 2017, the skydiving operator notified the County Planning Department that use of the airport as a skydiving landing site had been approved by the

EXHIBIT H

airport manager on that date, to start on February 15, 2017, and the operator confirmed his intent to commence landing at the airport starting on February 15, 2017; and

WHEREAS, the Planning Commission has held a duly noticed public hearing to receive testimony from the public and has considered such testimony and other evidence submitted.

NOW, THEREFORE BE IT RESOLVED, that the Santa Cruz County Planning Commission makes the following findings:

1. New information provided to the County Planning Department in the form of recent complaints and protests from neighboring residents indicates that, despite the signage, training and reminders provided by the operator, neighbors protest that parachute flyovers, excessive levels of noise and disturbance persist; and
2. That the noise, visual intrusion and cumulative disturbance associated with skydiving, including the noise of chutes opening, shouting of noncompliant clients, visual intrusion of parachutes and skydivers, spatial proximity of skydivers and a possible lack of privacy due to overhead activity is such that the permit, irrespective of the conditions of approval, does not "complement and harmonize with" the residential land uses adjoining the Calabasas landing site and is not compatible with the land use intensities of the neighborhood, as required by Santa Cruz County Code Chapter 18.10, suggesting that the Zoning Administrator erred in finding that the skydiving activity "will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities and dwelling unit densities of the neighborhood"; and
3. That circumstances have changed at the subject site, in that the site is no longer used for the agricultural production of sod, and that the finding made in approving Permit 131132 – that the use would not impact the primary use of the property in the A (Agriculture) zoning district as an agricultural sod-growing operation in conjunction with a single family dwelling – was therefore not valid; and
4. That, a commercial skydiving enterprise does not constitute a playfield use consistent with the uses allowed in the A (Agricultural) zoning district, which allows "Recreational activities: playfields not involving permanent structures or paving," and is therefore inconsistent with the Santa Cruz County Code.

BE IT FURTHER RESOLVED that the Planning Commission intends to amend Permit 131132 to modify condition II.G to eliminate use of 515 Calabasas Road as an auxiliary site; and

BE IT FURTHER RESOLVED that the Planning Commission will allow 21 days from the date of this hearing for the operator to demonstrate that:

1. The use of 515 Calabasas Road as an auxiliary site will both comply with the conditions of approval of Permit 131132 and reduce the noise, disturbance, visual intrusion, proximity of skydivers and reduced privacy associated with the skydiving activity to a level that is determined by staff and this Commission to "complement and harmonize with" the residential land uses adjoining the Calabasas landing site; and
2. The use of 515 Calabasas Road as an auxiliary site will be consistent with the intensity of use associated with A (Agriculture) zone district pursuant to the General Plan's Rural Residential Land-Use Designation and will be compatible with the land use intensities of the neighborhood; and
3. The skydiving use has not affected the primary use of the property in the A (Agriculture) zoning district as an agricultural sod-growing operation in conjunction with a single family dwelling; and
4. The commercial skydiving enterprise constitutes a playfield use consistent with the uses allowed in the A (Agricultural) zoning district, which allows "Recreational activities: playfields not involving permanent structures or paving;" and

BE IT FURTHER RESOLVED that the Planning Commission directs staff to report back on the skydiving use at the regular meeting of the Commission scheduled for May 10, 2017.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 8th day of March, 2017, by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson

ATTEST: _____
Secretary

APPROVED AS TO FORM:

J. Miller

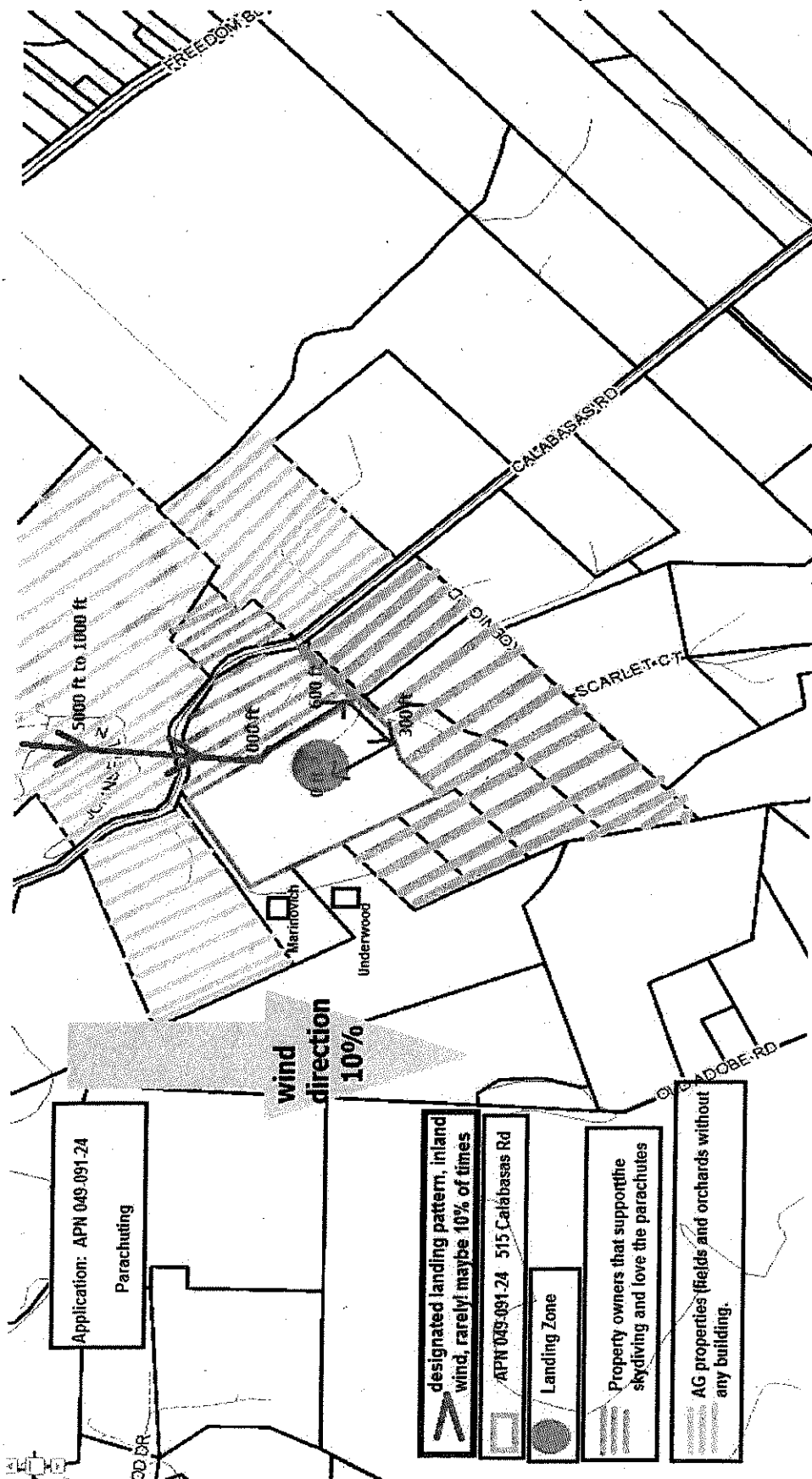
EXHIBIT H

COUNTY COUNSEL

Cc: County Counsel
Planning Department

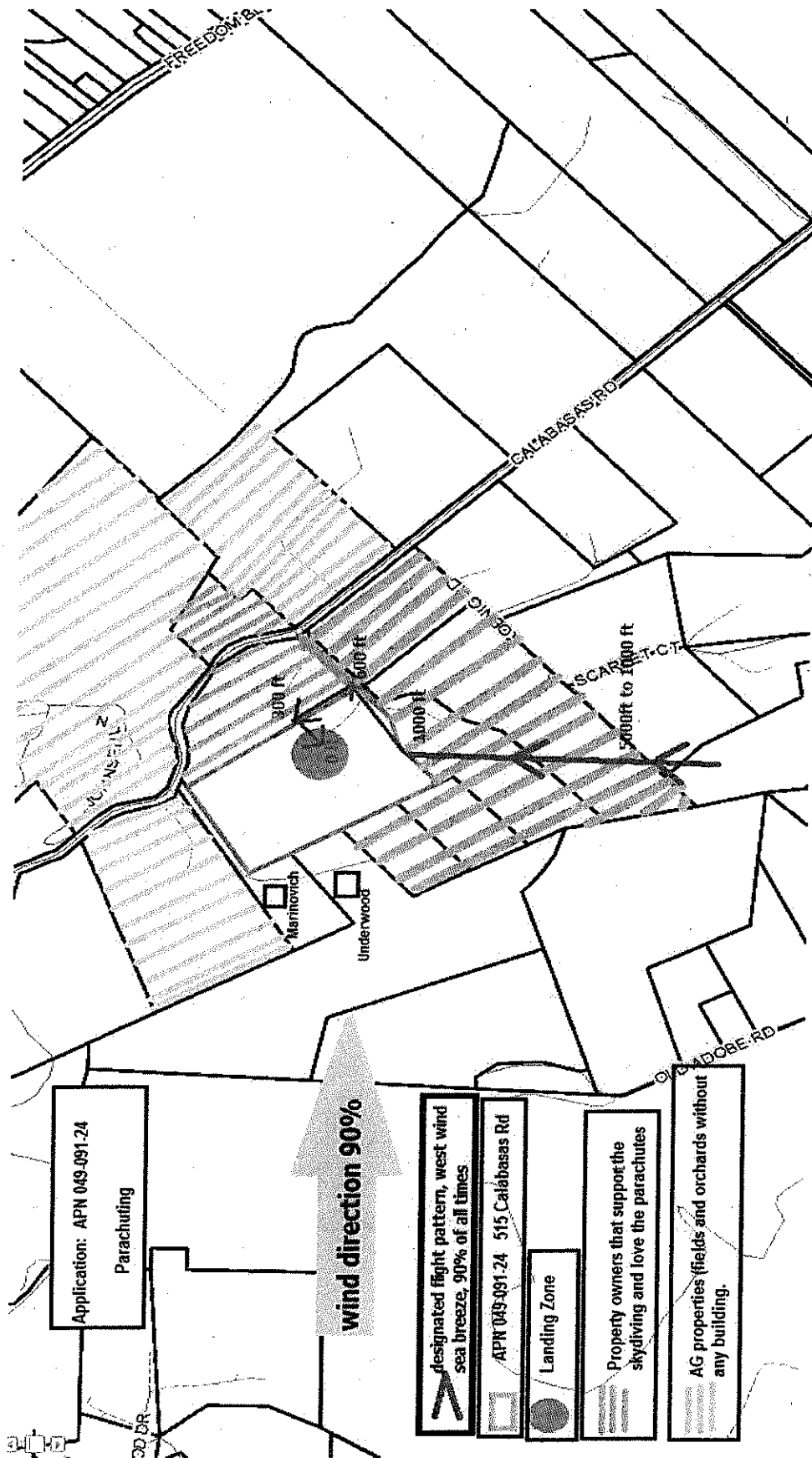
EXHIBIT H

APN 049-091-24 Approach 2 : used 10 % of all times --> Inland wind direction



Note: The altitudes in purple indicate the parachute locations above ground level when in the landing flight pattern. These altitudes are dictated by the flight characteristics of the parachutes --> which are governed by the design specifications of the parachutes --> which are governed by physics ! --> In order to land on the designated landing area altitudes can simply not be any other way!

APN 049-091-24 Approach 1: used 90% of all times ---> West wind direction



Jerry Busch

From: Jean Marinovich <jean.marinovich.esq@gmail.com>
Sent: Tuesday, December 20, 2016 10:49 AM
To: Jerry Busch
Cc: Zach Friend; Mom Family; Priscilla Partridge; Shawn Underwood
Subject: Skydiving Permit #131132

Hello Jerry,

I am writing to address some of the things discussed in our telephone conversation on December 15, 2016.

In that conversation, you indicated that the deadline on your report was "pushed back" to mid-January. Coincidentally, the transfer to the airport has also been pushed back to mid-January, and you stated that you hoped that the transfer would occur before the hearing, making revocation of the permit unnecessary. This concerns me because, in October, the acting zoning administrator directed you to author a report recommending revocation of the permit.

As we discussed on the phone, and as I stated at the hearing, my clients request revocation regardless of whether the landings are moved to the airport. The permit authorizes limited "auxiliary" landings at Calabasas Road even after transfer to the airport. My clients believe Mr. Haag will abuse that caveat, causing them repeated trips to the county and prolonging this controversy. They contend that the permitted use is not lawful. They object to landings as a nuisance, even if they occur only one day a year.

You stated that I "lose credibility" when I "say things like that." This concerns me as well. Your lack of understanding does not diminish the validity of my clients' feelings or position. For several years now, they have endured strangers flying over their property every half hour, sometimes yelling and screaming. Even the sound of the chutes opening and flapping in the wind - even the shadows the chutes make - are disturbing. As the Underwoods noted in their letter to you, they were entertaining guests on their deck when one participant floated overheard yelling, "Fuck yeah! Fuck yeah!" all the way down. These are my clients' properties and their private homes. They have no personal, legal, or moral obligation to tolerate offensive intrusions to accommodate Mr. Haag's business in their residential neighborhood. It is entirely reasonable for them to object to continued landings at the Calabasas property, even one day a year.

My clients could withstand any legitimate credibility contest. In the last four years, they have remained steadfast and consistent. On the other hand, Mr. Haag removed my parents' trees without asking, lied to them about the frequency of landings, lied to the county about running a sod farm on the property, lied – in writing - about a meeting with my father, and lied to the county about the flight path. As I mentioned on the phone to you, Mr. Haag is now in between a rock (Calabasas neighbors) and a hard place (airport pilots). However, his dishonorable behavior and lack of regard for my clients' concerns has earned him no sympathy from them.

The county has done little to earn credibility as well. In 2013, as you pointed out in your report, Samantha Haschert's original report relied upon the wrong ordinances. It incorrectly stated that the county was preempted by federal law from regulating airborne activity as it relates to impact on residents. It relied upon factual errors and expressed unsupported opinions on matters outside her expertise (i.e., noise levels). The permit was granted with the expectation that the business would be moved to the airport by 2014, despite no such assurance by the airport manager.

At review hearings in 2014, Ms. Haschert and Wanda Williams incorrectly represented that the permit could no longer be appealed. Nevertheless, since the transfer to the airport was delayed, Ms. Haschert recommended an expiration date of April 2015. However, Ms. Williams later acknowledged they inadvertently neglected to add the expiration date to the conditions.

When I met with Ms. Williams in 2015, she represented that the permit would expire in August 2016. As a result, she declined to initiate action to revoke the permit, despite evidence I gave her of condition violations.

In August 2016, Ms. Williams acknowledged that the county should have begun revocation proceedings six months before in anticipation of the expiration date. However, they were being initiated in August, and she directed me to contact you. You stated that there was no expiration date, that Mr. Haag was diligently pursuing transfer to the airport, and that my clients should be patient and wait. Since that is unacceptable, we sought a hearing on revocation. Revocation was recommended. Nevertheless, you state that you hope the permit will not be revoked. That obviously does not inspire our confidence.

When I urged you to understand that the landings have been a nuisance to the neighbors for years, you countered that I should limit the nuisance to "us" because other neighbors aren't bothered. You

also seemed to chuckle when I asked whether the evidence I submitted would be provided to the planning commission. You said it was too large for the binding but would be provided electronically.

I am trying to give you the benefit of the doubt, which is why I called you back to offer to show you the different properties to get personal knowledge of the difference in perspectives. I have accepted responsibility for advocating the positions, and for protecting the rights, of three different sets of neighbors in this matter. Since no one at the county accepted my repeated requests to visit my clients' properties to witness the impact from their perspectives, I filed a stack of photos (as well as videos) to try to demonstrate the impact on them. I am still willing to meet you at the properties and show you the flight path and the topography that make my clients bear the brunt of the nuisance and limit the impact on other neighbors who have voiced support. The implication that my clients are hypersensitive is groundless. I hope you understand the need to present sufficient evidence to support their claim.

We are approaching 2017. The misinformation and delay in this case has been egregious. I urge you to honor the pledge to recommend revocation, and to do it expeditiously. If airport closures would occur only one or two days a year, revocation of the permit to land at Calabasas Road during closures would not create a significant hardship on Mr. Haag's business.

Sincerely,

Jean Marinovich

Attorney for Calabasas Neighbors Marinovich, Underwood and Partridge/Kikuchi