

**RICHARD M. MANNING**

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March 21, 2017

By e-mail

T. Brooke Miller  
Assistant County Counsel  
County of Santa Cruz  
701 Ocean Street, Suite 505  
Santa Cruz, CA 95060

Reference: Planning Commission Meeting of March 22, 2017  
Agenda Item No. 8

Dear Brooke:

Attached is a letter I have sent to Melanie Shaffer-Freitas, the Commission Chair. She may be discussing it with you.

Although this law is probably old hat to you, I have attached Section 6.106 from the California Administrative Mandamus CEB regarding sufficient findings and their purpose.

Regarding vested rights, California Land Use Practice CEB, Section 7.34 says:

"A CUP creates a property right which may not be revoked without constitutional rights of due process. *Malibu Mountains Recreation, Inc.*, 67 CA4th at 367, quoting *Kerley Indus. v. Pima County* (9th Cir 1986) 785 F2d 1444, 1446."

Regarding equitable estoppel, Section 7.35 says:

"Local agencies may be equitably estopped from revoking or denying renewal of a CUP when a developer incurs substantial expense in reasonable and good faith reliance on the CUP. See *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 CA4th 1519, 1526; *Upton v. Gray* (1969) 269 CA2d 352, 357. Such timely

and good faith action in reliance on the permit established a vested right, protected by due process. *Malibu Mountains Recreation, Inc. v. County of Los Angeles* (1009) 67 CA4th 359,367. See also *Congregation Etz Chaim v. City of Los Angeles* (9th Cir 2004) 371 F3d 1122."

Thanks for considering this.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Richard Manning", written over a horizontal line.

Richard Manning

RM/dm  
Attachments

officer to make any specific findings regarding his or her expertise or to affirmatively set forth his or her experience or expertise on the record. *Vinson v Snyder* (1999) 75 CA4th 182.

### §6.106 c. Topanga Rule

The Administrative Procedure Act (APA) (Govt C §§11340–11529) has traditionally required written findings as part of a decision. See Govt C §11425.50. In non-APA cases, the requirement of findings was not always clear. In 1974, however, the California Supreme Court recognized an implicit requirement for factual and legal findings based on the language of CCP §1094.5 and procedural due process. *Topanga Ass'n for a Scenic Community v County of Los Angeles* (1974) 11 C3d 506, 515.

The *Topanga* court held that an agency rendering an adjudicatory decision reviewable under CCP §1094.5 must set forth findings that bridge the analytic gap between raw evidence and the decision or order. The court emphasized that these findings serve several functions: they (1) facilitate orderly analysis by the agency; (2) enable a reviewing court to trace and examine the agency's analysis; (3) enable parties to the administrative decision to determine whether and on what basis to seek judicial review; and (4) serve a public relations function by demonstrating that administrative decision making is careful, reasoned, and equitable. 11 C3d at 516.

If an agency's findings fail to meet the *Topanga* standard, the proper procedure, if available, is for the aggrieved party to petition the agency for rehearing or for additional or clearer findings (*McMillan v American Gen. Fin. Corp.* (1976) 60 CA3d 175, 185 n13) or to petition for mandamus review. See, e.g., *Glendale Mem. Hosp. & Health Ctr. v State Dep't of Mental Health* (2001) 91 CA4th 129.

### §6.107 3. Formality of Findings

As discussed in §6.103, Govt C §11425.50(a) requires the decision to be in writing and include "a statement of the factual and legal basis for the decision." The statement of factual basis may be in the language of, or by reference to the pleadings: Govt C §11425.50(b). However, if the statement is merely a paraphrase of the relevant statute or regulation, it "shall be accompanied by a concise and explicit statement of the underlying facts that support the decision." Govt C §11425.50(b).

These new sections correspond to the long-standing rule that an agency's findings "need not be stated with the formality required in judicial

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March 21, 2017

By e-mail: fr8tus@aol.com

Ms. Melanie Shaffer-Freitas, Chairperson  
Planning Commission  
County of Santa Cruz  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060

Reference: Agenda Date: March 22, 2017  
Agenda Item No. 8, Application No. 131132

Dear Ms. Shaffer-Freitas:

I represent Volker Haag, the permit holder on Item No. 8. The following is about procedural matters for the parachute landing item on tomorrow's agenda. It seems to me that you, as the chairperson, might like a little advance notice about suggestions and requests I will be making.

1. I think there will be a lot of neighbors wishing to speak on this item and they are likely to arrive shortly after 9:00 a.m. I am requesting that Item 7 be postponed until after Item 8. Item 7 appears as if it may be mostly a dialogue between staff and the Commissioners. If there are members of the public for that item, perhaps their testimony can be received and other Item 7 matters moved down the calendar to be heard after No. 8.
2. Speaking Time Limitations. As I previously discussed with Brooke Miller, Item 8 is a quasi-judicial matter—possible permit revocation. My client needs and is entitled to enough time to reasonably rebut or comment on information presented at the hearing, especially since the staff report offers so many suggestions and possible paths. You might want to discuss that with Brooke before the meeting. I plan on initially speaking for a minute or two in the expectation that I will be allowed to comment towards the end of the meeting. Also, unless they actually have been on a skydive, I think



all the Commissioners would benefit from a short description by Volker of what actually happens in a dive, especially the physical constraints that control the flight path. I hope you will allow approximately five minutes for that purpose early in the hearing.

3. The staff report requires the Commission to determine what is "new information." That comparison can only take place if all of the "old" information from previous hearings is made part of the record of these proceedings. Again, I have spoken to Brooke Miller. Unless Brooke has a better suggestion, I plan to, before the hearing, deposit those documents with the clerk. (They are about 1400 pages.)

Thanks for considering these remarks.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Richard Manning".

Richard Manning

RM/dm

Jerry Busch

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**From:** T. Brooke Miller  
**Sent:** Tuesday, March 21, 2017 6:04 PM  
**To:** Richard Manning  
**Cc:** Jerry Busch; Steven Guiney; Lonnie Johnson  
**Subject:** Re: Planning Commission Meeting of 3-22-17

Thanks Richard.

To be clear, I do not necessarily concur with your position that the permit confers vested rights in this specific case, but with that said it is within the Chair's discretion and in light of the determinations before the Commission I think it is fair to allow the permit holder a reasonable amount of additional time to respond to comments from the public, and possibly answer questions from the Commission if they have any.

I believe the current chair is Judith Lazenby but in any case I will pass your letter on to the Commission Clerk along with your correspondence to Commissioner Guth.

Brooke

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**From:** Richard Manning <rmm1266@gmail.com>  
**Sent:** Tuesday, March 21, 2017 3:02 PM  
**To:** T. Brooke Miller  
**Subject:** Planning Commission Meeting of 3-22-17

Dear Brooke:

Please see attached letter.

Richard

**RICHARD M. MANNING**

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March 21, 2017

Planning Commission  
County of Santa Cruz  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060

Reference: Agenda Date: March 22, 2017  
Agenda Item No. 8, Application No. 131132

Dear Members of the Planning Commission:

These are essential additions to my letter to you dated March 13, 2017, which is Exhibit N to the March 22 staff report.

A. Perhaps the most essential documents are the staff reports and staff testimony about the previous inspections and noise monitoring. Many of these are not in your agenda packet at all. Others are difficult to locate. I have put all of them in chronological order. In keeping with my previous numbering system, my numbers are in the lower left hand column. The last page of the attachments to my March 13, 2017 is 266, so this letter begins with Page 267. The first page of the attachments to this letter of March 21, 2017 is 269. The attachments to this letter are:

269 to 275 – Excerpt from staff report and transcript for 8-2-13 hearing.

276 to 281 – Excerpts from staff and transcript of 4-4-14 hearing. (same as Exhibit C to your March 22, 2017 staff report).

282 to 283 – Staff report by Robin Bolster-Grant, Code Compliance Administrator, for 8-1-14 hearing. (Same as Exhibit C to the 3-22-17 staff report.)

284 to 285 – Excerpt from transcript of 8-1-14 hearing.

**B.** 286 to 287 - 49 U.S. Code Section 40103, re Sovereignty and use of Airspace. This explicitly states that the federal government has sole jurisdiction to regulate conduct that occurs above 1,000 feet.

**C.** You do not yet have a listing of the attachments to my March 13, 2017 letter (which is Exhibit N to the staff report for March 22, 2017). It will be useful. Here it is.

201 - Spread sheet showing listing of supporting and opposing neighbors.

202 to 234 - Letters from neighbors supporting the parachuting use of the property, in addition to those attached as part of Exhibit E to the staff report for the March 22, 2017 hearing.

235 - Map showing supporting parcels and opposing parcels.

236 - Diagram of the physics of a parachute landing.

237 - Map showing landing path in relation to relevant properties.

238 - Declaration in which Volker Haag describing his reliance on the 8-2-13 use permit.

239 to 244 - Marinovich's Second Amended Petition in *Marinovich v. Santa Cruz County Planning Department*, Superior Court Case No. CISCV 179352.

245 - Marinovich's dismissal of their lawsuit.

246 to 254 - Excerpts from Marinovich's memorandum in their lawsuit in which they list previous complaints.

255 to 266 - Table of contents to the Administrative Record in *Marinovich v. Santa Cruz County Planning Department* lawsuit.

Thank you for reviewing these items.

Respectfully yours,

Richard Manning

RM/dm  
Attachments

Excerpt from 8-2-13 Staff Report  
by Samantha Haschert



## 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:** 2<sup>nd</sup> 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)
- B. Findings
- C. Conditions
- D. Program Statements and Maps
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Property Deed to Watsonville Sod, LLC
- G. Noise Sources and Their Effects,

- H. retrieved from Department of Chemistry, Purdue University (reference on exhibit)
- I. 49 USC § 40103 – Sovereignty and use of airspace
- J. Correspondence from applicant and Attorney Richard Manning
- K. Public comments & correspondence with map summary prepared by staff

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

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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 28<sup>th</sup>, 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<sub>dn</sub>(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.



## Noise Sources and Their Effects

Noise Source	Decibel Level	comment
Jet take-off (at 25 meters)	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet take-off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure
Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB).	90	4 times as loud as 70 dB. Likely damage 8 hr exp
Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 h exposure.
Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison. Upper 70s are annoyingly loud to some people.
Conversation in restaurant, office, background music, Air conditioning unit at 100 ft	60	Half as loud as 70 dB. Fairly quiet
Quiet suburb, conversation at home. Large electrical transformers at 100 ft	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area	30	One-sixteenth as loud as 70 dB. Very Quiet
Whisper, rustling leaves	20	
Breathing	10	Barely audible

(modified from <http://www.wenet.net/~hpb/dblevels.html>) on 2/2000. SOURCES: Temple University Department of Civil/Environmental Engineering ([www.temple.edu/departments/CETP/enviro10.html](http://www.temple.edu/departments/CETP/enviro10.html)), and Federal Agency Review of Selected Airport Noise Analysis Issues, Federal Interagency Committee on Noise (August 1992). Source of the information is attributed to *Outdoor Noise and the Metropolitan Environment*, M.C. Branch et al., Department of City Planning, City of Los Angeles, 1970.

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EXHIBIT  
to 8-2-13 Staff Rpt  
EXHIBIT 0

*Audio*

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California State Bar No. 157848

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CRUZ

**BILL AND BRENDA MARINOVICH,**

Petitioners,

v.

**SANTA CRUZ CO. PLANNING DEPT,**

Respondent,

**VOLKER HAAG/SKYDIVE SURF  
CITY/ "WATSONVILLE SOD,"**

Real Party in Interest.

No.: CISCV179352

RECORD IN SUPPORT OF  
SECOND AMENDED  
PETITION FOR WRIT OF  
MANDATE

Volume 1 of 1  
Page 1 to 98

**REPORTER'S TRANSCRIPT**

(Planning Department Hearings)



AUGUST 2, 2013  
HEARING

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area on an agriculturally zoned parcel, and it requires a Level 5 Use Permit pursuant to the county code. The Property is located- as noted as located at 515 Calabasas Road, about 1.5 miles from Buena Vista Road. The owner is Volker Haag-Heg- I'm sorry, probably messing up that name as well. The applicant is Volker Haag and it is in Supervisorial District 2. The Project Planner is Samantha Haschert, and we will ask for a staff presentation on this one.

Samantha: Good morning.

Wanda: Good morning.

Samantha: This parcel is designated as rural residential in the County General Plan with an implementing zone district of Agriculture. The proposed uses and conformance with all the applicable regulations in the county zoning ordinance and the applicable policies in the county general plan and all of the development permit findings can be made as provided in the staff report. I have received several comments from the neighbors and the public both in support of and in opposition to the proposed use, therefore I'd like to quickly address three of the recurring concerns pertaining to privacy, noise, and land-use compatibility. A more detailed analysis is provided in the staff report.

It's been noted by some neighbors that their privacy is being compromised by skydivers overhead. I found no evidence to support the claim that the skydivers either the instructor or the client have attempted to film, photograph or view the actions of prop- property owners. It is expected the clients are focused on the skydiving experience and that the instructors are focused on safety. Cameras that are used in flight are for the purpose of capturing the client's facial expressions to capture their experience at a thousand feet in elevation. The instructor is required to focus on landing operations and is not concerned with filming at this elevation.

Neighbors have also questioned the rationale used to determine that the use is compatible with the zone district. Although there is a comer- commercial component of this use that use is located at the Watsonville Airport and likely, includes common impacts associated with the commercial business such as parking and traffic and lighting and signage and accessibility. The landing of skydivers specifically is considered to be a recreational use similar to that of a playfield that is ancillary to the primary use of the property which is intended to be used for the cultivation of sod. The skydiving landing area has no impacts on the agricultural use of the property.

It has also been noted by neighbors that the noise resulting from parachutes opening and yelling and cheering from skydivers has a negative impacts on the residences. As evidenced during the site visit, the parachute openings and

inflight conversation were audible but were extremely unlikely to exceed the noise limit of 60 decibels as a day-night average sound level for residential area.

For the purpose of comparison, a conversation between people on an adjacent property far exceeded the sounds produced by the skydivers. It is noted that screaming and cheering were not observed during the site visit and that no technical studies were required to be submitted.

Finally, I just like to point out conditions of Approval II G and H, the property owner is in the process of obtaining permission to land skydivers at the Watsonville Airport. This process is lengthy given the number of agencies and departments that must provide prelim- preliminary clearance. This includes the US Fish and Wildlife Service because the airport is designated as a critical habitat area for Tar plant. The Watsonville Airport manager indicates that it would be approximately one year before the property owner will be able to land at the airport.

Condition of approval IIG requires that the property owner transfer uh the landing area to the airport as soon as possible and that the property owner provide updates on the status of that process to all, uh, parcels located within 300 feet of the property boundaries every two months for one year.

I would like to make a couple of corrections to the staff report. Uh, the first is that I'd like to include all of the public comments received between July 23rd and August 2nd as Exhibit K, Um, let's see, the second is on page four in the second paragraph. Um, I'd like to change the sentence that reads the owner indicates that between four and six skydives take place in the typical day. I'd like to change that word to "jump runs", um, because typically two skydives occur in one jump run. So the sentence would read, "The owner indicates that between four and six jump runs take place in a typical day and that 15 is the maximum number of jump runs that has ever occurred on one day.

And the last correction is on page five of the staff report. This first sentence of the second paragraph, um, that's just a correction I would like to revise that to read the proposed use of the "parcel", uh, rather than parcels, as a skydiving landing site.

Uh, so the recommendation is to certify that the proposal is, is exempt from further environmental review under the California Environmental Quality Act, and to approve application number 131132 based on the attached findings and conditions, and that concludes the staff report.

Wanda: Okay.



4-4-14 Staff Rpt (Ex C to 3-22-14) DATE Rpt

# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET - 4<sup>TH</sup> 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**

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EXHIBIT C

EXHIBIT O

to 3-2-14  
State D-11

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

**EXHIBIT C**





part of 4-4-14 Staff Rpt

## COUNTY OF SANTA CRUZ

### PLANNING DEPARTMENT

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(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 19<sup>th</sup>, June 3<sup>rd</sup>, June 29<sup>th</sup>, and July 19<sup>th</sup>. On May 19<sup>th</sup>, June 29<sup>th</sup>, and July 19<sup>th</sup>, the landings occurred per the schedule provided by the project applicant. The June 3<sup>rd</sup> 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 19<sup>th</sup>), 3:30 pm (June 29<sup>th</sup>) and 4:20 pm (July 19<sup>th</sup>).

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EXHIBIT D  
to 3-22-17 Staff Rpt  
EXHIBIT O

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.

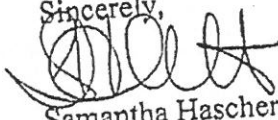
The Planning Department has not received any complaints regarding the continuation of the operation at 515 Calabasas Road since the August 2013 public hearing and the applicant has provided evidence of compliance with all operation conditions of approval of permit #131132. \*

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

APRIL 4, 2014  
HEARING

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4-4-14

Wanda:

Okay, so August 1st. We'll sche-, schedule this for August 1st.

Now, my plan on August 1st is to make a final determin- to, to conclude this. Um, and, once again, all that we are looking at is whether or not the applicant is in compliance with the conditions. And one of the conditions indicated that they are to encourage their parachute, um, participants to not make noise as they land and that the, um, I was gonna say, the viewers or their friends and family that are waiting on the ground are also not making noises.

{ So we will have our code enforcement staff during the next 90 days, unannounced, go out and observe what's happening with those that are sitting, waiting for, uh, the parachuters to land and also to observe what's happening when they actually land, if they are yelling from the sky and so we'll determine what's happening with the noise environment. X

We will also, during this 90 days, determine whether or not Tuesdays are completely off of the books or whether or not jumps are occurring on Tuesdays. We will try and, uh, schedule a time to sit down, take a look at your books, determine how many, um, takeoffs or, I'm sorry, how many landings there have been at this site.

And we will attempt to meet with airport staff and Watsonville City staff to determine when exactly the airport landings plan is approved and when the FAA will start to consider your plan, so we can sort of get a timetable worked out so that all, all of these issues are shifted completely off of this site and, uh, occur at the airport only.

Um, I think that that does it for this. So August the 1st, we will take this matter up again. We will, uh, not be advertising this item again because we have indicated it is August the 1st. If we determine during this 90 or so days that there are other issues, that there are, that there are bigger noise or bigger, uh, take, uh, issues, if we find perhaps that you're exceeding the 10 takeoffs per day, as an example, then, when we meet on August the 1st, we, I will indicate at that point that we will need to schedule a separate hearing to consider whether or not we revoke the permit or take further drastic steps.

But, for right now, on August the 1st, we're only going to be looking at whether or not you're in compliance with these conditions.

Yes?



Hearing-8-1-14 Staff Rpt

## COUNTY OF SANTA CRUZ

### PLANNING DEPARTMENT

701 OCEAN STREET - 4<sup>TH</sup> 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 19<sup>th</sup>, June 3<sup>rd</sup>, June 29<sup>th</sup>, and July 19<sup>th</sup>. On May 19<sup>th</sup>, June 29<sup>th</sup>, and July 19<sup>th</sup>, the landings occurred per the schedule provided by the project applicant. The June 3<sup>rd</sup> 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 19<sup>th</sup>), 3:30 pm (June 29<sup>th</sup>) and 4:20 pm (July 19<sup>th</sup>).

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EXHIBIT D  
to 3-22-17 Staff Rpt  
EXHIBIT O

8-1-14 Staff Report

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 3<sup>rd</sup>.

May 19<sup>th</sup> - 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 29<sup>th</sup> - 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 19<sup>th</sup> - 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 3<sup>rd</sup> 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

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AUGUST 1, 2014  
HEARING

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conclusion, she says all other aspects of the observed jumps and landing area appeared to comply with the required conditions of approval and that, uh, concluded her report.

Wanda Williams:

Okay, I'm letting you know for the record that Ms. Bolster-Grant, who is not present this morning, did, um, share with me a video recording also, of her, um, observations and regarding noise and, um, there were, you know, some parachutists that would do a woo hoo but, um, very briefly. Um, it was not a prolonged noise event, um, and it, it was not excessive. It didn't sound like really excessive noise, um, um. She also shared with me, the, uh, the manifest records, uh, to show that there were no operations taking place on Tuesdays and Wednesdays. And, I actually went out to the site on Tuesdays. On Tuesday and Wednesday of this week and did not observe during that time, I was not out there all day. I was out there, um, probably for half an hour on Tuesday and I think on Wednesday I was out there for a couple of hours, um, and didn't observe any activities.

So, um, so, um, I'm convinced at this point, um, that the permit holder, um, has taken affirmative steps, um, in excess of what was required, um, under the conditions of approval, to limit the noise events or noise exposure of the skydiving operation. Um, the, I will note that the um, I guess this is an agreement, uh, signed between the, um, skydiver and the, um, firm, the, the skydiving firm also indicates that you are not to make noise or not to yell, um, when you're landing or in the air. So, um, as indicated I think that they had taken, uh, the steps that were required and gone beyond regarding noise

I didn't, uh, you know, observing the um, video, uh, recording made by um, Robin Bolster-Grant (throat clear) I did not, um, determine, I did not hear noise that was excessive um, excessively loud that would be um, disruptive. That would be an ongoing disruption, uh, to surrounding residents. It would be similar to hearing my dogs barking, um, for a brief period of time. Um, the signage out at the site that - there were I observed two large signs, um, in the seat they, the, um, visitor's seating area, um, the video recording that I observed, uh, from Robin Bolster-Grant indicated that the flight, um, the landing path that was agreed upon, uh, with The County was being observed. Um, so I am convinced and in looking at the other- the other conditions of approval, I'm convinced that the applicant, uh, that the permit holder is in compliance and therefore I am going to make a determination today.

# 49 U.S. Code § 40103 - Sovereignty and use of airspace

Current through Pub. L. 114-38. (See Public Laws for the current Congress.)

US Code      Notes      Authorities (CFR)

prev | next

## **(a) SOVEREIGNTY AND PUBLIC RIGHT OF TRANSIT.—**

(1) The United States Government has exclusive sovereignty of airspace of the United States.

(2) A citizen of the United States has a public right of transit through the navigable airspace. To further that right, the Secretary of Transportation shall consult with the Architectural and Transportation Barriers Compliance Board established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) before prescribing a regulation or issuing an order or procedure that will have a significant impact on the accessibility of commercial airports or commercial air transportation for handicapped individuals.

## **(b) USE OF AIRSPACE.—**

(1) The Administrator of the Federal Aviation Administration shall develop plans and policy for the use of the navigable airspace and assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. The Administrator may modify or revoke an assignment when required in the public interest.

(2) The Administrator shall prescribe air traffic regulations on the flight of aircraft (including regulations on safe altitudes) for—

(A) navigating, protecting, and identifying aircraft;

(B) protecting individuals and property on the ground;

(C) using the navigable airspace efficiently; and

(D) preventing collision between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects.

(3) To establish security provisions that will encourage and allow maximum use of the navigable airspace by civil aircraft consistent with national security, the Administrator, in consultation with the Secretary of Defense, shall—

(A) establish areas in the airspace the Administrator decides are necessary in the interest of national defense; and

(B) by regulation or order, restrict or prohibit flight of civil aircraft that the Administrator cannot identify, locate, and control with available facilities in those areas.

(4) Notwithstanding the military exception in section 553(a)(1) of title 5, subchapter II of chapter 5 of title 5 applies to a regulation prescribed under this subsection.

## **(c) FOREIGN AIRCRAFT.—**

A foreign aircraft, not part of the armed forces of a foreign country, may be navigated in the United States as provided in section 41703 of this title.

## **(d) AIRCRAFT OF ARMED FORCES OF FOREIGN COUNTRIES.—**

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EXHIBIT O

Aircraft of the armed forces of a foreign country may be navigated in the United States only when authorized by the Secretary of State.

**(e)No EXCLUSIVE RIGHTS AT CERTAIN FACILITIES.**—A person does not have an exclusive right to use an air navigation facility on which Government money has been expended. However, providing services at an airport by only one fixed-based operator is not an exclusive right if—

(1)it is unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide the services; and

(2)allowing more than one fixed-based operator to provide the services requires a reduction in space leased under an agreement existing on September 3, 1982, between the operator and the airport.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1101.)



**RICHARD M. MANNING**

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E-mail: rmm1266@gmail.com

March 21, 2017

By e-mail: fr8tus@aol.com

Ms. Melanie Shaffer-Freitas, Chairperson  
Planning Commission  
County of Santa Cruz  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060

Reference: Agenda Date: March 22, 2017  
Agenda Item No. 8, Application No. 131132

Dear Ms. Shaffer-Freitas:

I represent Volker Haag, the permit holder on Item No. 8. The following is about procedural matters for the parachute landing item on tomorrow's agenda. It seems to me you might like a little advance notice about suggestions and requests I will be making.

1. I think there will be a lot of neighbors wishing to speak on this item and they are likely to arrive shortly after 9:00 a.m. I am requesting that Item 7 be postponed until after Item 8. Item 7 appears as if it may be mostly a dialogue between staff and the Commissioners. If there are members of the public for that item, perhaps their testimony can be received and other Item 7 matters moved down the calendar to be heard after No. 8.
2. Speaking Time Limitations. As I previously discussed with Brooke Miller, Item 8 is a quasi-judicial matter—possible permit revocation. My client needs and is entitled to enough time to reasonably rebut or comment on information presented at the hearing, especially since the staff report offers so many suggestions and possible paths. You might want to discuss that with Brooke before the meeting. I plan on initially speaking for a minute or two in the expectation that I will be allowed to comment towards the end of the meeting. Also, unless they actually have been on a skydive, I think



all the Commissioners would benefit from a short description by Volker of what actually happens in a dive, especially the physical constraints that control the flight path. I hope you will allow approximately five minutes for that purpose early in the hearing.

3. The staff report requires the Commission to determine what is "new information." That comparison can only take place if all of the "old" information from previous hearings is made part of the record of these proceedings. Again, I have spoken to Brooke Miller. Unless Brooke has a better suggestion, I plan to, before the hearing, deposit those documents with the clerk. (They are about 1400 pages.)

Thanks for considering these remarks.

Respectfully yours,

Richard Manning

RM/dm

Jerry Busch

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**From:** llbkam@aol.com  
**Sent:** Tuesday, March 14, 2017 4:07 PM  
**To:** Jerry Busch  
**Subject:** Parachute Landing Permit

Dear Members of Planning Commission,

We feel very strongly about keeping the skydiving operation in the neighborhood. As previously stated, 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. They often overfly our property before they enter their landing path.

We cannot believe that you are still harassing the operator who has a valid permit (issued by the county) to land on his Calabasas Rd property. It is surprising that you are considering revoking this permit now, even though the majority of the landings seem to take place at the Watsonville Airport. We fully support the skydiving operation in our neighborhood and hope you do not see any reason to look into revoking said permit.

Sincerely,  
Lacie Bowers

Jerry Busch

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**From:** Carpe Diem ! <cld363@hotmail.com>  
**Sent:** Monday, March 20, 2017 1:55 PM  
**To:** Jerry Busch  
**Subject:** SurfCity

Dear Planning Commission, 20 March, 2017

I am a customer that has jumped with multiple instructors at SkyDive SurfCity, multiple times. I have also been at multiple county hearings in support of the parachute landings.

I declare, under penalty of perjury, that SkyDive SurfCity has [for *all* my jumps(18)] instructed me during the training, on the ground, in the airplane, under the parachute and even after landing, to keep the noise down. I have personally witnessed how they enforce their noise abatement policies with all other customers too. They also have signs in the hanger, plane, and various other locations in clear view for all to see. I have also jumped at other locations, and only SurfCity has the 'low/no noise enforcement'.

The isolated, continually complaining neighbors make it sound like skydiving is this extreme activity that makes everybody scream. My experience is quite the opposite. For me it is a calming, peaceful, almost spiritual experience. I never felt the need to holler, nor have I ever heard any noise from other jumpers.

Mr. Haag has a valid permit that was issued by the county. This permit should only be changed if you can-with 100% certainty-*prove* that the skydiving operator is, on a continuous basis, in violation of conditions attached to the permit. In my opinion, this matter is now bordering on harassment for no valid reason.

Feel free to contact me if needed. I will continue to support SkyDive SurfCity.

Sincerely,  
Cindy Dalman  
Santa Cruz  
(831)588-1844

Jerry Busch

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**From:** John Hibble <john@aptoschamber.com>  
**Sent:** Wednesday, March 15, 2017 3:44 PM  
**To:** Jerry Busch  
**Cc:** Zach Friend  
**Subject:** FW: Parachute Landing

Santa Cruz County Planning Commission  
701 Ocean Street  
Santa Cruz, CA 95003

RE: Parachute Landing

Dear Members of the Planning Commission

Since this permit review is about noise abatement, I would like to clarify a comment that I made in my previous email about participant's yells of joy. The yells I referred to were thousands of feet in the air and were no louder than the sounds made by small birds in my backyard. The neighbor's dogs have a much larger impact on my peace and quiet. I have also had the pleasure of witnessing many skydiver landings. The conversations from the participants upon landing were excited but seldom above a normal speaking level. I also understand that Skydive Surfcity has a "no yelling" policy and has introduced sophisticated noise abatement procedures. Please help find a way to assist Skydive Surfcity to continue their operations and help them to be successful.

John Hibble  
Co-Executive Director  
Aptos Chamber of Commerce and Tourist Information Center

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**From:** John Hibble [mailto:john@aptoschamber.com]  
**Sent:** Wednesday, March 15, 2017 12:42 PM  
**To:** 'Jerry.Busch@santacruzcounty.us'  
**Cc:** 'zach.friend@co.santa-cruz.ca.us'  
**Subject:** Parachute Landing

Santa Cruz County Planning Commission  
701 Ocean Street  
Santa Cruz, CA 95003

RE: Parachute Landing

Dear Members of the Planning Commission

We understand that the Parachute Landing permit for Skydive Surfcity is under review. We hope that you will not restrict their permit any more than has already been done. For several years we enjoyed watching visitors and locals enjoying skydiving above the beach in Seascape. It was clearly a magical experience for those involved and for those of us who watched from our backyards. We think it was unfortunate that Skydive Surfcity was not allowed to continue in that location. The visibility of the landings was a natural marketing asset for the success of this business and a big plus for the people who paid for the experience. We understand that that landing site was restricted because of the

complaints of a few neighbors. The only noise was the yells of pure joy coming from the participants. That noise pales in comparison to the noise of stunt airplanes and helicopters over the beach, which we fully support.

Now that skydive landings are no longer visible we are fairly sure that Skydive Surfcity's business has been impacted. Please do not add any additional burdens on this business. Tourism is Santa Cruz County's economy. Skydiving and parasailing are routinely available at tourist destinations worldwide. Please do not let a few complaints damage the ability of this business to thrive or even survive. There is always someone to complain about anything. Everyone has that right but do we want our country to be governed for the benefit of the complainers or would we choose to support clean businesses that enhance our economy? Skydive Surfcity has supported our local non-prophets with gift certificates for fundraisers and is a good community member. Please consider how changes to this permit would affect you if you were the owner of Skydive Surfcity. Thank you for your consideration.

John Hibble  
Co-Executive Director  
Aptos Chamber of Commerce and Tourist Information Center

Jerry Busch

---

**From:** John Hibble <john@aptoschamber.com>  
**Sent:** Wednesday, March 15, 2017 12:42 PM  
**To:** Jerry Busch  
**Cc:** Zach Friend  
**Subject:** Parachute Landing

Santa Cruz County Planning Commission  
701 Ocean Street  
Santa Cruz, CA 95003

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John Hibble  
Co-Executive Director  
Aptos Chamber of Commerce and Tourist Information Center

Jerry Busch

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**From:** maggie ivy <mivy@santacruz.org>  
**Sent:** Thursday, March 16, 2017 8:57 AM  
**To:** Jerry Busch  
**Cc:** Zach Friend  
**Subject:** Outdoor Adventure and Tourism

Dear Members of the Planning Commission:

I believe there may be an issue coming before the Commission next week regarding a permit held by Skydive Surfcity.

Skydive Surfcity has been a partner with Visit Santa Cruz County through the years and helps to promote our area as a destination that includes amazing opportunities for visitors to participate in outdoor recreation and adventure. We know from our own research that the scenic beauty of the area and accessibility for visitors to a variety of activities, is one of our primary competitive advantages when it comes to bringing visitors to Santa Cruz County. We also value and strive to work with tourism businesses in South County that help to bring the benefit of visitor spending to that area of the county.

The majority of our tourism businesses are small and locally owned. Skydive Surfcity is a terrific example of local entrepreneurs striving to provide a unique experience. And as they have been doing this successfully for some years they contribute toward the economic benefits that tourism, an \$800 million industry, brings to our community.

Thank you for your consideration.

*Maggie Ivy*  
*CEO/ Executive Vice President*



[www.visitsantacruzcounty.org](http://www.visitsantacruzcounty.org)

303 Water Street  
Santa Cruz, CA 95060  
ph 831.425.1234 ext.106 fax 831.425.1260

Jerry Busch

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**From:** Lenny and Geri Wolff <wolffden@cruzio.com>  
**Sent:** Monday, March 20, 2017 11:18 PM  
**To:** Jerry Busch  
**Subject:** Skydiving Landing at 515 Calabasas Rd.

Dear Planning Commission,

We live at 514 Calabasas Rd., directly across the street from 515 Calabasas Rd. We are in support of allowing the continuing use of the site at 515 Calabasas Rd. as an auxiliary skydiving landing area. Over the years we've enjoyed watching the beautiful parachutes floating overhead on a nearly daily basis. During this time we've had no complaints about noise and never heard any profanities. Since the change from the primary landing area to an auxiliary use site would bring a reduction in the number of landings, we find it puzzling that anyone would have a complaint now.

We hope you will consider our support when making a decision regarding the landing site.

Sincerely,  
Lenny & Geri Wolff



To:  
County of Santa Cruz  
Planning Commission

March 17, 2017

Subject: Planning Commission Parachute Permit Review

To Whom It May Concern,

We live on the 513 Calabasas Road property, right next door to the FAA approved parachute drop area. Compared to any other neighbor, we share the longest property line with the field where the parachutes are landing. Please see my below comments on issues that might be important to the commission.

**Landing Pattern:**

I work outside most of the day. I see the parachutes flying down the "511 Calabasas Rd driveway" immediately before they turn towards our property. On days with light winds, the parachutes fly then over our property at maybe 400-500ft and do their final turn over our property. On days with higher winds they fly along side our fence line before they do their last turn. We have no objections to them overflying our property at low altitude.

**Noise:**

There are no noise complaints from us. Even if there is a rare holler in the sky. It is not louder than normal speaking level when it reaches the ground. Same for the parachute opening or aircraft noise. We can hear the aircraft sometimes but it is so high up that it is less noisy than any of the many low flying aircraft or helicopters.

**Swearing:**

We have never noticed any excessive swearing from the 515 Calabasas Rd neighbors or their visitors

**Privacy:**

We have no issues. We even have a pool less than 200ft away from the landing site

**Night time jumps:**

We have never witnessed any jumps after 7pm.

I have written another support letter in October 2016. My mother in law, Jean Favre has written multiple letters of support in the past. We are opposed to changing their permit in any way. There is simply no need for any changes.

Please take our support letters into consideration

Respectfully Submitted,

Matt Fearnough



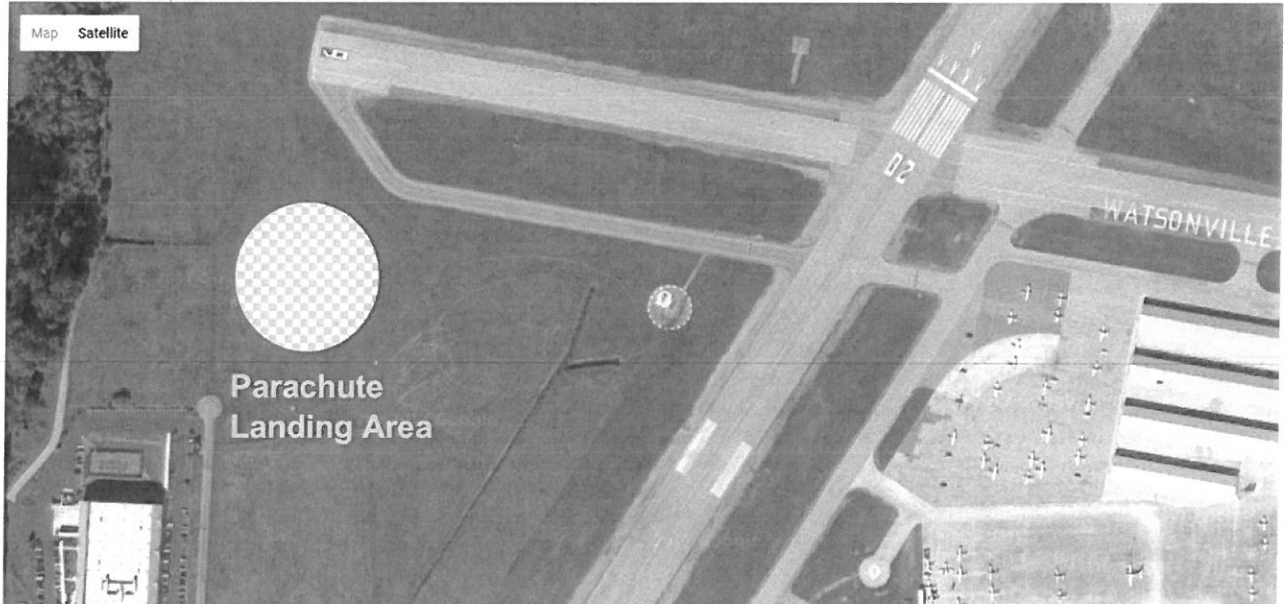
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None to date.

Placeholder

## Parachute Landing Area, Watsonville Municipal Airport



### 3.11 Commercial Skydive Operations SASO

#### 3.11.1 Statement of Concept

This category of SASO is for an entity that, more than once in a calendar year, will, in air, discharge parachutists who intend to land within the designated Parachute Landing Area (PLA) as delineated on the Airport Layout Plan (ALP). This SASO imposes a charge on such parachutists in exchange for services, such as air transport, provided by the business. These operations do not apply to parachuting exhibitions.

#### 3.11.2 Minimum Standards

- 3.11.3 This SASO shall lease or sublease an area existing or adequate to provide for parachute rigging, maintenance, repair, pre-jump briefing and customer service. Such space shall include an area accommodate the SkyDive Customers, office, restrooms (or access to restrooms) and telephone facilities for customer use. The Airport will provide paved automobile parking or other acceptable all weather surfaces and a paved aircraft apron, all within the leased area and sufficient to accommodate the SASO's services and operations unless otherwise stated in a lease agreement.
- 3.11.4 This SASO shall have available for hire, either owned or underwritten lease to SASO, at least one (1) aircraft equipped for and capable of use as a skydive aircraft or a sufficient number of aircraft properly certificated to handle the proposed scope of its operation.
- 3.11.5 This SASO shall have its services available at least eight (8) hours per day, five (5) days per week.
- 3.11.6 This SASO shall have experienced parachutists in its employ and on duty during the required operating hours in such numbers to meet the minimum standards set forth. Personnel must include a U.S.P.A. appointed Safety and Training Advisor (S&TA). This SASO shall have available sufficient, qualified operating crews and a satisfactory number of personnel for checking in and confirming passengers, safe transport to and from aircraft, the PLA, and for furnishing or arranging suitable ground transportation as required. This SASO shall provide reasonable assurance of continued availability of qualified operating crews and approved aircraft within a reasonable or maximum notice period.
- 3.11.7 If the SASO or the USPA appointed safety and training advisor, or the pilot in command of the jump aircraft observe conditions, that make the Airport Parachute Landing Area (PLA) unavailable for intended operations, the PLA shall be deemed closed by the Airport Manager by his/her authority under Municipal Code Section 7.18.103.
- 3.11.8 This SASO operation requires prior approval of the Airport Director per FAR 105.25 (b): Such permission requires a completed application, subsequent issuance of an annual permit, Which must be renewed upon expiration for continued operation and an "Operating Procedures" document.

This SASO Operating Procedures document describes details relative the following:

- a) Activities required to prepare, pack and a confirm parachute is available for use and how such parachutes are assigned and maintained.
- b) Operational process for aircraft preflight, operations, post flight and 100 hour inspections.

- c) Process to execute and recover a "Jump" from start to finish.
- d) Describes conducting ground operations at the airport with adequate equipment to accommodate customer pre-jump activities, friends' pre-jump activities, and other SASO activities described in the application. A detailed description of parking, either at the airport or off-site, must be adequate for customers and parachutists' friends.
- e) Describes conducting a business that does not in any material way conflict with the business operations and procedures described in the application, without first securing the approval of the Airport Director for any such deviation or change in operations or procedures.
- f) Details the credentials/qualifications of personnel, in number and experience/training, to handle and supervise customer pre-jump activities, friends' pre-jump activities, transporting customers to aircraft, supervising friends at waiting areas that are within the airport.
- g) Describes the process to ensure that customers and friends do not make unauthorized entry into movement areas, transportation of customers and friends back to their vehicles or the operator's office, maintaining sufficient radio communications activities, and being available to receive applicable Airport Director directives.
- h) Describes how the operations exceed the safety standards set forth in the U.S.P.A.'s then current Basic Safety Requirements. SASO engaging in this activity shall comply with and adhere to any and all applicable FAA regulations and advisories, including but not limited to:
  - i. Federal Aviation Regulation Parts 61, 65, 91, 105 and 119 as amended.
  - ii. Advisory Circular 90-66A, 91-45C, and 105-2E, as amended.
  - iii. 49 Code of Federal Regulations Part 830.

Determinations of compliance with FAA regulations and advisories shall be made by the FAA.

### 3.12 Temporary Specialized Aviation Service Operator SASO

#### 3.12.1 Statement of Concept

Aircraft operators may require specialized assistance with aircraft maintenance of and/or flight training. When assistance is not available through an existing approved Operator due to either the specialized nature and/or requirements, the Airport Director may allow an Aircraft operator to solicit and utilize the services of a qualified entity to provide services.

#### 3.12.2 Minimum Standards

This SASO shall conduct activity on and from the premises of the Aircraft operator in a manner consistent with the degree of care and skill exercised by experienced Operators providing comparable products and services and engaging in similar activities.

3.12.3 The Aircraft operator must submit a request to the Airport Director on behalf of this SASO which shall then obtain a 30-day temporary License from the Airport Director prior to engaging in activity on the Airport. This SASO must meet those requirements of these Minimum Standards that the Airport Director deems reasonable under the circumstances, including insurance requirements applicable to the type of service being provided.

3.12.4 Aircraft operators requiring after-hour or weekend service by a Temporary SASO must notify the Airport Director prior to the Temporary SASO engaging in activities on the Airport.

3.12.5 Aircraft operators are responsible for assuring compliance with all Airport Rules and



**§ 105.17**

over the affected airspace if the proposed or scheduled parachute operation is canceled or postponed.

**§ 105.17 Flight visibility and clearance from cloud requirements.**

No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft—

(a) Into or through a cloud, or

(b) When the flight visibility or the distance from any cloud is less than that prescribed in the following table:

Altitude	Flight visibility (statute miles)	Distance from clouds
1,200 feet or less above the surface regardless of the MSL altitude.	3	500 feet below, 1,000 feet above, 2,000 feet horizontal.
More than 1,200 feet above the surface but less than 10,000 feet MSL.	3	500 feet below, 1,000 feet above, 2,000 feet horizontal.
More than 1,200 feet above the surface and at or above 10,000 feet MSL.	5	1,000 feet below, 1,000 feet above, 1 mile horizontal.

**§ 105.19 Parachute operations between sunset and sunrise.**

(a) No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a person to conduct a parachute operation from an aircraft between sunset and sunrise, unless the person or object descending from the aircraft displays a light that is visible for at least 3 statute miles.

(b) The light required by paragraph (a) of this section must be displayed from the time that the person or object is under a properly functioning open parachute until that person or object reaches the surface.

**§ 105.21 Parachute operations over or into a congested area or an open-air assembly of persons.**

(a) No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft, over or into a congested area of a city, town, or settlement, or an open-air assembly of persons unless a certificate of authorization for that parachute operation has been issued

**14 CFR Ch. I (1–1–12 Edition)**

under this section. However, a parachutist may drift over a congested area or an open-air assembly of persons with a fully deployed and properly functioning parachute if that parachutist is at a sufficient altitude to avoid creating a hazard to persons or property on the surface.

(b) An application for a certificate of authorization issued under this section must—

(1) Be made in the form and manner prescribed by the Administrator, and

(2) Contain the information required in § 105.15(a) of this part.

(c) Each holder of, and each person named as a participant in a certificate of authorization issued under this section must comply with all requirements contained in the certificate of authorization.

(d) Each holder of a certificate of authorization issued under this section must present that certificate for inspection upon the request of the Administrator, or any Federal, State, or local official.

**§ 105.23 Parachute operations over or onto airports.**

No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft, over or onto any airport unless—

(a) For airports with an operating control tower:

(1) Prior approval has been obtained from the management of the airport to conduct parachute operations over or on that airport.

(2) Approval has been obtained from the control tower to conduct parachute operations over or onto that airport.

(3) Two-way radio communications are maintained between the pilot of the aircraft involved in the parachute operation and the control tower of the airport over or onto which the parachute operation is being conducted.

(b) For airports without an operating control tower, prior approval has been obtained from the management of the airport to conduct parachute operations over or on that airport.

(c) A parachutist may drift over that airport with a fully deployed and properly functioning parachute if the parachutist is at least 2,000 feet above that

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

RESOLUTION NO. 2017-06

On the motion of Commissioner: Guth  
Duly seconded by Commissioner: Dann

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 history has shown that community impacts may have been underestimated; 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 1<sup>st</sup> through September 30<sup>th</sup>, landings only between the hours of 10:00 a.m. and 7:00 p.m., Thursday through Tuesday; and

During October 1<sup>st</sup> through April 30<sup>th</sup>, 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 that he commenced 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 persisted while the site was in regular use; and
2. That the noise, visual intrusion and cumulative disturbance associated with skydiving, including the noise of chutes opening, shouting of 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, may interfere with the public health and constitute a nuisance; and

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

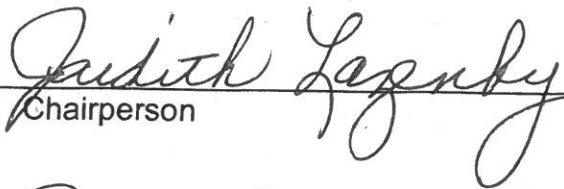
BE IT FURTHER RESOLVED that the Planning Commission will allow until June 14, 2017, for the operator to demonstrate that:


1. The use of the 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 abate the public health impact and nuisance.

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 June 14, 2017.


PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 22<sup>nd</sup> day of March, 2017, by the following vote:

AYES:	COMMISSIONERS	Guth, Lazenby, Shaffer Freitas, Dann, Shepherd
NOES:	COMMISSIONERS	None
ABSENT:	COMMISSIONERS	None
ABSTAIN:	COMMISSIONERS	None

  
Chairperson

ATTEST:   
Secretary

APPROVED AS TO FORM:

  
COUNTY COUNSEL

Cc: County Counsel  
Planning Department

**RICHARD M. MANNING**

**Attorney at Law**

**P. O. Box 1930**

**Aptos, CA 95001**

**(831) 688-4133**

**E-mail: [rmm1266@gmail.com](mailto:rmm1266@gmail.com)**

**April 10, 2017**

**Planning Commission**

**County of Santa Cruz**

**701 Ocean Street, 4th Floor**

**Santa Cruz, CA 95060**

**Reference: Agenda Date: June, 2017**

**Application No. 131132**

**Dear Members of the Planning Commission:**

**A. Additional measures other than a cap:** As Mr. Haag and I understood the suggestions/directives of the commissioners at the previous hearing, for the June hearing we are expected to provide information about the likely frequency of the auxiliary use of 515 Calabasas Road, and to propose a quantifiable cap on that use. That is done in the second part of this letter. However, language at the end of the resolution invites the permit holder to propose measures that will demonstrate that, in the future, the skydiving activity will be at a level that is in harmony with surrounding land uses. I asked Mr. Haag to rack his brain for any additional measures of that sort. Here are his suggestions. They could be converted to permit conditions.

- 1. Even if the Airport Landing Site is closed, 515 Calabasas Rd. would not be used if ground winds are stronger than 26 mph and come from the direction of the Marinovich property. Explanation: At the February hearing there seem to be concerned about the possibility of landing path sometimes straying "over" the Marinovich property. Flight paths are dictated by wind direction. Higher winds leave instructors with somewhat less control of the flight path. This proposed restriction provides assurance against the landing path straying near the Marinovich property.**

2. In each jump aircraft, at exit door there would be a sign reading: "No noise above normal speaking level during jumps is permitted. No yelling under the parachute! We want to be good neighbors" (This would be the last thing a customer sees before exiting the plane.)
3. A similar sign would be placed in the training demonstration plane. (All divers go through a training using such demo planes.)
4. The waiver agreement that the customer is required to sign will include language in which the customer must specifically agree to the prohibition against that yelling or any loud noise and separately sign that part of the agreement.
5. Training instructors, in every training session, would verbally remind the jumpers-to-be of the noise restrictions.

As the attached communication from the Airport Manager shows, airport closures, even in the absence of a specific cap, are self limiting. That plus the above restrictions would obviate the need for a specific cap. We ask that the Commission accept these additional restrictions alone, without imposing an additional cap.

B. Regarding a quantifiable cap: If the Commissioners still feel the need for a such a cap, we propose 50 half days for every 12 month period, which is approximately equal to one month of the activity as it existed prior to the Airport becoming the primary landing site, i.e less than 10%. Below is specific language for permit condition II G.. It would impose a numeric cap and clarify the notice provisions. (The notice provisions in condition II G were never discussed at any hearing, so we are not sure of their rationale. As many of the neighbors testified, it is easy to be completely unaware of a landing, unless one's attention is directed to it. Therefore providing notice every time auxiliary landings will occur, may inadvertently increase the perceived intrusion. The propose language results in: limiting the noticing to those who actually wish to receive it and prompt noticing by use of email.)

Here is a breakdown. The range in the following is 50 to 58 half days. The proposed figure, 50, is the low end of the range.

1. The PLA (parachute landing area formally designated at the airport) is mowed and the fence repaired or other maintenance at least once per month, which equals 12 half days per year.
2. Special events such as the air show/fly in, open house, July 4, natural disaster drill = 4-8 half days per year. (The PLA is closed on the Fourth of July because fireworks are set up in the landing area. A drill is scheduled for May 20.)
3. Weather-related = 24 half days per year. Weather is hard to gauge. We would need years of data to come up with an accurate number. Even when it comes into play, the number of jump runs in a half day time span would be less than normal, i.e. 1-3 jump runs as opposed to the usual number of five per half-day. Airport closures due to fog are more frequent in the summer.

Despite better-than-average weather, there have already been four occasions since February where the PLA was unavailable due to fog.

4. PLA access road closure = 2-4 half days per year.

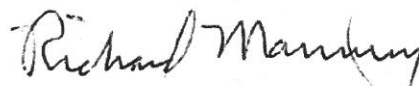
5. Miscellaneous and unknown = 8-10 half days per year. These would be item 5 through 10 of the attached communication from the Airport Manager. The airport manager notes that it would be "disingenuous", to compute a specific figure for these items, which can vary considerably. Volker's best attempt to quantify them would be 7-10 half days per year. There has already been an example-- a brush fire in the PLA--- of the need to factor in events that are not knowable in advance.

C. Proposed wording of condition: If the commission still feels the need for a cap, our suggestion for the wording is as follows: The first, rather long sentence, in condition II G, would remain unchanged. The following would replace the second sentence:

Otherwise, such auxiliary landings shall not exceed 50 half days in any calendar year. "Half - day" means any four consecutive hours. For example, two jump runs that are five hours apart will be counted as two half-days. Regarding notice: in all instances in which the owner (or operator) has less than 50 hours advance notice of the closure, the owner (or operator) shall, promptly after learning of the likely closure, notify all interested neighbors, who have provided the owner with an email address, of the likely time of auxiliary useage. For all other instances of auxiliary useage, the owner (or operator) shall mail notifications to neighbors at least 50 hours in advance of the landings, except that no such notices need be sent to neighbors who have, in writing, stated that they do not wish to receive them, or to those who prefer to be noticed by email.

(We presume the staff will supply the complete wording for condition II G., in its present form)

Respectfully submitted,



Richard Manning, attorney for Volker Haag

## Airport Manager Input

On Mon, Mar 20, 2017 at 6:02 PM, Volker Haag <volker@skydivesurfcity.com> wrote:

Dear Rayvon,

the County of Santa Cruz is reviewing my use permit to land parachutes at Drop Zone Bravo ( the landing site at 515 Calabasas Rd). Background: now that we are landing at the Watsonville Airport, the county use permit allows us to use the Calabasas Rd parachute landing area as an auxiliary landing site when the Watsonville PLA is closed by the airport manager.

I believe the county is trying to assess how often such events might occur. Could you assist me in answering the following two questions?

Question 1: What potential reasons do you see why the parachute landing area (PLA) at the Watsonville Airport may be deemed closed Airport Manager by his/her authority under Municipal Code Section 7.18.103?

Question 2: Do you have any idea how often such events could occur?

Your assistance in this matter is much appreciated.

Best Regards

Volker

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Good evening Volker and I hope the following answers your questions:

Question 1: What potential reasons do you see why the parachute landing area (PLA) at the Watsonville Airport may be deemed closed Airport Manager by his/her authority under Municipal Code Section 7.18.103?

Section 7.18.103 Hours of Operation specifically notes the ability to close the entire airport "... in the interest of safety." I highlight the word "entire" in this case as opposed to the PLA only to underscore the fact the the PLA could very well be closed without closing entering airport.

I would state the PLA could be closed, per the Minimum Commercial Standards Section 3.11.7, if we jointly "...observe conditions that make the PLA unavailable for intended operations." Such joint decision could be a result of:

- (1) PLA maintenance (mowing, fence repair, construction, etc)
- (2) Airport equipment malfunction within the PLA (tractor breaks down, stuck in the infield)
- (3) Weather concerns (e.g. high winds or restricted visibility)
- (4) PLA temporary access issues (road to PLA is closed)

Additionally Municipal Code Section 7-18.101 (j) specifically states the Airport Manager may "Take action...to regulate operation of aircraft...and regulate activities at the airport." And also the current (1995) version of the Airport Rules and Regulations, Section II Airport Operations Area Requirements, General of paragraph 14 states the Airport Manager has the authority to "regulate activities...in the furtherance of public safety"

Given the above there are additional, but are not limited to, "potential reason(s)" that would impact the PLA that are not based on joint decisions, :

- (5) Aircraft volumes or traffic intensities that increase pilot workload during approaches (e.g. Fly-in)
- (6) Events requiring FAA airspace Waiver (e.g. aerobatic performances or pyrotechnics )
- (7) Any instance in which a Temporary Flight Restriction (TFR) covers the airport (e.g. VIP visits)
- (8) Aircraft incident or accident in the Runway Safety Area, or the Runway Object Free Area.
- (9) Local or national emergencies impacting Watsonville Municipal Airport
- (10) Wildlife habitat observed within the PLA during runway inspections

**Question 2: Do you have any idea how often such events could occur?**

The ten events listed above occur at various times throughout the year. It would be disingenuous to ascribe an estimated number of occurrences to these activities.

Although some are certainly scheduled (i.e. Fly-in, Special events, mowing regime) many are not (i.e. incidents, accidents, VIP visits) and as such estimated are not meaningful for any planning purposes.

Please advise if you have further questions. Feel free to forward this email if you see fit; please cc me.

**Rayvon Williams, C.M., C.A.E.**

Manager, Municipal Airport

(831) 768-3574



Jerry Busch

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**From:** Volker Haag <volker@skydivesurfcity.com>  
**Sent:** Tuesday, May 16, 2017 1:05 PM  
**To:** Jerry Busch  
**Cc:** Richard Manning  
**Subject:** some clarifications

Hello Jerry,

I just wanted to follow up on our phone conversation yesterday. I was in the middle of fixing a fuel pump and was struggling with the bad cell phone reception in the aircraft hangar.

If I understood you correctly you were working on your staff report, trying to investigating whether the use of our new plane or the fact that we would be allowed to to more jump runs per day could possibly off-set any loss of business due to temporary airport parachute landing (PLA) area closure. Unfortunately, the answer is "no"...I wish we could. Offsetting such a loss is not possible. With the new plane ,we can still only take bookings for 2 ppl each 30 minutes...2 jump runs per hour. Unfortunately, the only benefit we can realize with the new plane is higher altitudes. Due to weight and balance restrictions we cannot consistently take 3 ppl as we had originally hoped for. You can confirm this with our online: booking system: 2 ppl (= 1 jumprun) can be booked every 30 min.

In regards to no jump run limitations, we rarely have more than 10 loads per day and my business is struggling as it is. But I suppose that is immaterial. The real problem is that people book their skydives for a certain time slots. If we cannot jump them during their timeslot because the PLA is temporarily closed for any reason...we will almost always lose the booking and the business. This is why it is so important to have the option to use Calabasas Rd as an auxiliary landing area if the airport PLA is temporarily closed as it is outlined in the county permit that was granted to me.

You indicated that the real purpose of your call was to come up with defensible numbers of times for auxiliary use at Calabasas Rd. I believe that Richard Manning had submitted such numbers to you already per your request. If you haven't received them please let me know. It was a difficult task coming up with such numbers...even for us as the industry experts and having operated in this area for years. Both, you and I had also consulted another expert, the Airport manager and we included his comments in our submittal. It think these are the best numbers we will get and it would be unproductive to second guess them out of context.

I hope that this email answers your questions that you has asked over the phone. Sorry about the bad reception.

Best Regards

Volker

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 131132  
Assessor Parcel Number: 04909124  
Project Location: 515 Calabasas Road

**Project Description: Proposal to amend permit 131132 to limit hours of operation and to establish additional safeguards against excessive noise.**

**Person or Agency Proposing Project: Volker Haag**

**Contact Phone Number: 831-991-9150**

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.  
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.  
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

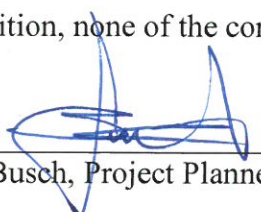
E. ☒ **Categorical Exemption**

Specify type: Class 1 - 15301. Existing Facilities

**F. Reasons why the project is exempt:**

Minor reduction in use of existing private parachute landing site.

In addition, none of the conditions described in Section 15300.2 apply to this project.

  
\_\_\_\_\_  
Jerry Busch, Project Planner

Date: 5-17-17

## Amended Conditions of Approval

### Exhibit P: Proposed Amendment to Conditions of Approval of Permit 131132

Existing language is in regular type. Proposed changes are indicated in ~~strikeout~~ / underline type.

- 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. In addition, the applicant shall implement the following measures to minimize noise:
1. Place warning signs in the training plane and jump aircraft stating the following: "No noise above a normal speaking level is permitted when under the parachute."
  2. Require clients to sign a section of the waiver agreement where the client must specifically agree not to shout, scream or use inappropriate language under parachute.
  3. Require training instructors to remind jumpers of the noise restrictions in every training session
  4. Prohibit use of 515 Calabasas Road when winds are stronger than 25 m.p.h. from the west.
- II.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~~ Except as provided by this Condition G, 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 temporarily 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 the auxiliary landing site. The airport landing site is considered closed by the Airport Manager when closed by direct action of the Airport Manager, or when the Specialized Aviation Services Operator, or the USPA appointed safety and training advisor, or the pilot in command of the jump aircraft observe conditions that make the Airport Parachute Landing Area unavailable for intended operations. The property owner / applicant shall mail or email notifications to neighbors and any other parties requesting notification, at least 48-24 hours in advance of landings occurring, except for neighbors who request not to be notified. Notifications shall not exceed 30 per year. Landings shall not exceed 24 half-days per year; a half-day is defined as a landing at any point before noon or a landing at any point after noon. If

one or more landings occur both before noon and after noon on a given day, that is equivalent to two half-days.

- (1) The operator shall provide to the Santa Cruz County Planning Department an annual use report in January of each year for the first three years following permit amendment and from time to time as required by the County. The report shall include the number of half days that the auxiliary site is used in a year and the number half-days for which neighbors were notified, whether the site is used or not.
- (2) If the operating permit for use of the airport Parachute Landing Area is terminated by the Airport Manager or other authorized party, the auxiliary landing site at 515 Calabasas Road shall no longer be used as a parachute landing area until such time as the airport permit is renewed or a new permit issued. If use of the auxiliary site at 515 Calabasas Road should cease for three out of any five year period, permit 131132 shall become void and no further use of the auxiliary site may occur until such time as a new permit may be issued and rendered effective by the County of Santa Cruz.

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Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

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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 Cod

## **Development Permit Findings, Permit 131132 Amendment**

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 proposed amendments will reduce noise levels associated with parachute landings that occur at the site, and limit use of the landing site to 24 per half days per year, a 96 percent reduction in use. These amendments will be beneficial to, and will maintain, the health, safety or welfare of persons residing or working in the neighborhood and the general public.

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.

This finding can be made, in that the skydiving use remains consistent with all pertinent County ordinances and the purpose of the A (Agriculture) zone district, per County Code Section 13.10.312 (Agricultural Use Chart), which allows for "Recreational Activities: playfields not involving a permanent structure." The A zoning district does not require the recreational use to be ancillary to agricultural production.

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.

This finding can be made, in that the proposed permit amendment is consistent with the use and density requirements specified for the R-R (Rural Residential) land use designation in the County General Plan, and provides additional measures to insure compliance with the General Plan Noise Element. In addition, the original approval of Permit 131132 found that noise associated with the landing site did not exceed the maximum of 60 dB for residential uses.

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 the original Permit 131132 included a finding that the use would not generate more than the acceptable level of traffic on the streets in the vicinity, and the proposed amendment will reduce traffic to the skydive landing site by more than 90 percent. Such a decrease will not adversely impact existing roads and intersections in the surrounding area.

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 proposed amendments will reduce the level of use at the site by more than 90 percent, entailing use of the landing field only 24 half days per year, with improved signage and training measures to maintain noise compliance. Noise associated with the activity meets neighborhood standards in General Plan Noise Element policies. Neighbors will be provided advance notice of any use of the skydive landing field prior to use. The proposed amendments will substantially reduce activity on the 9-acre skydiving site and insure that activity levels will complement and harmonize with the existing and proposed land uses in the vicinity, including residential and agricultural uses.

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 can be made, in that the proposed skydive landing site will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.