



## Staff Report to the Zoning Administrator

Application Number: **131132**

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

### Parcel Information

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

### Environmental Information

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

### Services Information

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

### History

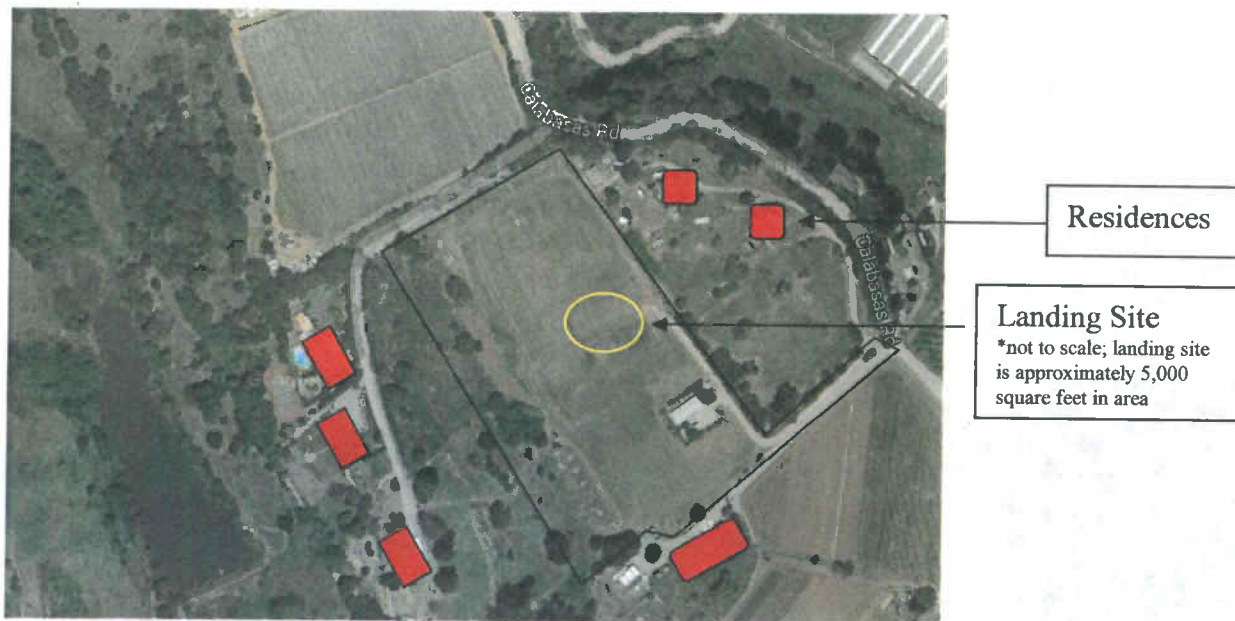
Between 1979 and 1983, the property owner obtained permits to construct greenhouses, a nursery, and to install a permanent mobile home on the property.

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

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

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

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



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

## Project Setting

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

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

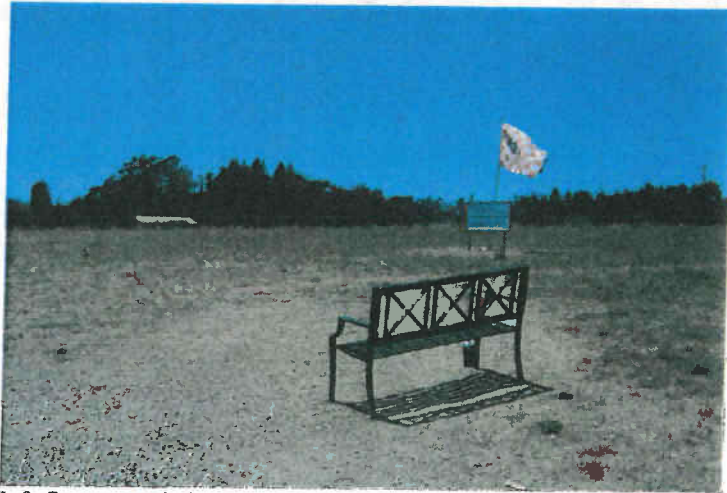
## Proposed Operations

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

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

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

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



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

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



## **Project Analysis**

### *Zoning & General Plan Consistency*

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

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

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

### *Parking and Traffic*

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

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

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

### *Noise*

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

On June 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.

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

### *Watsonville Airport Landings*

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

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

### **Environmental Review**

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

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

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

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

## **Conclusion**

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

## **Staff Recommendation**

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

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

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

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## Development Permit Findings

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

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

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

The proposed use of the site as a recreational skydiving landing area is an allowed use in the Agriculture (A) zone district as per County Code Section 13.10.312 (Agricultural Use Chart) and the use is consistent with the purposes of the A zone district (SCCO 13.10.311) in that the parachute landings will not minimize or impact the primary use of the property, which is an agricultural sod growing operation with one single family dwelling, and the parachute landing area consists of only about 5,000 square feet of the 9 acre parcel. Grass, in conjunction with the sod business, is able to grow within in the landing area and is not impacted by landing skydivers. Parachutes are a common feature or sighting in a rural viewshed and the landing of skydivers, who are shuttled immediately back to the airport, does not impact the rural character of the community. Therefore, this finding can be made.

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

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

The proposed use complies with General Plan Policies 6.9.1 (Noise Element) in that no noise associated with the landing site exceeds the maximum of 60 dB for residential areas. The noise

associated with the landing site includes talking within a normal noise range and occasional cheering or shouting which are noises that are commonly associated with residential uses.

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

For these reasons, this finding can be made.

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

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

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

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

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

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

## Conditions of Approval

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

- I. This permit authorizes parachute landings to occur on the Agiructure (A) zoned parcel. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
  - C. Submit a sign plan to the County Planning Department for review and approval. The sign plan shall provide details for a new directional sign that shall be installed on the subject parcel at the frontage of the parcel, clearly visible from Calabasas Road. The sign shall comply with the requirements of County Code Section 13.10.584.
  - D. The following language shall be added to the existing signage in the Skydive Surf City main office and shall be added to the waiver or contract that is signed by the customer prior to the skydive: "No noise above a normal speaking level is permitted when under the parachute." The applicant shall submit photos of the revised signs and a copy of the revised waiver/contract to the Planning Department for review and approval prior to exercising any rights granted by this permit.
  - E. Off-street parking shall be provided for a minimum of two vehicles in addition to the parking spaces required for the residential use. A loading area shall remain available on site to accommodate the shuttle/van.
- II. Operational Conditions
  - A. Operations hours are limited as follows:
    1. May 1<sup>st</sup> through September 30<sup>th</sup>, skydive landings shall occur only between the hours of 10:00 a.m. and 7:00 p.m., Thursday through Tuesday.
    2. October 1<sup>st</sup> through April 30<sup>th</sup>, skydive landings shall occur only between the hours of 10:00 a.m. to 6:00 p.m., Thursday through Tuesday.
    3. No landings shall occur on Wednesdays.

- B. A maximum of four spectators shall be permitted on the site at any one time.
  - C. Busses shall not be used to transport skydivers or spectators.
  - D. All signage associated with the "No Yelling" policy shall remain on site and shall be maintained in a legible condition.
  - E. The "No Yelling" policy shall be consistently enforced. Instructors shall discourage noise greater than a normal speaking level when under the parachute or on the ground.
  - F. Skydives shall be limited to a maximum of two jumps per jump run and a maximum of 10 jump runs per day.
  - G. Skydive Surf City shall relocate all public landings to the Watsonville Airport at the earliest time possible and shall notify the Planning Department when this occurs. Private, non-commercial landings only may continue to occur at the subject property after permission to land at the airport is received.
  - H. 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.
  - I. The operation shall comply with all applicable Federal regulations for a skydiving landing site at all times, including but not limited to lighting, signage, and markings of the landing site.
- III. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.



- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
  2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

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

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

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

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

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

\_\_\_\_\_  
Wanda Williams  
Deputy Zoning Administrator

\_\_\_\_\_  
Samantha Haschert  
Project Planner

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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 Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

# 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, Watsonville

**Project Description: Proposal to allow for the operation of a parachute landing area on an Agriculturally (A) zoned parcel.**

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

**Contact Phone Number: (831) 331-9150**

- 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).

Specify type:

E. ☒ **Categorical Exemption**

Specify type: Class 1 – Existing Facilities (Section 15301) & Class 4 - Minor Alterations to Land (Section 15304)

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

A minor use of the land to accommodate parachute landings with no associated structures or development which will have negligible or no permanent impacts on the environment.

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

\_\_\_\_\_  
Samantha Haschert, Project Planner

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

**EXHIBIT A**

Volker Haag  
515 Calabasas Road  
Watsonville, CA 95076  
April 17, 2013

Samantha Haschert  
County Planning Department  
701 Ocean Street, Fourth Floor  
Santa Cruz, CA 95060

Reference: County Authority to Regulate Parachute Landing at 515  
Calabasas Road; Neighbors' Reaction

Dear Ms. Haschert:

INTRODUCTION:

I believe the following information is pertinent to the discussion Richard Manning and I had with you on April 10. This Introduction is by Richard. The remainder of the letter is from me.

Parachutists land on the 9.6 acre property at 515 Calabasas Road. Absolutely no physical changes have been, or will be, made to the subject property to in any way accommodate parachute landings. No structures, no grading, contouring, or change to the vegetation, no temporary facilities, not even a chair or table, no pathway, no road, nothing. The existing sod field is 100% unchanged since parachuting started. There is nothing explicit, or close to explicit, in the County Code that prohibits, or even regulates, such activity. The issue, therefore, is whether some county regulatory power is to be implied from the County Code. The answer is negative. There are three aspects to parachuting. First is the use of air space. As shown in the memo that accompanies this letter, Federal law, and the jurisdiction of the FAA, completely pre-empts the county from regulating in that regard (even if the county had manifested some interest in doing so—which it wisely has not). The safety aspects of what occurs on the land, as opposed to the air space, are certainly covered and probably pre-empted by FAA regulations. That leaves physical changes to the land, or construction of improvements on the land. Those would be regulated by the County, but they do not exist here.

Should some sort of Planning Department authority over this harmless activity, which is so loved by its participants, be implied from the County Code? That would be in conflict with the following provisions of that code. First is the beginning of County Code §13.10.311(D):

EXHIBIT D

*"The provisions of this chapter shall be liberally interpreted insofar as they apply to agricultural pursuits and services and shall not be deemed or construed to interfere with any normal accessory use conducted in conjunction therewith."*

Are the sort of noise and traffic considerations that might be relevant in an R-1 zone applicable in an A Agricultural zone (even if they existed, which in this situation they do not)? A rather clear answer about the County's approach to such matters is found in Code §16.50.010(A).

**16.50.010 Purposes.**

(A) The Board of Supervisors of Santa Cruz County finds that commercially viable agricultural land exists within the County, that it is in the public interest to preserve and protect this land for exclusive agricultural use and to enhance and encourage agricultural operations within the County, and that certain agricultural land in the County, not presently of commercial value, also merits protection. The Board of Supervisors of Santa Cruz County also finds that nonagricultural development adjacent to certain of these lands often leads to restrictions on the County's agricultural industry as a whole. It is the determination of the Board of Supervisors that residents living near agricultural land should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a County with a strong rural character and healthy agricultural sector so long as the agricultural operations are conducted in accordance with Federal, State, and local laws and regulations.

DISCUSSION:

The property located at 515 Calabasas Road (APN 049-091-24) is owned by the Watsonville Sod LLC. It allows parachute landings by properly trained personnel of Skydive Surfcity, LLC. Skydive Surfcity is located at the Watsonville Municipal Airport where it rents 3,000 square feet of hangar and office space at 160 Aviation Way, Suite C, Watsonville CA, 95076. (Copy of business license attached.)

USE IN THE PAST:

Before the Watsonville Sod LLC had purchased the property in 2011, it had been used as a storage and junk yard for the past 6-10 years. It was an eyesore and a nuisance for the neighbors as there was a lot of debris, old vehicles, rodents and trash that was being blown over onto their properties. There had been no agricultural use whatsoever. Please see attached pictures ("2011 before clean up").

CURRENT USE:

After purchasing the property, much time and a lot of money was spent cleaning up the property.

For the first time in years I, as managing member of the LLC, have

**EXHIBIT D**



brought back agriculture use to this A-zoned property. I have spent thousands of dollars in grass seeds and turned this junk yard into a grass field, from which sod will be harvested. I have not only brought back the agricultural use for now, but through my efforts, I have enhanced the future agricultural potential of the property. Please see attached pictures ("2013 after clean up"). As detailed above, no physical changes have been made to the land because of parachute landing. Landing parachutists on the sod field has absolutely no negative impact on the current agricultural use or future agricultural use. In fact, the ability to land parachutists on the field encourages me to maintain the field, therefore keeping its agricultural use.

Please find attached letters from neighbors discussing the previous junkyard and the improvements I have done.

COMPLAINT:

According to my neighbors, the County of Santa Cruz has received a complaint by an individual called Priscilla Partridge, resident of 400 Hollow Oak Lane in Watsonville. The complaint was apparently about noise and privacy issues. I have also been told that Ms. Partridge thinks that we are filming her from above. She has never contacted me. Although Ms. Partridge is apparently objecting to what happens in the airspace-- a subject completely pre-empted by federal law-- her apparent concerns will be addressed below.

PRIVACY:

400 Hollow Oak Lane is located 3,000 feet away from the center of the landing area. If the parachutists were overflying the 400 Hollow Oak property, parachutes would physically need to be at least 3,000 feet high in order to be able to land on the 515 Calabasas Road property.

The aircraft that are dropping parachutists are never less than 10,000 feet in altitude when flying in the vicinity of the Hollow Oak property. When the parachutists exit the aircraft, it is always above 10,000 feet. Parachutists take five minutes max to come down. FAA regulations actually allow other sorts of aircraft to fly as low as 1,000 feet in that area, so the SkydiveSurfcity aircraft are always much higher than the minimums. Obviously, no parachutist has any interest in filming the 400 Hollow Oak property. In the hard-to-imagine scenario in which someone did want to film that property, they could do so far more easily, and at a far lower altitude, then doing so under the pretext of skydiving.

EXHIBIT D

### Ground Traffic from Parachute Activity

The parachutists are being picked up by a mini van a few times a day. There has never been more than two van trips in any given hour. On average there have been less than five van trips per day. There have never been any trips before 9:00 a.m. and never any trips after 7:30 p.m. The majority of van trips are between 11:00 a.m. and 5:00 p.m. and on weekends. Parachute activities do not happen every day, and never during night time.

### Surrounding Traffic

Calabasas Road is a fairly busy road. There is much farm traffic on the neighboring strawberry fields and apple orchards. Apart from the tractors, there is constant traffic arising from the numerous field workers. There is much less traffic to and from 515 Calabasas Road than farm traffic on neighboring strawberry fields and apple orchards

### NOISE:

#### Parachute Activity Noise

Parachutes are unpowered aircraft and have by definition practically no noise associated with them. One could occasionally hear the nylon fabric moving through the air, similar to hearing a flag move in the wind.

The aircraft used for dropping the parachutists is between 10,000 feet or 14,000 feet above ground level and can rarely (if at all) be heard from the ground.

The occasional "fantastic", or similar exclamation from a jumper, might be heard on the subject property, but would be difficult to hear on adjoining property. It generally merges with the surrounding noise. Most of the times when I am doing work on the farm, I only notice the parachutes after the landing. My neighbors share similar experiences in their letters.

#### Surrounding noise

The surrounding noise level in this agricultural area is, by nature of the zoning, very high. There are almost always tractors running, as well as chainsaws, blowers and various other farm equipment running. This happens as early as 4:00 a.m. and as late as 11:00 p.m. There is also a lot of loud music coming from the fieldworkers working on the surrounding fields. Additionally, there are barking dogs, screaming donkeys and horses, chicken and roosters in the surrounding properties that can

EXHIBIT D

be heard all day/night long.

Aircraft noise is not a county regulatory consideration. If it were, there would be much scrutiny of the low flying aircraft in and out of the Watsonville Airport, or of crop dusting, but neither is regulated.

Side note: The parachute activity and the fact that the landing area is defined and listed on the FAA publications (SF Sectional Charts and on the FAA Airports Facility Directory) helps to reduce airplane noise in the area. Reason: Approaching or departing low flying aircraft are avoiding the landing area while parachuting is in progress. In fact many aircraft are being vectored around the landing area by ATC (air traffic control) while parachute activities are in progress. So the low flying traffic is reduced.

There is much less noise associated with the occasional parachute activity, either by itself or combined with all other activities on the property, than with the permanent noise from farm equipment and field workers from surrounding properties. Parachute activity is not happening continuously and never early in the morning or at night time.

#### NEIGHBORS' RESPONSE:

After having received the notice from Santa Cruz County, I have received an overwhelmingly supportive response from neighbors. I have received countless phone calls and more than 20 letters of support. They enjoy the beauty and novelty of parachute landings. In addition I have received many signatures on a petition in support of the parachuting activities. Please note that I have not initiated this petition nor have I asked our neighbors to write these letters.

Please find attached a selection of these letters.

[staff note: this attachment is included under a separate exhibit]

#### MY FIRST INQUIRY TO THE PLANNING DEPARTMENT:

Over a year ago, before any parachuting occurred on the property, I spent over an hour making inquiries at the County Planning Department. The county officials were consulting with each other and I was speaking with various people. I believe one of the people I talked to was Dan Page. I got the impression that my questions about landing parachutes were novelty questions that had never been asked in the planning department before. Finally, I was sent my way and told there were no permits for parachute landings. I was told that was unnecessary. I believe that original determination was the correct one.



Volker Haag, Managing Member of  
Watsonville Sod, LLC

EXHIBIT D



**Attachment 1: Property 2011 before clean up**



**EXHIBIT D**



**Attachment 2: Property 2013 after clean up and after seeding**



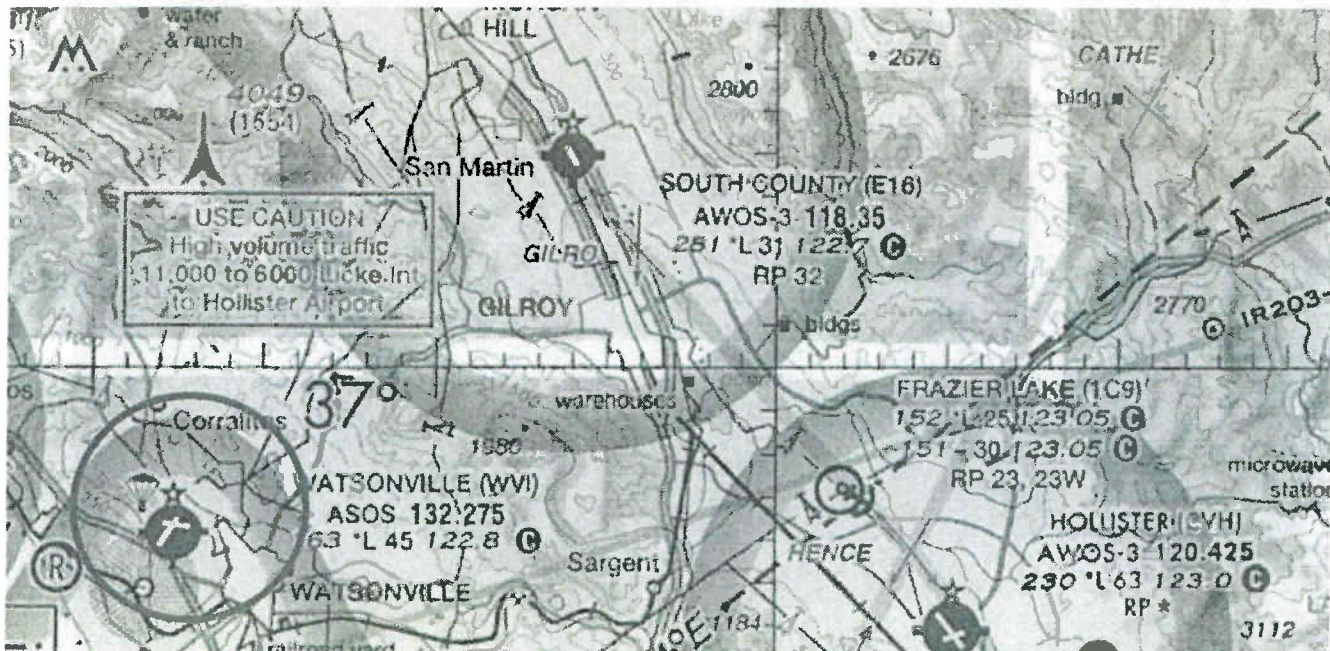
**EXHIBIT D**



**Atachment 3: business license for the business located at the airport**

ISSUED IN CONFORMITY WITH THE PROVISIONS OF THE WATSONVILLE MUNICIPAL CODE FOR:		CITY OF WATSONVILLE	BUSINESS LICENSE
BUSINESS NAME	SKYDIVE SURFCITY LLC		LICENSE NUMBER: <b>9103</b>
TYPE OF BUSINESS	AMUSEMENT AND RECREATION, NEC	SIC <b>7999</b>	EFFECTIVE DATE: 07/25/2012 EXPIRATION DATE: 07/01/2013
RESTRICTIONS			
LOCATED AT	160 AVIATION WAY C		<b>DISPLAY IN A CONSPICUOUS PLACE</b>
MAIL ADDRESS	SKYDIVE SURFCITY LLC 160 AVIATION WAY C WATSONVILLE CA 95076		<i>Eduardo Vega</i> ADMINISTRATIVE SERVICES DIRECTOR
ISSUED WITHOUT VERIFICATION THAT THE LICENSEE IS SUBJECT TO OR EXEMPTED FROM LICENSING BY THE STATE			

**Attachment 4: FAA San Francisco Sectional Chart**



**EXHIBIT D**

ISSUED IN CONFORMITY WITH THE PROVISIONS  
OF THE WATSONVILLE MUNICIPAL CODE FOR:

**CITY OF WATSONVILLE**

**BUSINESS LICENSE**

**9103**

BUSINESS NAME  
**SKYDIVE SURFCITY LLC**

LICENSE NUMBER:

TYPE OF BUSINESS  
**AMUSEMENT AND RECREATION, NEC**

<sup>SIC</sup>  
**7999**

EFFECTIVE DATE: **07/01/2013**

EXPIRATION DATE: **07/01/2014**

RESTRICTIONS

**DISPLAY IN A CONSPICUOUS  
PLACE**

LOCATED AT  
**160 AVIATION WAY C**



MAIL ADDRESS  
**SKYDIVE SURFCITY LLC  
HAAAG VOLKER  
160 AVIATION WAY C  
WATSONVILLE CA 95076**

*Gregorio R. Vega*

ADMINISTRATIVE SERVICES DIRECTOR

ISSUED WITHOUT VERIFICATION THAT THE LICENSEE IS SUBJECT TO OR EXEMPTED FROM LICENSING BY THE STATE

**EXHIBIT D**



**FOR TAX PURPOSES ONLY**  
 THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER ERRORS NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

**POR. RANCHO DE LOS CORRALITOS**  
 POR. SECS. 24 & 25, T.11S., R.1E., &  
 POR. SEC. 19 T.11S., R.2E., M.D.B. & M.

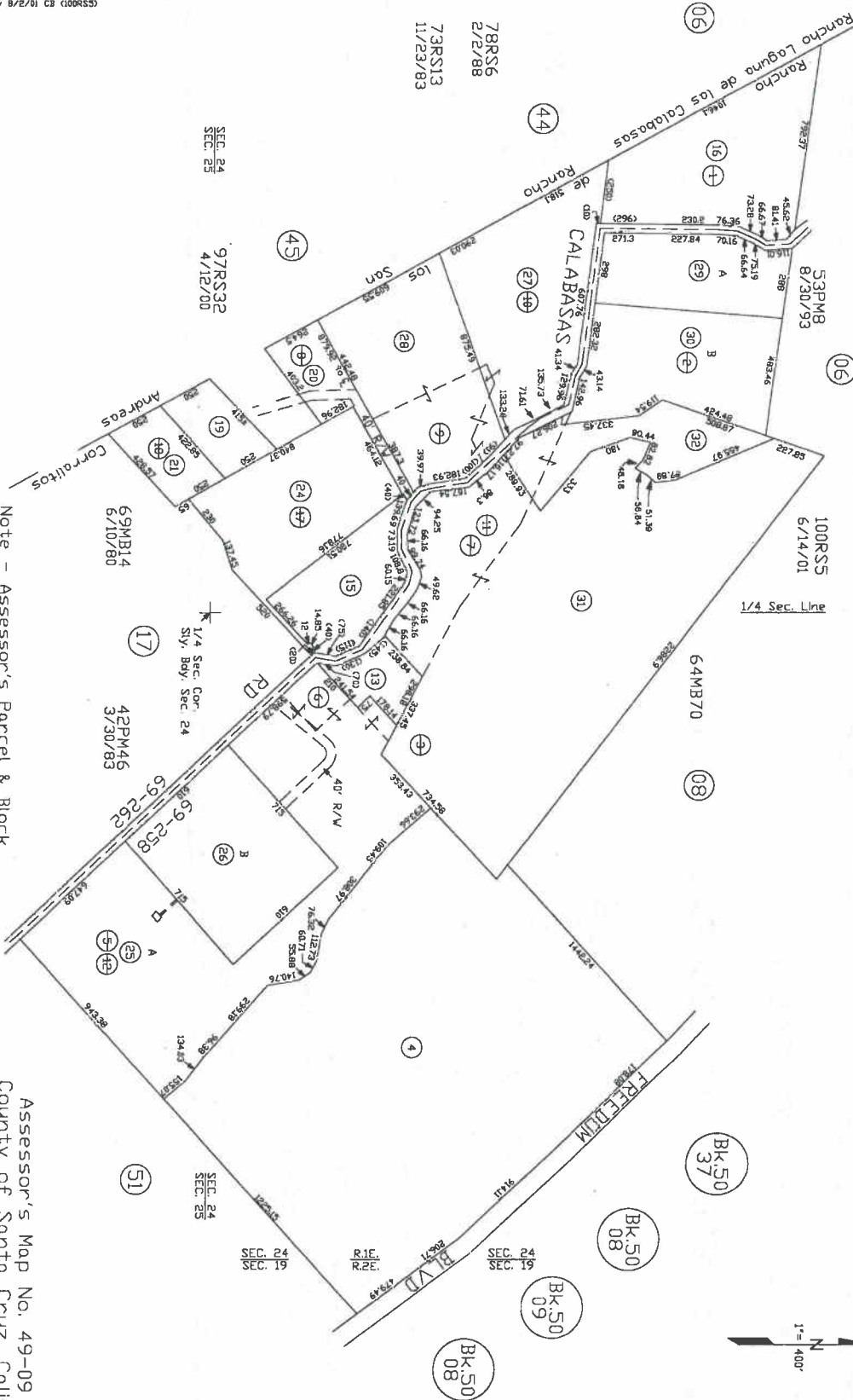
Tax Area Code  
 69-258 69-262

49-09

Electronically redrawn 3/17/00 KSA  
 Rev. 6/6/00 nvm (97RS32)  
 Rev. 10/19/00 CB (0-0029163, LBA 1-31 & 32)  
 Rev. 8/14/01 GG (Add Map Ref.)  
 Rev. 2/20/01 CB (Por to pg 45)  
 Rev. 6/1/01 nvm (changed page refs.)  
 Rev. 8/2/01 CB (100RS32)

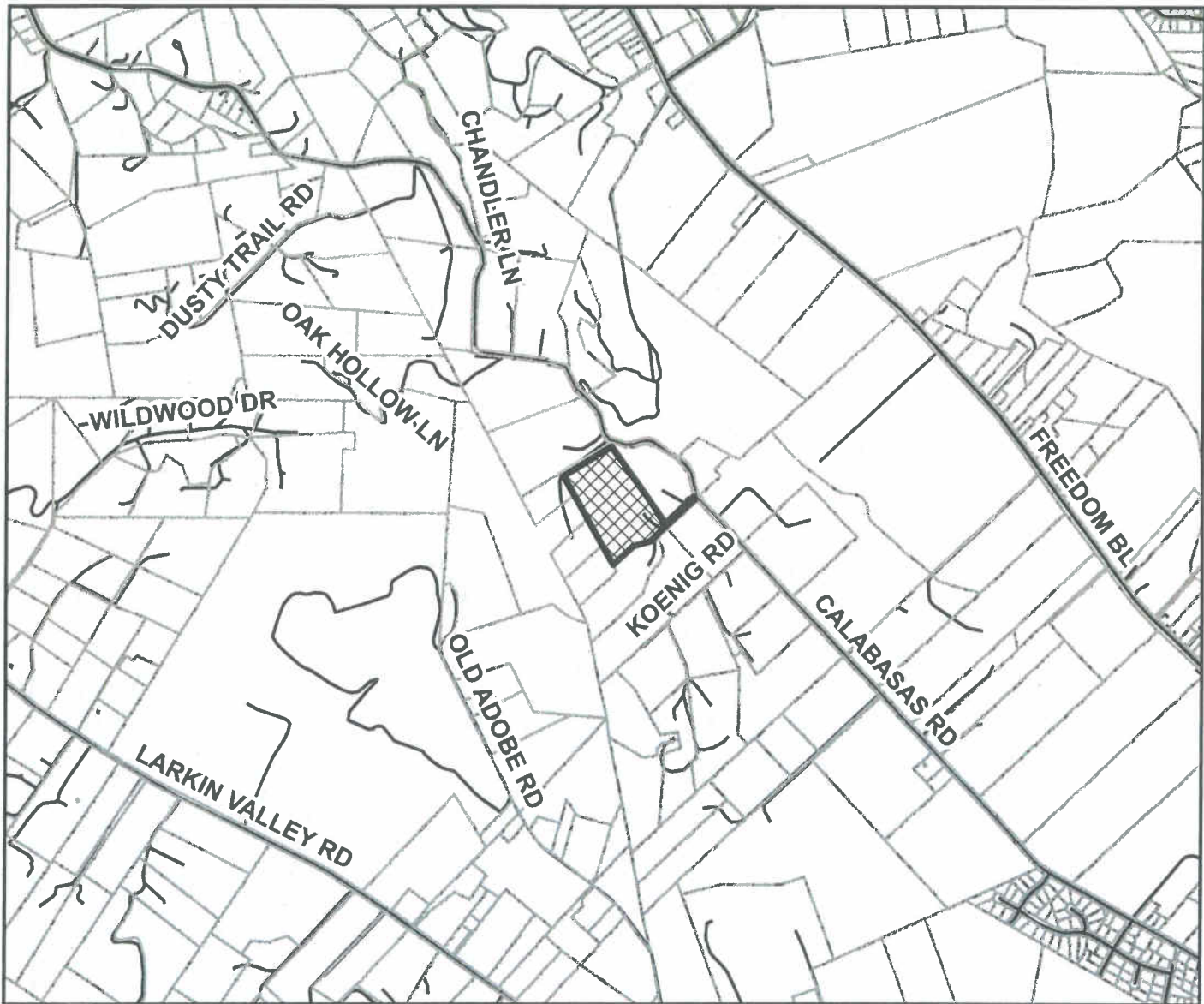
Note - Assessor's Parcel & Block  
 Numbers Shown in Circles.

Assessor's Map No. 49-09  
 County of Santa Cruz, Calif.  
 March 2000






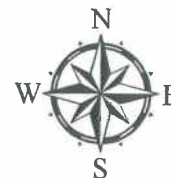


# Location Map



## LEGEND

-  APN: 049-091-24
-  Assessors Parcels
-  Streets



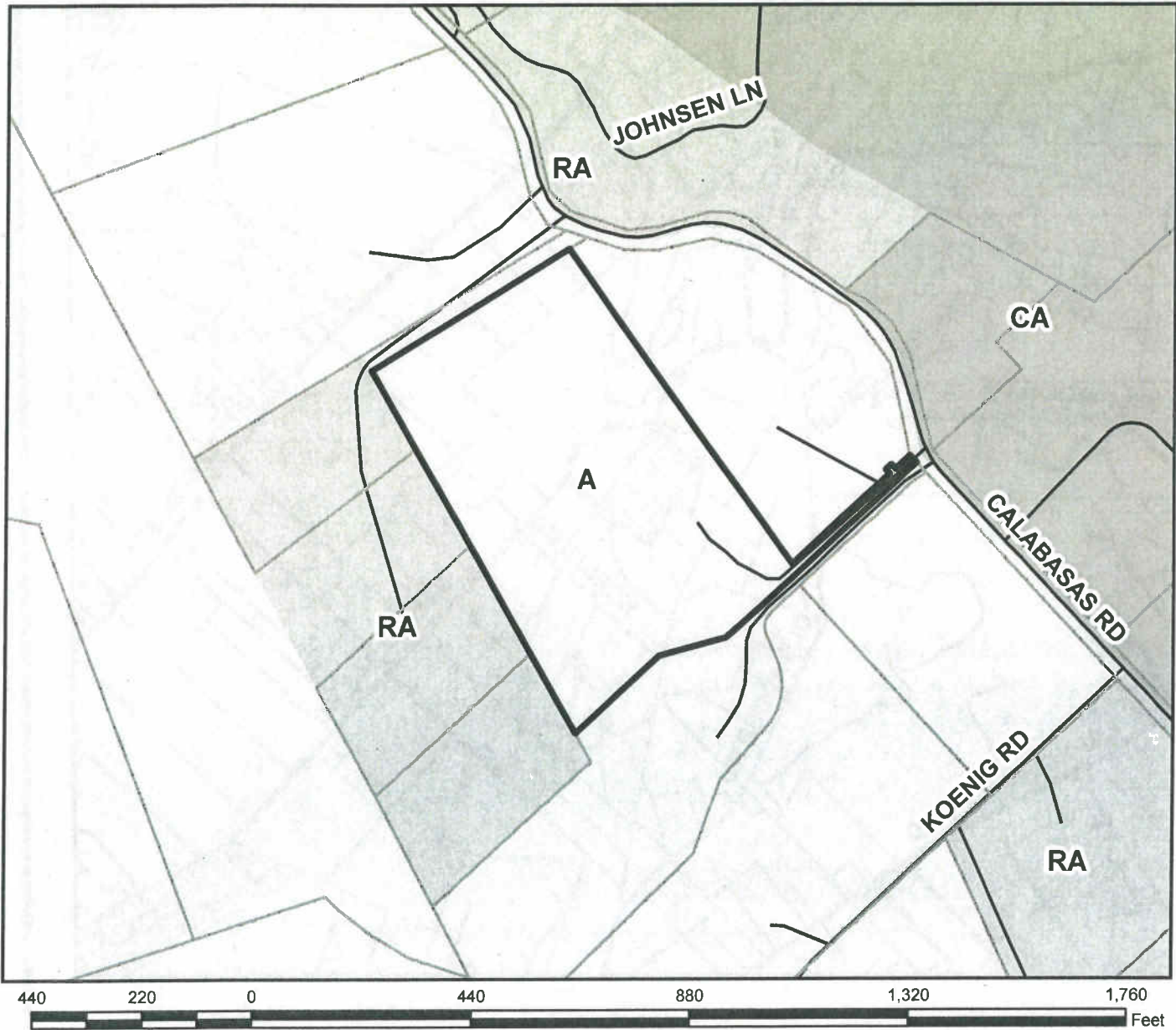
Map Created by  
County of Santa Cruz  
Planning Department  
July 2013

**EXHIBIT E**





# Zoning Map



## LEGEND

-  APN: 049-091-24
-  Assessors Parcels
-  Streets
-  AGRICULTURE
-  AGRICULTURE RESIDENTIAL
-  AGRICULTURE COMMERCIAL

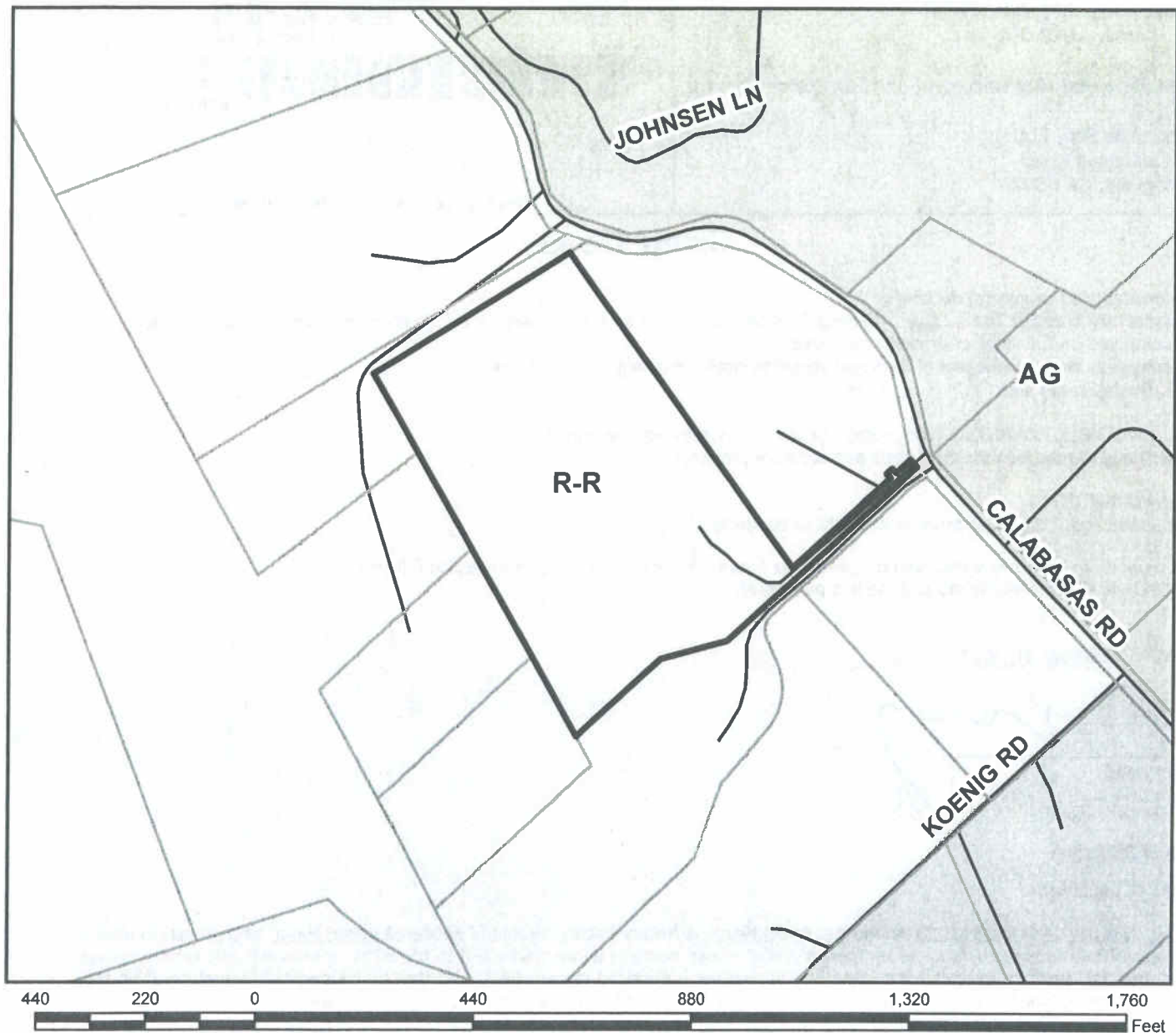


Map Created by  
County of Santa Cruz  
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July 2013






EXHIBIT E

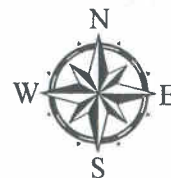


# General Plan Designation Map



## LEGEND

-  APN: 049-091-24
-  Assessors Parcels
-  Streets
-  Residential-Rural
-  Agriculture



Map Created by  
County of Santa Cruz  
Planning Department  
July 2013

**EXHIBIT E**

RECORDING REQUESTED BY:

Old Republic Title Company

Order No.: 0711004577-BH  
APN: 049-091-24

When Recorded Mail Document and Tax Statements to:

Watsonville Sod, LLC  
515 Calabasas Road  
Watsonville, CA 95076



2012-0055021 11/07/2012 08:00:00 AM  
OFFICIAL RECORDS OF Santa Cruz County  
Sean Saldavia Recorder  
RECORDING FEE: \$31.00  
COUNTY TAX: \$0.00  
CITY TAX: \$0.00



DEED  
3 PGS  
RCD157

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Grant Deed

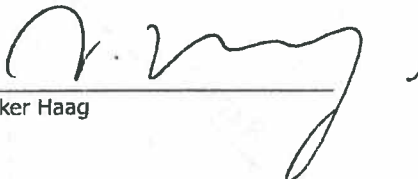
The undersigned grantor(s) declare(s):  
Documentary Transfer Tax is ☒ No consideration / transfer from sole member to LLC (percentage interests didn't change)  
(X) computed on full value of property conveyed, or  
( ) computed on full value less of liens and encumbrances remaining at time of sale.  
(X) Unincorporated area: ( ) City of

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
Volker Haag, a married man as his sole and separate property

hereby GRANT(S) to  
Watsonville Sod, LLC, a California limited liability company

that property in Unincorporated area of Santa Cruz County, State of California, described as follows:  
See "Exhibit A" attached hereto and made a part hereof.


Date: October 31, 2012

  
Volker Haag

State of California  
County of Santa Cruz

On this 31st day of October, 2012 before me, Brigid Heath, a Notary Public, personally appeared Volker Haag, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.  
WITNESS my hand and official seal.

Signature   
Name Brigid Heath  
(typed or printed)



(Area reserved for official notarial seal)



ORDER NO. : 0711004577-BH

## EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Santa Cruz, State of California, and is described as follows:

### PARCEL ONE:

Being a part of the Rancho Corralitos and being also a portion of the lands conveyed by Meral M. Montgomery et ux, to John W. Melendy et ux, by Deed dated February 4, 1959 and recorded March 16, 1959 in Volume 1235 at Page 198, Official Records, Santa Cruz County and being more particularly bounded and described as follows:

Beginning at a 3/4" pipe set at the most Easterly corner of said lands of Melendy; thence from said point of beginning and running along the Northeasterly boundary of said Lands of Melendy, being the Southwesterly boundary of the Lands Conveyed by John W. Melendy et ux, to Meral M. Montgomery et ux, by Deed recorded September 29, 1959 in Volume 1273 at Page 546, Official Records, Santa Cruz County and the Southwesterly boundary of the Lands Conveyed by Meral M. Montgomery et ux, to Henry Berbert et ux, by Deed recorded in Volume 1273 at Page 551, Official Records, Santa Cruz County, North 36° 26' West, 798.32 feet to a 3/4" pipe set, from which a 3/4" pipe set, from which a 3/4" pipe found at an angle in the Northeasterly boundary of said lands of Melendy, Volume 1235, Official Records, Page 198, bears North 36° 26' West, 2.35 feet distant; thence leaving said last named boundary and running South 57° 37' West, 464.12 feet to a 3/4" pipe set, from which a 3/4" pipe set in the Northwesterly boundary of said Lands of Melendy, Volume 1235, Official Records, Page 198, bears North 30° 32' West, 40.02 feet distant; thence running South 30° 32' East, 905.47 feet to a 3/4" pipe set on the Southeasterly boundary of said Lands of Melendy, Volume 1235 of Official Records, Page 198; thence running along said last named boundary, North 46° 25' East, 560.00 feet to the point of beginning.

EXCEPTING THEREFROM that portion which was conveyed by Jean Berbert to Louis F. Ridder Sr., et ux, by Deed recorded July 5, 1978 in Book 2931, Page 650, Official Records, Santa Cruz County.

### PARCEL TWO:

Being a part of the Rancho Corralitos and being also a portion of the lands conveyed by Albert G. Earle, et ux, to Meral M. Montgomery et ux, by Deed dated April 9, 1953 and recorded May 8, 1953 in Volume 913 at Page 135, Official Records of Santa Cruz County and being more particularly bounded and described as follows, to wit:

Beginning at a 3/4" pipe set on the Southeasterly boundary of said lands of Montgomery at the most Easterly corner of the Lands Conveyed by Meral Montgomery et ux, to John W. Melendy, et ux, by Deed dated February 4, 1959 and recorded March 16, 1959 in Volume 1235 at Page 198, Official Records of Santa Cruz County; thence from said point of beginning and running along the Southeasterly boundary of said lands of Montgomery, North 46° 25' East, 368.21 feet to a post at the most Westerly corner of the Old Calabasas School House Lot from which a 3/4" pipe on the Southwesterly side of Calabasas Road bears South 46° 25' West, 40.00 feet; thence

running North 11° 17' East, 34.75 feet to a station from which a 1" pipe bears South 46° 25' West, 68.42 feet; thence running South 46° 25' West, 112.89 feet to a 1" pipe; thence North 48° 57' West, 12.00 feet to a 1" pipe; thence South 46° 25' West, 14.85 feet to a 1" pipe; thence South 48° 21' East, 12.00 feet to a 1" pipe; thence South 46° 25' West, 266.26 feet to a 3/4" pipe set on the Northeasterly boundary of said lands of Melendy; thence running along said boundary South 36° 26' East, 20.16 feet to the point of beginning.

EXCEPTING all the right, title and interest of the County of Santa Cruz in and to said Calabasas Road.

PARCEL THREE:

An easement appurtenant to Parcels One and Two above, for ingress, egress and public utilities, 20 feet in width, the Southeasterly boundary line of which is described as follows:

Beginning at a 3/4 inch pipe set at the most Southerly corner of the land conveyed to Henry Berbert, et ux, by Deed recorded September 29, 1959 in Book 1273, Page 551, Official Records, Santa Cruz County and from which the most Easterly corner of the lands conveyed to John W. Melendy, et ux, by Deed recorded March 16, 1959 in Book 1235, Page 198, Official Records, Santa Cruz County, bears South 36° 26' East, 20.16 feet distant; thence from said point of beginning, North 46° 25' East, 368 feet, more or less, to the Southwesterly sideline of Calabasas Road.

PARCEL FOUR:

An undivided 1/2 Interest in and to the well and water system located on the lands conveyed to Kenneth Roy Pina et al, by Deed recorded June 19, 1979 in Book 3071, Page 438, Official Records, Santa Cruz County, all as set out in that certain Document entitled, "Declaration Regarding Water System", recorded June 19, 1979 in Book 3071, Page 427, Official Records, Santa Cruz County.

APN: 049-091-24

NOTE: Parcel Four herein described is only being included so as to avoid the Company being the cause of excluding it from deeds or encumbrances, but NO INSURANCE is to be provided as to said parcel.

Anything to the contrary in the policy or endorsements thereto notwithstanding, said parcel is NOT INSURED even though it may be included as part of the description of the land described or referred to in the policy.

The Company requires that the insured(s) acknowledge in writing that they understand this.

Should a request, however, be made for insurance in this regard, it must be referred to the Title Department for an appropriate response.



## 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/environ10.html](http://www.temple.edu/departments/CETP/environ10.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.

EXHIBIT G

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USC > Title 49 > Subtitle VII > Part A > Subpart i > Chapter 401 > § 40103 [PREV](#) [NEXT](#)

## 49 USC § 40103 - Sovereignty and use of airspace

[USC-prelim](#) [US Code](#) [Notes](#) [Updates](#) [Authorities \(CFR\)](#)

*USC Prelim* is a preliminary release and may be subject to further revision before it is released again as a final version.

Current through Pub. L. [113-9](#). (See [Public Laws for the current Congress](#).)

### (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.

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(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.**— 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.

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**Nancy J. Kerrigan**

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Family Law Attorney Child Support, Custody, Divorce

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**RICHARD M. MANNING**

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Aptos, CA 95003

To: Samantha Haschert, County Planning Department  
From: Richard Manning *R.M.*  
Date: April 17, 2013  
Subject: Parachute Landing on APN 049-091-24  
(515 Calabasas Road, Watsonville)/FAA Regulations

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The purpose of this memo is to give the reader a basic understanding of what and how the Federal Aviation Administration regulates sport parachuting and related aircraft operations. As much as possible, this is done by supplying actual FAA publications and the official regulations. The latter are published in Title 14 of the Code of Federal Regulations (CFR). All "Regs" hereafter mentioned are from that source. Part 105 of those regulations pertains to parachute operations. A copy of that part is attached.

An excellent summary of the FAA's role is provided in the U.S. Parachute Association Skydiver's Information Manual, at the beginning of Section 9, FAA documents.

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**Summary**

The Federal Aviation Administration (FAA) of the U.S. Department of Transportation has the responsibility for regulating airspace usage in the United States. Concerning skydiving activities, the FAA fulfills this responsibility by specifically regulating certain aspects of skydiving and by relying upon the self-regulation of the participants through the guidelines and recommendations published by USPA.

The FAA's main responsibility is to provide for the safety of air traffic, as well as persons and property on the ground. The FAA does this by certifying pilots, mechanics, air traffic controllers and parachute riggers and by requiring approval data for aircraft and parachutes. The agency has the authority to impose fines and suspend or revoke certificates it has issued. In the case of a skydiving violation, the FAA can fine the pilot, rigger, and the jumpers, as well as suspend or revoke the certificates of pilots and riggers.

A clear statement of the FAA's broad powers is set forth in Reg §105.5, which is enforced by the FAA. It reads as follows:

**EXHIBIT I**



"No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from an aircraft, if that operation creates a hazard to air traffic or to persons or property on the surface."

A reasonably detailed summary of the FAA's regulation of sport parachuting is contained in its Advisory Circular No. 105 - 2D, a copy of which is attached.

So far as the actual flights and jumps are concerned, the FAA regulates activities both in the airspace and on landing areas. These will be discussed separately.

#### Airspace Regulation:

The FAA controls "traffic" within airspace. "Traffic" includes not only machines, but also, once they leave an airplane, parachutists as well. The primary objective is to prevent air-traffic collisions. Those who intend to use airspace in a given area must provide the information necessary for the relevant air-traffic control center to prohibit or direct traffic. For any flight that may result in a parachute landing on the subject property, the pilot, just before or after take off must, by radio, report the planned operation to the Nor Cal Air-Traffic Control Center (ATC). The calls made to ATC include a call 2 minutes prior to the parachute drops, a call when the last parachutist has exited the aircraft, a call when all parachutes are open. Following the actual landings the ATC must also be informed that the operation has been completed.

There is another way in which both the ATC and pilots receive information about parachute activities. An operator who plans repetitive operations at the same site must, annually, file a Notification of Parachute Operations, with the FAA; and if certain criteria are met, that will result in the relevant area being designated on Sectional Aeronautical Charts and on the FAA Airports Facility Directories as a "Parachute Jumping Area". That designation has been obtained for the subject property. A copy of the relevant portion of the aeronautical chart for this area is attached. Those charts are used not just by ATC, but also by pilots, especially of small planes. Because SkydiveSurfcity has achieved that designation, on balance the result is fewer flights by aircraft in this area at elevations below 1000 feet. Pilots tend to avoid Parachute Jumping Areas and the ATC keeps pilots out of those areas at any time that might conflict with a likely jump. Without that, aircraft would be free to fly in this area at any elevation above 1000 feet, whereas the aircraft used by SkydiveSurfcity always stay above 10,000 feet. At that height aircraft can barely be heard, so these parachuting operations result in less, not more, noise for those on the ground anywhere in the vicinity of 515 Calabasas.



Landing Area Regulation:

The FAA has special regulations for two kinds of situations that are not relevant here – landings at airports, and landings in "congested", i.e. densely populated, areas, so the discussion of those subjects in the attached circular can be ignored.

In advising interested persons how to comply with the prohibition in Reg §105.5 against creating hazards "to persons or property on the surface", the FAA relies on the BSR (Basic Safety Regulations) of United States Parachute Association. Those require a landing area of sufficient size, for tandem jumps such as those conducted by Surf City, to have a 50 meter minimal radial distance to the nearest hazard. That means a minimum area of 84,594 feet<sup>2</sup>. The area that is suitable for landing on the subject property is approximately 418,200 feet<sup>2</sup>, which is five times the recommended minimum size.

The highly trained instructors utilized by SkydiveSurfcity usually land within 30 feet of their intended spot and always within 100 feet. Consequently, they could land hundreds of feet from the nearest property. In actual practice they land towards the easterly side of the property, near the common boundary with a neighbor who has written a letter in support of this activity. In all circumstances, they always land more than 150 feet from the boundary of the subject property.

Attachments:

Part 105, Title 14 of the Code of Federal Regulations  
FAA Advisory Circular No. 105 – 2D  
FAA Aeronautical Chart for this Area

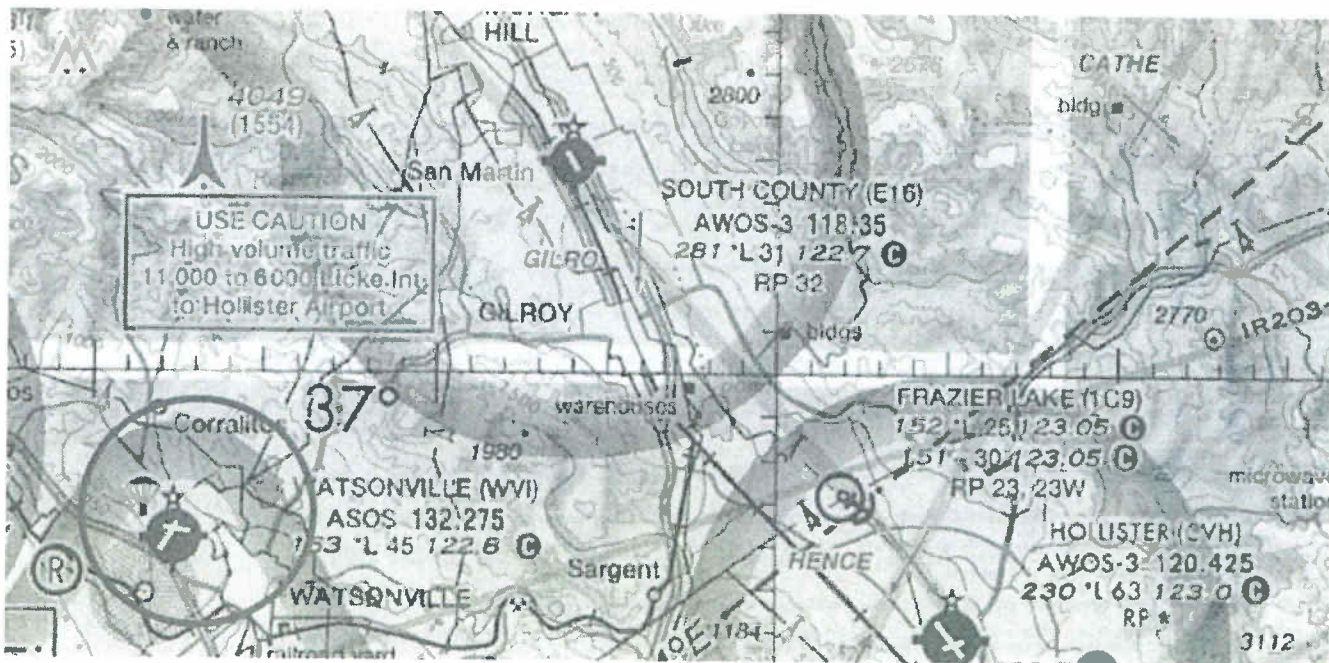
EXHIBIT I

**Attachment 3: Business license for the business located at the airport**

ISSUED IN CONFORMITY WITH THE PROVISIONS OF THE WATSONVILLE MUNICIPAL CODE FOR:		CITY OF WATSONVILLE	BUSINESS LICENSE
BUSINESS NAME	SKYDIVE SURFCITY LLC	SIC	LICENSE NUMBER: 9103
TYPE OF BUSINESS	AMUSEMENT AND RECREATION, NEC	7999	EFFECTIVE DATE: 07/25/2012 EXPIRATION DATE: 07/01/2013
RESTRICTIONS	DISPLAY IN A CONSPICUOUS PLACE		
LOCATION/UNIT	160 AVIATION WAY C		
MAIL ADDRESS	SKYDIVE SURFCITY LLC 160 AVIATION WAY C WATSONVILLE CA 95076		
		ADMINISTRATIVE SERVICES DIRECTOR	

ISSUED WITHOUT VERIFICATION THAT THE LICENSEE IS SUBJECT TO OR EXEMPTED FROM LICENSING BY THE STATE

**Attachment 4: FAA San Francisco Sectional Aeronautical Chart**



## Part 105—Parachute Operations

## Contents:

- 105.1 - Applicability
- 105.3 - Definitions
- 105.5 - General
- 105.7 - Use of alcohol and drugs
- 105.9 - Inspections
- 105.13 - Radio equipment and use requirements
- 105.15 - Information required and notice of cancellation or postponement of a parachute operation
- 105.17 - Flight visibility and clearance from cloud requirements
- 105.19 - Parachute operations between sunset and sunrise
- 105.21 - Parachute operations over or into a congested area or an open-air assembly of persons
- 105.23 - Parachute operations over or onto airports
- 105.25 - Parachute operations in designated airspace
- 105.41 - Applicability
- 105.43 - Use of single-harness, dual-parachute systems
- 105.45 - Use of tandem parachute systems
- 105.47 - Use of static lines
- 105.49 - Foreign parachutists and equipment

## Sec. 105.1 Applicability

- (a) Except as provided in paragraphs (b) and (c) of this section, this part prescribes rules governing parachute operations conducted in the United States.
- (b) This part does not apply to a parachute operation conducted--
- (1) In response to an in-flight emergency, or
  - (2) To meet an emergency on the surface when it is conducted at the direction or with the approval of an agency of the United States, or of a State, Puerto Rico, the District of Columbia, or a possession of the United States, or an agency or political subdivision thereof.
- (c) Sections 105.5, 105.9, 105.13, 105.15, 105.17, 105.19 through 105.23, 105.25(a)(1) and 105.27 of this part do not apply to a parachute operation conducted by a member of an Armed Force--
- (1) Over or within a restricted area when that area is under the control of an Armed Force.
  - (2) During military operations in uncontrolled airspace.

## Sec. 105.3 Definitions

For the purposes of this part--

Approved parachute means a parachute manufactured under a type certificate or a Technical Standard Order (C-23 series), or a personnel-carrying U.S. military parachute (other than a high altitude, high speed, or ejection type) identified by a Navy Air Facility, an Army Air Field, and Air Force-Navy drawing number, an Army Air Field order number, or any other military designation or specification number.

Automatic Activation Device means a self-contained mechanical or electro-mechanical device that is attached to the interior of the reserve parachute container, which automatically initiates parachute deployment of the reserve parachute at a pre-set altitude, time, percentage of terminal velocity, or combination thereof.

Direct supervision means that a certificated rigger personally observes a non-certificated person packing a main parachute to the extent necessary to ensure that it is being done properly, and takes responsibility for that packing.

Drop Zone means any pre-determined area upon which parachutists or objects land after making an intentional parachute jump or drop. The center-point target of a drop zone is expressed in nautical miles from the nearest VOR facility when 30 nautical miles or less; or from the nearest airport, town, or city depicted on the appropriate Coast and Geodetic Survey World Aeronautical Chart or Sectional Aeronautical Chart, when the nearest VOR facility is more than 30 nautical miles from the drop zone.

Foreign parachutist means a parachutist who is neither a U.S. citizen or a resident alien and is participating in parachute operations within the United States using parachute equipment not manufactured in the United States.

Freefall means the portion of a parachute jump or drop between aircraft exit and parachute deployment in which the parachute is activated manually by the parachutist at the parachutist's discretion or automatically, or, in the case of an object, is activated automatically.

Main parachute means a parachute worn as the primary parachute used or intended to be used in conjunction with a reserve parachute.

Object means any item other than a person that descends to the surface from an aircraft in flight when a parachute is used or is intended to be used during all or part of the descent.

Parachute drop means the descent of an object to the surface from an aircraft in flight when a parachute is used or intended to be used during all or part of that descent.

Parachute jump means a parachute operation that involves the descent of one or more persons to the surface from an aircraft in flight when a [sic] aircraft is used or intended to be used during all or part of that descent.

Parachute operation means the performance of all activity for the purpose of, or in support of, a parachute jump or a parachute drop. This parachute operation can involve, but is not limited to, the following persons: parachutist, parachutist in command and passenger in tandem parachute operations, drop zone or owner or operator, jump master, certificated parachute rigger, or pilot.

Parachutist means a person who intends to exit an aircraft while in flight using a single-harness, dual parachute system to descend to the surface.

Parachutist in command means the person responsible for the operation and safety of a tandem parachute operation.

Passenger parachutist means a person who boards an aircraft, acting as other than the parachutist in command of a tandem parachute operation, with the intent of exiting [sic] the aircraft while in-flight using the forward harness of a dual harness tandem parachute system to descend to the surface.

Pilot chute means a small parachute used to initiate and/or accelerate deployment of a main or reserve parachute.

Ram-air parachute means a parachute with a canopy consisting of an upper and lower surface that is inflated by ram air entering through specially designed openings in the front of the canopy to form a gliding airfoil.

Reserve parachute means an approved parachute worn for emergency use to be activated only upon failure of the main parachute or in any other emergency where use of the main parachute is impractical or use of the main parachute would increase risk.

Single-harness, dual parachute system means the combination of a main parachute, approved reserve parachute, and approved single-person harness and dual-parachute container. This parachute system may have an operational automatic activation device installed.

Tandem parachute operation means a parachute operation in which more than one person simultaneously uses the same tandem parachute system while descending to the surface from an aircraft in flight.

Tandem parachute system means the combination of a main parachute, approved reserve parachute, and approved harness and dual parachute container, and a separate approved forward harness for a passenger parachutist. This parachute system must have an operational automatic activation device installed.

## Sec. 105.5 General

No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from an aircraft, if that operation creates a hazard to air traffic or to persons or property on the surface.

## Sec. 105.7 Use of alcohol and drugs



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 that aircraft, if that person is or appears to be under the influence of--

- (a) Alcohol, or
- (b) Any drug that affects that person's faculties in any way contrary to safety.

#### Sec. 105.9 Inspections

The Administrator may inspect any parachute operation to which this part applies (including inspections at the site where the parachute operation is being conducted) to determine compliance with the regulations of this part.

#### Sec. 105.13 Radio equipment and use requirements

- (a) Except when otherwise authorized by air traffic control--

(1) 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, in or into controlled airspace unless, during that flight--

(i) The aircraft is equipped with a functioning two-way radio communication system appropriate to the air traffic control facilities being used; and

(ii) Radio communications have been established between the aircraft and the air traffic control facility having jurisdiction over the affected airspace of the first intended exit altitude at least 5 minutes before the parachute operation begins. The pilot in command must establish radio communications to receive information regarding air traffic activity in the vicinity of the parachute operation.

(2) The pilot in command of an aircraft used for any parachute operation in or into controlled airspace must, during each flight--

(i) Continuously monitor the appropriate frequency of the aircraft's radio communications system from the time radio communications are first established between the aircraft and air traffic control, until the pilot advises air traffic control that the parachute operation has ended for that flight.

(ii) Advise air traffic control when the last parachutist or object leaves the aircraft.

(b) Parachute operations must be aborted if, prior to receipt of a required air traffic control authorization, or during any parachute operation in or into controlled airspace, the required radio communications system is or becomes inoperative.

#### Sec. 105.15 Information required and notice of cancellation or postponement of a parachute operation

(a) Each person requesting an authorization under Secs. 105.21(b) and 105.25(a)(2) of this part and each person submitting a notification under Sec. 105.25(a)(3) of this part must provide the following information (on an individual or group basis):

- (1) The date and time the parachute operation will begin.
- (2) The radius of the drop zone around the target expressed in nautical miles.
- (3) The location of the center of the drop zone in relation to--
  - (i) The nearest VOR facility in terms of the VOR radial on which it is located and its distance in nautical miles from the VOR facility when that facility is 30 nautical miles or less from the drop zone target; or
  - (ii) the nearest airport, town, or city depicted on the appropriate Coast and Geodetic Survey World Aeronautical chart or Sectional Aeronautical Chart, when the nearest VOR facility is more than 30 nautical miles from the drop zone target.
- (4) Each altitude above mean sea level at which the aircraft will be operated when parachutists or objects exit [sic] the aircraft.
- (5) The duration of the intended parachute operation.
- (6) The name, address, and telephone number of the person who requests the authorization or gives notice of the parachute operation.
- (7) The registration number of the aircraft to be used.
- (8) The name of the air traffic control facility with jurisdiction of the airspace at the first intended exit altitude to be used for the parachute operation.

(b) Each holder of a certificate of authorization issued under Secs. 105.21(b) and 105.25(b) of this part must present that certificate for inspection upon the request of the Administrator or any Federal, State, or local official.

(c) Each person requesting an authorization under Secs. 105.21(b) and 105.25(a)(2) of this part and each person submitting a notice under Sec. 105.25(a)(3) of this part must promptly notify the air traffic control facility having jurisdiction over the affected airspace if the proposed or scheduled parachute operation is canceled or postponed.

#### Sec. 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:

#### Sec. 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.

#### Sec. 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 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 Sec. 105.15(a) of this part.

ALTITUDE	FLIGHT VISIBILITY (STATUTE MILES)	DISTANCE FROM CLOUDS
(1) 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
(2) 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
(3) 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
		2,000 feet horizontal

**EXHIBIT I**



(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.

1,000 feet above  
1 mile horizontal

(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.

#### Sec. 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 airport's traffic pattern, and avoids creating a hazard to air traffic or to persons and property on the ground.

#### Sec. 105.25 Parachute operations in designated airspace

(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--

- (1) Over or within a restricted area or prohibited area unless the controlling agency of the area concerned has authorized that parachute operation;
- (2) Within or into a Class A, B, C, D airspace area without, or in violation of the requirements of, an air traffic control authorization issued under this section;
- (3) Except as provided in paragraph (c) and (d) of this section, within or into Class E or G airspace area unless the air traffic control facility having jurisdiction over the airspace at the first intended exit altitude is notified of the parachute operation no earlier than 24 hours before or no later than 1 hour before the parachute operation begins.

(b) Each request for a parachute operation authorization or notification required under this section must be submitted to the air traffic control facility having jurisdiction over the airspace at the first intended exit altitude and must include the information prescribed by Sec. 105.15(a) of this part.

(c) For the purposes of paragraph (a)(3) of this section, air traffic control facilities may accept a written notification from an organization that conducts parachute operations and lists the scheduled series of parachute operations to be conducted over a stated period of time not longer than 12 calendar months. The notification must contain the information prescribed by Sec. 105.15(a) of this part, identify the responsible persons associated with that parachute operation, and be submitted at least 15 days, but not more than 30 days, before the parachute operation begins. The FAA may revoke the acceptance of the notification for any failure of the organization conducting the parachute operations to comply with its requirements.

(d) Paragraph (a)(3) of this section does not apply to a parachute operation conducted by a member of an Armed Force within a restricted area that extends upward from the surface when that area is under the control of an Armed Force.

#### Sec. 105.41 Applicability

This subpart prescribes rules governing parachute equipment used in civil parachute operations.

#### Sec. 105.43 Use of single-harness, dual-parachute systems

No person may conduct a parachute operation using a single-harness, dual-parachute system, and no pilot in command of an aircraft may allow any person to conduct a parachute operation from that aircraft using a single-harness, dual-parachute system, unless that system has at least one main parachute, one approved reserve parachute, and one approved single person harness and container that are packed as follows:

(a) The main parachute must have been packed within 180 days before the date of its use by a certificated parachute rigger, the person making the next jump with that parachute, or a non-certificated person under the direct supervision of a certificated parachute rigger.

(b) The reserve parachute must have been packed by a certificated parachute rigger--

- (1) Within 180 days before the date of its use, if its canopy, shroud, and harness are composed exclusively of nylon, rayon, or similar synthetic fiber or material that is substantially resistant to damage from mold, mildew, and other fungi, and other rotting agents propagated in a moist environment; or
- (2) Within 60 days before the date of its use, if it is composed of any amount of silk, pongee, or other natural fiber, or material not specified in paragraph (b)(1) of this section.

(c) If installed, the automatic activation device must be maintained in accordance with manufacturer instructions for that automatic activation device.

#### Sec. 105.45 Use of tandem parachute systems

(a) No person may conduct a parachute operation using a tandem parachute system, and no pilot in command of an aircraft may allow any person to conduct a parachute operation from that aircraft using a tandem parachute system, unless--

(1) One of the parachutists using the tandem parachute system is the parachutist in command, and meets the following requirements:

- (i) Has a minimum of 3 years of experience in parachuting, and must provide documentation that the parachutist--
- (ii) Has completed a minimum of 500 freefall parachute jumps using a ram-air parachute, and
- (iii) Holds a master parachute license issued by an organization recognized by the FAA, and
- (iv) Has successfully completed a tandem instructor course given by the manufacturer of the tandem parachute system used in the parachute operation or a course acceptable to the Administrator.
- (v) Has been certified by the appropriate parachute manufacturer or tandem course provider as being properly trained on the use of the specific tandem parachute system to be used.

(2) The person acting as parachutist in command:

- (i) Has briefed the passenger parachutist before boarding the aircraft. The briefing must include the procedures to be used in case of an emergency with the aircraft or after exiting the aircraft, while preparing to exit and exiting the aircraft, freefall, operating the parachute after freefall, landing approach, and landing.
- (ii) Uses the harness position prescribed by the manufacturer of the tandem parachute equipment.

(b) No person may make a parachute jump with a tandem parachute system unless--

- (1) The main parachute has been packed by a certificated parachute rigger, the parachutist in command making the next jump with that parachute, or a person under the direct supervision of a certificated parachute rigger.
- (2) The reserve parachute has been packed by a certificated parachute rigger in accordance with Sec. 105.43(b) of this part.

EXHIBIT I

(3) The tandem parachute system contains an operational automatic activation device for the reserve parachute, approved by the manufacturer of that tandem parachute system. The device must--

- (i) Have been maintained in accordance with manufacturer instructions, and
- (ii) Be armed during each tandem parachute operation.

(4) The passenger parachutist is provided with a manual main parachute activation device and instructed on the use of that device, if required by the owner/operator.

(5) The main parachute is equipped with a single-point release system.

(6) The reserve parachute meets Technical Standard Order C23 specifications.

#### Sec. 105.47 Use of static lines

(a) Except as provided in paragraph (c) of this section, no person may conduct a parachute operation using a static line attached to the aircraft and the main parachute unless an assist device, described and attached as follows, is used to aid the pilot chute in performing its function, or, if no pilot chute is used, to aid in the direct deployment of the main parachute canopy. The assist device must--

(1) Be long enough to allow the main parachute container to open before a load is placed on the device.

(2) Have a static load strength of--

(i) At least 28 pounds but not more than 160 pounds if it is used to aid the pilot chute in performing its function; or

(ii) At least 56 pounds but not more than 320 pounds if it is used to aid in the direct deployment of the main parachute canopy; and

(3) Be attached as follows:

(i) At one end, to the static line above the static-line pins or, if static-line pins are not used, above the static-line ties to the parachute cone.

(ii) At the other end, to the pilot chute apex, bridle cord, or bridle loop, or, if no pilot chute is used, to the main parachute canopy.

(b) No person may attach an assist device required by paragraph (a) of this section to any main parachute unless that person is a certificated parachute rigger or that person makes the next parachute jump with that parachute.

(c) An assist device is not required for parachute operations using direct-deployed, ram-air parachutes.

#### Sec. 105.49 Foreign parachutists and equipment

(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 with an unapproved foreign parachute system unless--

(1) The parachute system is worn by a foreign parachutist who is the owner of that system.

(2) The parachute system is of a single-harness dual parachute type.

(3) The parachute system meets the civil aviation authority requirements of the foreign parachutist's country.

(4) All foreign non-approved parachutes deployed

by a foreign parachutist during a parachute operation conducted under this section shall be packed as follows--

(i) The main parachute must be packed by the foreign parachutist making the next parachute jump with that parachute, a certificated parachute rigger, or any other person acceptable to the Administrator.

(ii) The reserve parachute must be packed in accordance with the foreign parachutist's civil aviation authority requirements, by a certificated parachute rigger, or any other person acceptable to the Administrator.



U.S. Department  
of Transportation  
Federal Aviation  
Administration

# Advisory Circular

---

**Subject:** Sport Parachuting

**Date:** 5/18/11

**AC No:** 105-2D

**Initiated by:** AFS-800

**Change:**

**1. PURPOSE.** This advisory circular (AC) provides suggestions to improve sport parachuting safety and disseminates information to assist all parties associated with sport parachuting in compliance with Title 14 of the Code of Federal Regulations (14 CFR) part 105. It also contains information for jumpers and riggers on parachuting equipment, on-airport parachuting operations, jump pilot training, aircraft maintenance programs, parachute rigging, and procedures for Federal Aviation Administration (FAA) authorization for flight operations with a door removed or modified.

**2. CANCELLATION.** This AC cancels AC 105-2C, Sport Parachute Jumping, dated 1/2/1991.

**3. RELATED CFR PARTS AND PUBLICATIONS.** The FAA's primary responsibility with respect to skydiving is the protection of air traffic and persons and property on the ground. This is principally accomplished through part 105.

**a. Title 14 CFR.** This paragraph describes the 14 CFR parts that are of interest to skydivers, parachute riggers, and jump aircraft pilots. They may be downloaded from the FAA's Web site at <http://www.faa.gov>. All FAA regulations, ACs, and other documents are also available for download from the FAA's Web site. Since the Federal regulations and other publications may be amended at any time, skydivers, parachute riggers, and pilots should keep up with changes to comply with current requirements.

**(1) Title 14 CFR Part 65, Certification: Airmen Other Than Flight Crewmembers.** Subpart F concerns parachute riggers, their eligibility requirements, privileges, and performance standards.

**(2) Title 14 CFR Part 91, General Operating and Flight Rules.** Parachute operators and jump pilots must comply with all applicable sections of part 91.

**(3) Title 14 CFR Part 119, Certification: Air Carriers and Commercial Operators,** Part 119, § 119.1(e)(6). When conducted within 25 statute miles of the airport of departure, the parachute operation can be conducted as a commercial operation under part 91.

**(4) Part 105, Parachute Operations.** This part is especially important to parachutists, to parachute riggers, and to the pilots who fly parachutists, since it contains regulations governing intentional parachute jumping.

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EXHIBIT I

**b. Technical Standard Order (TSO)-C23, Personnel Parachutes Assemblies.** The TSO-C23 series contains the minimum performance and safety requirements for parachutes. New approved parachutes must be designed and tested to the current TSO standards. Parachutes approved under earlier TSO standards may continue to be produced. The most current TSO-C23 document may be obtained from the FAA Web site, [www.faa.gov](http://www.faa.gov).

**c. Parachuting Symbols on Charts, Electronic Navigation Equipment, and Related Publications.** Having parachuting symbols on aeronautical charts, electronic navigation equipment, and related publications helps alert pilots to the location of parachuting drop zones. This allows pilots to be aware of drop zones and exercise caution in these areas. The FAA Aeronautical Information Management (AJV-2) collects, stores, and distributes static parachute jumping activities (PAJA) data for use in FAA publications, charts, and Navigation Databases (NDB).

(1) Operators conducting parachute operations should report any additions, deletions, or changes to static PAJA data to the FAA air traffic control (ATC) facility with jurisdiction over the effected airspace. Operators should submit changes as outlined in part 105, § 105.15.

(2) ATC facilities that have jurisdiction over the affected airspace should report any additions, deletions, or changes to static PAJA data to AJV-2. At a minimum, changes to be reported should include location; distance and radial from the nearest Very high frequency Omnidirectional Range (VOR) or Collocated VOR and TACAN (VORTAC); maximum altitude; drop zone radius; day/time of use; and the ATC frequency. Submit static PAJA changes to the National Flight Data Center Web site at <http://nfdc.faa.gov>. Use the "Aeronautical Chart Changes" link to submit information.

#### 4. BACKGROUND.

**a. FAA-Recognized Aeronautical Activity.** Sport parachuting (skydiving) continues to increase in popularity and is an FAA-recognized aeronautical activity even though parachutists are not certificated airmen. As an FAA-recognized aeronautical activity, regulations require airports that have received FAA funding to accommodate this activity unless the FAA determines that compatibility issues prohibit parachuting operations at a particular airport. See the current edition of FAA Order 5190.6, FAA Airport Compliance Manual, appendix C, paragraph 4, and appendix C, section 1, subparagraph 1.3.d.

**b. Licensing, Instructor Rating, and Training.** Sport parachuting has certain inherent risks for all participants. Since 1946, the United States Parachute Association (USPA) and its predecessor organizations (the National Parachute Jumpers and Riggers Association and the Parachute Club of America) have developed skydiver licensing and instructor rating programs the FAA recognizes as successful programs that have enhanced skydiver safety. The USPA has also developed safety guidelines and standard practices known as the Basic Safety Requirements (BSR). The USPA has assembled these procedures, training programs, and BSRs into their Skydiver's Information Manual. The FAA recommends that all beginning parachutists obtain formal training conducted in accordance with the USPA BSRs or by training programs from other similar organizations. Current sport parachute student training programs offered by the USPA can be found on their Web site at <http://www.uspa.org>.



c. **The Parachute Industry Association (PIA).** Parachute equipment and accessories must be used with care. The PIA is an international trade association founded in 1976, devoted to the advancement and safety of parachutes and parachuting activities. Its membership is comprised of equipment manufacturers, materials suppliers, parachute riggers, government and military agencies, and other industry professionals. The PIA creates, publishes, and maintains materials, technical, and certification standards relating to parachutes, located on their Web site at <http://www.pia.com>.

d. **Safety Recommendations.** In the revision process of this AC, the FAA took into consideration the safety recommendations of the National Transportation Safety Board (NTSB) and comments solicited from the parachuting industry members, the USPA, and the PIA.

## 5. SKYDIVER SAFETY.

a. **BSRs.** The USPA developed basic safety standards and information for skydiving activities called BSRs. These standards and information are for training, checking equipment, and conducting a wide variety of sport parachuting activities. While not approved by the FAA, the BSRs are considered industry best practices and are widely accepted for use by individuals and parachute centers. The BSRs may be obtained from The United States Parachute Association, 5401 Southpoint Centre Boulevard, Fredericksburg, Virginia 22407. The phone number is 540-604-9740 and the USPA Web site is <http://www.uspa.org>. The FAA encourages skydivers to use facilities that conduct their operations in accordance with the USPA BSRs or other similar skydiving association best practices.

b. **Medical Certificates.** While the regulations do not require an FAA medical certification, the FAA urges prospective skydivers to receive a physical examination prior to their first jump. The skydiver should inform the physician of the purpose of the examination.

c. **First-Jump Training Methods.** The skydiving industry has developed various methods of first-jump instruction. The FAA recommends that beginning skydivers seek instruction from instructors that have met the qualifications set forth by the USPA or other similar skydiving associations.

### d. Safety Devices and Equipment.

(1) **Deployment Assist Device.** Federal regulations require that all persons making a parachute jump, with a static line attached to the aircraft and the main parachute, use an assist device to aid the pilot chute in performing its function. An assist device is also required if no pilot chute is used in direct deployment of a round, main parachute canopy. The regulations do not require an assist device for direct deployment of a ram-air main parachute canopy.

(2) **Automatic Activation Device (AAD).** An AAD is a self-contained mechanical or electro-mechanical backup device attached to the parachute container that automatically releases the parachute closing system when it meets specific parameters, such as exceeding a specific vertical velocity and being at or below a specific altitude. An AAD does not physically open the parachute container or deploy the canopy, but rather initiates the container opening by pulling the ripcord pin or by cutting the container closing loop, allowing the canopy to deploy in a

similar manner as when pulling the ripcord manually. Generally, AADs are installed on the reserve parachute.

(a) The FAA requires that all tandem parachutes have an AAD installed on the reserve parachute. Industry associations, such as the USPA, require their affiliated skydiving schools and clubs to provide and/or require the use of an AAD for all student or unlicensed skydivers.

(b) The FAA has not established Minimum Operational Performance Standards (MOPS) or a TSO for AADs. Therefore, the FAA recommends that anyone using an AAD review manufacturer's reports conforming to the PIA standard TS-120, AAD Design and Testing Report Format, or any independent third-party reports, in order to make an educated decision prior to the use of any particular make or model AAD. The FAA recommends that jumpers using AADs to satisfy the requirements set forth in part 105 purchase them from manufacturers that provide such reports, which provide a means to determine device airworthiness.

(c) Users of AADs should be aware of the device's level of reliability and its operating limitations, be knowledgeable about the various parameters of the device, and be trained on the specific use and setting for the particular AAD. Users should be well informed about the use of the AAD and have access to the manufacturer's instructions.

(d) Furthermore, users should understand that AADs are strictly backup devices and are not intended to replace training or timely manual execution of emergency procedures. AADs may or may not initiate reserve parachute deployment at a sufficient altitude, depending upon various combinations of circumstances.

(e) Jumpers should make a pre-jump check using the manufacturer's recommended procedures for proper setting, arming, and operational status verification to ensure the proper functioning of the AAD. This pre-jump check is usually made prior to boarding the aircraft to ensure that it is set at the proper altitude and under current weather conditions to aid in accuracy. This is especially important when using an AAD that has selectable or adjustable activation settings, or when the intended landing area is at an elevation different from that of the departure airfield.

(f) AADs may have selectable or adjustable altitude activation settings. Some AADs are preset for the intended type of operation (i.e., Tandem, Student, Expert, etc.), while others may be user-selectable. Caution should be exercised to ensure that the appropriate model, version, settings, or all three are used for the particular type of equipment and jump.

(g) Body position and other factors may cause a delay in the actual parachute opening altitude, which is another reason why such devices should be used only as a backup to manually deploying the reserve parachute. When the situation requires the use of the reserve parachute, the jumper should always manually pull the reserve ripcord using the established procedures for reserve deployment before ever reaching AAD activation altitude. The procedures for deployment of the reserve parachute are usually the same whether an AAD is installed or not.

(h) Report any malfunctions or activations of the AAD to the AAD manufacturer.

e. **Weather.** Strong or gusty winds can be dangerous, especially to student jumpers. The USPA recommends that the maximum winds for students be 14 miles per hour (mph) for ram-air reserves and 10 mph for round reserves. In addition, skydivers and pilots should ensure that there is adequate ceiling and visibility to maintain the required weather minimums.

f. **Parachute Landing Areas.** The FAA recommends that areas used as parachute landing areas remain unobstructed, with sufficient minimum radial distances to the nearest hazard. The USPA has defined such distances and hazards in their BSRs.

g. **Water Safety Equipment.** Flotation gear should be worn whenever the intended exit point, or landing point, of a skydiver is within 1 mile of an open body of water.

h. **Advanced Parachuting.** Many of the safety suggestions presented in this AC are intended primarily for the student parachutist. All student jumps should be made in a controlled training environment. Individual experience and judgment dictate what additional training should be obtained before undertaking more advanced parachuting activities. All parachutists should acquire experience and training before using unfamiliar or high-performance equipment.

## 6. PARACHUTE OPERATIONS ONTO AIRPORTS.

a. **Stipulations for Landing at or Flying over an Airport.** Most parachute operations take place on airports, including having the parachute landing area located on the airport property. Section 105.23 requires approval from airport management prior to skydiving onto any airport. However, § 105.23(c) allows a parachutist to drift over an airport with an open parachute without airport management approval as long as the parachutist remains at least 2,000 feet above that airport's traffic pattern. (Airport traffic patterns are generally 1,000–1,500 feet above ground level (AGL).)

b. **Additional Aviation Activities.** A large number of airports that accommodate parachute operations also have different kinds of aviation activities taking place simultaneously, including flight training, glider and helicopter operations, helicopter emergency medical services, sightseeing operations, and aerobatic practice over or in the immediate vicinity of the airport. Many airports accommodate a large volume of transient traffic during skydiving operations.

c. **Shared-Facility Airports.** The FAA recommends that shared-facility airports have operating procedures so that each activity can operate safely by knowing the procedures for each of the other activities. Representatives of each type of activity can operate more effectively by knowing the procedures for each of the other activities. Representatives of each type of airport user group should develop procedures specific to their activity and share these procedures with other user groups. It is the airport management's responsibility to ensure that airport policies and procedures are kept current. This can be accomplished via regularly scheduled meetings with all airport user groups.

(1) **Traffic Patterns.** With a minimum parachute opening altitude of 2,000 feet above the ground (and most parachutists open much higher), parachutes are nearly always open 800 feet or more above the traffic pattern altitude for any airport. Descending slowly and easy to visually acquire, parachutists and pilots have a shared responsibility to see and avoid each other. Often,

procedures can be implemented that reduce the potential for parachutists and pilots in a traffic pattern to be in proximity.

**(2) Parachute Landings on Airports.** Airports may designate suitable parachute landing areas. While skydivers attempt to land in such areas, at times there may be inadvertent landings in other grass or hard-surfaced areas. This could include landings on runways, taxiways, and other hard-surfaced areas. Areas such as runways, taxiways, clearways, and obstacle-free zones are not prohibited areas but should not be designated as a primary landing area and should be vacated as soon as practical. Flying a parachute over runways at low altitudes should be avoided where possible. The FAA recommends that airport management work with parachute operators to develop standard operating procedures (SOP) for activities conducted by parachutists.

**d. Additional Information.** For additional information, see the current editions of AC 150/5190-7, Minimum Standards for Commercial Aeronautical Activities, and FAA Order 5190.6.

**7. JUMP AIRCRAFT MAINTENANCE AND JUMP PILOTS.** Whenever flights are offered for compensation or hire, the flight is considered a commercial operation under part 91 and Federal regulations require:

**a. Aircraft Inspections.** Aircraft must be maintained in accordance with part 91, § 91.409. In most applications, operators must comply with one of four inspection programs:

- (1) Section 91.409(a) and (b), annual and 100-hour inspection programs;
- (2) Section 91.409(d), progressive inspection program;
- (3) Section 91.409(f)(3), manufacturer's inspection program; or
- (4) Section 91.409(f)(4), approved inspection program.

**b. Additional Information on Acceptable Maintenance Programs.** Anyone conducting parachuting operations should contact his or her local FAA Flight Standards District Office (FSDO) for additional information on acceptable maintenance programs. Reviewing aircraft maintenance records can be simplified by the use of an aircraft status sheet (Figure 1, FAA Aircraft Status Inspection List Example).



**FIGURE 1. FAA AIRCRAFT STATUS INSPECTION LIST EXAMPLE**

N\_\_\_\_\_ S/N\_\_\_\_\_ A/C M/M\_\_\_\_\_

Annual or Progressive Inspection		
100-Hour Inspection		
Static System Check		
Altimeter Check		
Transponder Check		
ELT Battery		

**8. PILOT RESPONSIBILITIES.** The pilot in command (PIC) must adhere to all regulations applicable to the operation conducted. This includes, but is not limited to, the following:

**a. Pilot Certification Experience and Operating Requirements.** The PIC is responsible for meeting the certification, proficiency, operating, and experience requirements of, but not limited to, 14 CFR parts 61, 91, and 105.

**b. Jump Pilot Training and Check Out.** Pilots conducting flight operations for compensation or hire are required to possess a Commercial Pilot Certificate with the appropriate ratings for the aircraft being flown and must have a current Class 2 medical certificate or equivalent. Any questions regarding these requirements should be directed to the local FAA FSDO for consideration. The FAA recommends that pilots flying aircraft for the purpose of sport parachuting have appropriate training and have received a thorough checkout in the jump aircraft to include, but not limited to:

**(1) Ground Training.**

**(a)** Aircraft limitations.

**(b)** Weight and Balance (W&B).

1. Takeoff computations.
  2. Weight shift in flight procedures for exiting jumpers.
  3. Landing configuration.
- (c) Low-speed operations for jump runs.
1. Maneuvering at minimum speed.
  2. Opening and closing jump door, if applicable.
  3. Stall recognition and recovery.
- (d) Emergency procedures.
1. Standard aircraft emergencies.
  2. Emergencies caused by jump activities.
  3. Bail-out procedures.
- (e) Determining aircraft airworthiness.
1. Maintenance requirements and procedures.
  2. Aircraft status log (Figure 1).
  3. Minimum equipment list (MEL), if applicable.
  4. Logging maintenance discrepancies.
- (f) Ensure that all parachutes have been packed within 180 days.
- (g) Familiarity of jump area.
- (2) Flight Training.**
- (a) Takeoffs and landings with representative loads.
  - (b) Center of gravity (CG) shift with unloading of jumpers.
  - (c) Stall-spin prevention and recovery.
  - (d) Tail strike prevention for jumpers.

**NOTE:** The potential exists for jumpers to strike the tail of many aircraft when exiting the airplane in flight. Pilots should brief the jumpers on tail strike avoidance procedures. No exits should be made from any airplane

**unless the airplane is level flight with reduced power and airspeed and flaps, if necessary. Jumpers should not exit the airplane in a climb configuration.**

**c. W&B Procedures.** The PIC is solely responsible for assuring that the aircraft being flown is properly loaded and operated so that it stays within gross weight and CG limitations. The PIC must ensure that the aircraft is operated within the aircraft W&B limitations. Additional aircraft station position information (loading schedule) should be obtained by the PIC for future W&B computations. The PIC is also responsible for reviewing these records and the flight manual to be familiar with an aircraft's W&B procedures and flight characteristics.

**d. Computing W&B.** The PIC must include the following factors:

(1) The maximum allowable gross weight and the CG limitations.

(2) The currently configured empty weight and CG location.

(3) The weight and CG location prior to each flight.

(4) The weight and location of jumpers during each phase of the flight in order to assure that the aircraft stays within CG limits. The PIC must remain aware of CG shifts and their effects on aircraft controllability and stability as jumpers move into position for exiting the aircraft and as they exit.

**e. Operational Requirements.** The PIC is solely responsible for the operational requirements of parts 91 and 105 to include the special operating limitations and placards required for flight with the door open or removed.

**f. Suitable Placards.** Placards should be located in the aircraft to help the pilot inform jumpers of the maximum approved loading and weight distribution. These placards should be located where they will be seen by anyone boarding the aircraft and should clearly show the maximum approved seating capacity and the load distribution. However, since many jumpers are not familiar with aircraft W&B procedures, it remains the PIC's responsibility to ensure that proper W&B is maintained throughout all parachuting operations.

**g. Seatbelts and Approved Loading.** Section 91.107 permits persons aboard an aircraft for the purpose of participating in sport parachuting activities to use the floor of the aircraft for a seat. However, among jump aircraft there are a wide variety of seats, benches, troop seats, and floor seating arrangements. In all cases, seatbelts must be provided for each person and their installation must be approved. See Appendix 3 for additional information describing seat and restraint system configurations. The maximum number of skydivers is determined by that aircraft's W&B limitations, as long as there is a seatbelt or restraint for each skydiver. The approved number of skydivers that can be carried for parachute operations will most commonly be found on an FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller, or Appliance), used for field approvals, or an aircraft Supplemental Type Certificate (STC).

**h. Oxygen.** Jump pilots must use oxygen when flying above 14,000 feet mean sea level (MSL). Skydivers must use oxygen when the jump plane is above 15,000 feet MSL. Above 25,000 feet MSL, pressure-demand oxygen systems should be used. High altitude jumps should

be made only after first becoming familiar with the problems and hazards created by low temperatures, lack of oxygen, and the various types of oxygen equipment. High altitude jumps should not be attempted without an adequate supply of breathing oxygen.

i. **Altitude Reporting.** Report all altitudes to ATC in feet above MSL.

**9. PARACHUTE OPERATIONS IN DESIGNATED AIRSPACE.** Section 105.25 contains information on the ATC authorization and notification process.

a. **Parachute Operations Restrictions.** No person may conduct a parachute operation, and no PIC of an aircraft may allow a parachute operation to be conducted from that aircraft:

(1) Over or within a restricted area or prohibited area, unless the controlling agency of the area concerned has authorized that parachute operation;

(2) Within or into a Class A, B, C, or D airspace area without, or in violation of the requirements of, an ATC authorization issued under § 105.25; or

(3) Except as provided in subparagraph 9c and subparagraph 9d, within or into a Class E or G airspace area, unless the ATC facility that has jurisdiction over the airspace at the first intended exit altitude is notified of the parachute operation no earlier than 24 hours before and no later than 1 hour before the parachute operation begins.

b. **Request for a Parachute Operation Authorization or Notification.** Each request for a parachute operation authorization or notification required under this section must be submitted to the ATC facility that has jurisdiction over the airspace at the first intended exit altitude and must include the information prescribed by § 105.15(a).

c. **Notification of Parachute Operations.** For the purposes of subparagraph 9a(3), ATC facilities may accept a written notification from an organization that conducts parachute operations and lists the scheduled series of parachute operations to be conducted over a stated period of time not longer than 12 calendar-months. The notification must contain the information prescribed by § 105.15(a); identify the responsible persons associated with that parachute operation; and be submitted at least 15 days, but not more than 30 days, before the parachute operation begins. The FAA may revoke the acceptance of the notification for any failure of the organization conducting the parachute operations to comply with its requirements.

d. **Armed Force.** Subparagraph 9a(3) does not apply to a parachute operation conducted by a member of a Department of Defense (DOD) Armed Force within a restricted area that extends upward from the surface when that area is under the control of the DOD Armed Force.

*not applicable in DC Country*  
**10. JUMPS OVER AND INTO CONGESTED AREAS AND OPEN-AIR ASSEMBLIES OF PERSONS.**

a. **Off-Airport Jumps.** A skydiver may make parachute jumps away from the usual on-airport parachute school, club, or center location, as long as landowner permission is obtained for the off-airport location.



**b. Certificate of Authorization (COA).** Section 105.21(b) requires an FAA COA to conduct a parachute operation over or into a congested area of a city, town, or settlement, or an open-air assembly of persons. This COA must be obtained from the FAA FSDO that has jurisdiction over the site where the jump is proposed by submitting an application, FAA Form 7711-2, Certificate of Waiver or Authorization Application. FAA Form 7711-2 and information on filling out this form can be obtained from your local FSDO or downloaded from the following Web site: <http://www.faa.gov/about/initiatives/airshow>. An application for a COA should be submitted at least 10 working-days in advance of the intended jump date to allow time for processing. Approval or denial of the application must be completed within 5 working-days of receipt by the FSDO.

*Not in SC County*  
**1. REQUIRED INFORMATION.**

**a. COA-Required Information.** A person submitting a request for a COA is required to submit the information found in § 105.15:

- (1) The date and time the parachute operation will begin.
- (2) The radius of the drop zone around the target expressed in nautical miles (NM).
- (3) The location of the center of the drop zone in relation to:
  - (a) The nearest VOR facility in terms of the VOR radial of its location and its distance in NM from the VOR facility when that facility is 30 NM or less from the drop zone target; or
  - (b) The nearest airport, town, or city depicted on the appropriate Coast and Geodetic Survey World Aeronautical Chart or Sectional Aeronautical Chart, when the nearest VOR facility is more than 30 NM from the drop zone target.
- (4) Each altitude above MSL at which the aircraft will be operated when parachutists or objects exit the aircraft.
- (5) The duration of the intended parachute operation.
- (6) The name, address, and telephone number of the person who requests the authorization or gives notice of the parachute operation.
- (7) The registration number of the aircraft to be used.
- (8) The name of the ATC facility with jurisdiction over the airspace at the first intended exit altitude to be used for the parachute operation.

**b. Available on Request.** Each holder of a COA issued under § 105.21(b) must present that certificate for inspection upon the request of the Administrator or any Federal, State, or local official.

**c. Postponed or Canceled Operation.** Each person requesting an authorization under § 105.21(b) must promptly notify the ATC facility that has jurisdiction over the affected airspace if the proposed or scheduled parachute operation is canceled or postponed.

**d. Authorization and Notification Requirements.** Whether regulations require verbal or written authorization, or a COA (FAA Form 7711-1), for a parachute operation depends upon the type of airspace involved and the area where the parachutist intends to land. The airspace and landing area will determine the requirements. Parachutists and pilots can use Appendix 1 to determine what authorization or notification requirements are necessary for various types of jumps. The FAA recommends that anyone establishing a permanent drop zone or a temporary jump site contact the ATC facilities nearest the site as early as possible. ATC personnel are in the best position to provide information on arrival and departure routes, airspace classifications, and other airspace operations that may affect the safe and efficient flow of a parachuting operation. If you are uncertain of the requirements after looking at Appendix 1, contact your local FSDO and/or ATC facility for additional information.

*Not Applicable in S.C. County* → **12. PARACHUTE EXHIBITION LANDING AREAS.** The FAA requires the following size areas when issuing a COA for parachuting demonstrations into off-airport locations:

**a. Open Field.** No less than 500,000 square feet that will accommodate landing no closer than 100 feet from spectators.

**b. Level I.** An open area that will accommodate a landing area no smaller than 250,000 square feet and which will accommodate landing no closer than 50 feet from spectators.

**c. Level II.** The level II landing area must be large enough in any direction to accommodate jumpers landing no closer than 15 feet from spectators.

**d. Stadium.** A level II landing area smaller than 150 yards in length by 80 yards in width and bounded on two sides or more by bleachers, walls, or buildings in excess of 50 feet high.

**NOTE:** In addition to landing area size requirements, the FAA also imposes qualification and currency requirements found in the Parachuting Special Provisions listed in FAA Order 8900.1, Flight Standards Information Management System (FSIMS), located at <http://fsims.faa.gov>. Parachuting demonstrations that seek relief from any requirement listed in these special provisions must have a letter of approval from the FAA General Aviation and Commercial Division (AFS-800), Federal Aviation Administration, Flight Standards Service, Room 821, 800 Independence Avenue, S.W., Washington, D.C. 20591 (e.g., airborne reenactment by civilians for reduced experience or lower opening altitudes).

### 13. PARACHUTE EQUIPMENT RULES.

**a. Parachute.** Title 14 CFR part 1, § 1.1 defines a parachute as a device used or intended to be used to retard the fall of a body or object through the air. For the purposes of this AC, a parachute assembly normally, but not exclusively, consists of the following major components: a canopy, a deployment device, a pilot chute and/or drogue, risers, a stowage container, a harness, and an actuation device (ripcord). There are, of course, some lesser parts associated with these major components such as connector links, bridles, and hardware. The term “pack” when used in this AC refers to the complete harness-container system, including the main parachute container, plus the reserve parachute and associated components. Except for a reserve static line (if installed), it does not include the main canopy, main risers, or components that depart with the main canopy if it is jettisoned. If the design of the reserve stowage container is to be assembled to a harness by a parachutist or rigger (such as a chest-type system or some pilot emergency systems), the term “pack” refers to the parachute assembly less the harness.

**b. Parachute Harness.** Section 105.43 requires a solo parachutist making an intentional jump wearing a single-harness dual-pack parachute to have at least one main parachute and one approved reserve parachute. For tandem jumps, the parachute system defined in § 105.3 includes a main parachute, a reserve parachute, a harness and dual parachute container, an AAD, and a forward harness for a passenger parachutist. For both solo and tandem parachutists, the harnesses (including the forward harness of a tandem system), and reserve parachute packs must be approved types, but the main parachutes do not need approval. The following are examples of approved parachutes as defined in § 105.3:

(1) Parachutes manufactured under TSO-C23. This TSO prescribes the minimum performance and quality assurance (QA) standards for a parachute that is carried aboard civil aircraft or by skydivers for emergency use. The manufacturer must meet these standards before labeling its parachute or components as complying with the TSO.

(2) Military personnel-carrying parachutes (other than high altitude, high speed, or ejection kinds) identified by military drawing number, military order number, or any other military designation or specification. These parachutes are often referred to as demilitarized or military surplus parachutes.

**c. Assembly of Major Components.** The assembly or mating of approved parachute components from different manufacturers may be made by a certificated, appropriately rated parachute rigger in accordance with the parachute manufacturer’s instructions and without further authorization by the manufacturer or the FAA. Specifically, when various parachute components are interchanged, the parachute rigger should follow the canopy manufacturer’s instructions as well as the parachute container manufacturer’s instructions. However, the container manufacturer’s instructions take precedence when there is a conflict between the two.

(1) Assembled parachute components must be compatible. Each component of the resulting assembly must function properly and may not interfere with the operation of the other components. For example:

(a) Do not install a canopy of lesser or greater pack volume than the intended design criteria for the specific size of container, since it could adversely affect the proper functioning of the entire parachute assembly. Likewise, do not install a high-volume canopy into a low-volume container.

(b) A TSO'd canopy may be assembled with a demilitarized harness, or vice versa, as long as the assembled components comply with the safety standard of the original design.

(2) Any questions about the operation of the assembly should be resolved by actual tests by the rigger to make certain the parachute is safe for emergency use.

(3) For a single-harness parachute system, the strength of the harness must always be equal to or greater than the maximum force generated by the canopy during certification tests. The rigger who assembles the system should record these limits in a place accessible to the user when he or she dons the assembly. For tandem systems, there may be additional limits for each harness. Some manufacturers may also specify minimum weights or speeds for safe operation.

(a) In the case where the harness is certified under the TSO-C23b "Standard" category, and the canopy is certified under TSO-C23b and TSO-C23d, the system is limited to the performance limitations of the canopy and may be determined by comparing the placarded force generated on the canopy to the 5,000-pound force capability of the harness. If the canopy is placarded at or above the 5,000-pound level, then the system is considered "unlimited."

(b) In the case where the harness is certified under the TSO-C23b "Low Speed" category, and the canopy is certified under TSO-C23b and TSO-C23d, the system is limited to the placarded performance limitations of the canopy or the structural limitation of the harness (3,000 pounds), whichever is lower.

(c) TSO-C23c components may only be used in situations where they are mated with the same components with which they were originally certificated, unless they are retro-placarded by a Service Bulletin (SB) or other notification identifying the maximum forces generated during testing. These forces could then be applied as in TSO-C23c.

(d) TSO-C23d components may be mixed or matched with other TSO-C23d components by comparing the harness forces placard to the canopy force placard and certifying the weight and speed of the lower of the two placards.

**d. AAD Installation.** The FAA approves the installation (addition of pockets, channels, guides, etc., required for the AAD to be assembled in the parachute container) of each make/model AAD as part of the paperwork that is submitted by the parachute manufacturer during the TSO approval. Complete installation in consultation with, and with the approval of, the AAD manufacturer. The retrofit installation, or installation of a make or model AAD other than those specifically approved for a particular TSO or Military Specifications (MIL-SPEC)-approved parachute, constitutes an alteration to that parachute (see paragraph 16).

**e. Instructions for Maintenance, Repair, or Alteration of Specific Parachutes.** These instructions may be available by contacting manufacturers. Many manufacturers provide their



manuals online through their Web sites. The PIA Web site, <http://www.pia.com>, provides a good starting point for searches.

**f. Parachutist's Handling of Equipment.** The user of a parachute system may perform simple assembly and disassembly operations necessary for transportation, handling, or storage between periods of use if the parachute's design simplifies such assembly and disassembly without the use of complex operations.

**g. Removal of Pilot Chute.** A certificated senior or master parachute rigger may remove the pilot chute from a front-mounted (e.g., chest-type) reserve parachute if the canopy does not use a diaper, bag, or other deployment device. When done, the parachute must be plainly marked, "PILOT CHUTE REMOVED. This parachute may be used for intentional jumping only."

**h. Extra Equipment.** The FAA does not consider the attachment of an instrument panel, knife sheath, or other material to the exterior of the parachute assembly an alteration. If attaching any extra equipment, take care not to impair the functional design of the system.

#### **14. PARACHUTE PACKING.**

##### **a. Reserve Parachutes.**

(1) The reserve parachute must be packed by a certificated and appropriately rated parachute rigger (see § 105.43(b).) See part 65, § 65.125(a)(2) and (b)(2) for supervision of other persons.

(2) Visiting foreign parachutists jumping parachute systems not approved by the FAA must have their reserve parachutes packed by someone acceptable to the foreign parachutist's civil aviation authority (CAA) or by an FAA-certificated rigger. (See § 105.49(a)(4)(ii).)

(3) The reserve parachute must be packed within 180 days before the date of use if the parachute system is made of materials substantially resistant to mold, mildew, or other rotting agents, or within 60 days of the date of use otherwise. (See § 105.43(b).)

(4) AADs must be maintained in accordance with the AAD manufacturer's instructions and service requirements. Since when a rigger packs a reserve parachute the rigger is only certifying that it meets all safety requirements on the day it is packed, riggers should note any maintenance or battery replacement due date(s) on the packing data card so that users are able to determine AAD airworthiness and ensure conformance to the regulations. (See §§ 105.43(c) and 105.45(b)(3).) AADs are to be installed as per the parachute manufacturer's instructions.

(5) Only the rigger who did the packing, and whose seal is removed to permit scheduled or unscheduled maintenance or repairs to the reserve container, may open, re-close, and re-seal it (for example, AAD service or closing loop adjustment) within the 180-day or 60-day period in subparagraph 14a(3).

**b. Main Parachutes.** Main parachutes must be packed within 180 days before the date of use. They may be packed by any certificated parachute rigger or a person working under the

direct supervision of a certificated parachute rigger. The person making the next jump (including a tandem parachutist in command, but not the passenger parachutist) may also pack the main parachute. (See § 65.111(b).)

## 15. PARACHUTE REPAIRS.

**a. Major Repairs.** A major repair as defined in § 1.1 is a repair that if improperly done might appreciably affect airworthiness.

**b. Minor Repair.** A minor repair is a repair other than a major repair.

**c. Major or Minor Repair Determination.** When there is a question about whether a particular repair is major or minor, follow the manufacturer's instructions.

(1) If the procedure calls for a master rigger, it should be considered a major repair. If the procedure allows for a senior rigger, it should be considered a minor repair. The same kind of repair may be classed as major or minor depending on size or proximity to key structural components. For example, a basic patch may be a minor repair if it is small and away from seams, but may be a major repair if it is large or adjacent to a seam.

(2) The riggers must be aware that any repair on a TSO canopy is a major repair, while replacement of a suspension line on a non-TSO'd main canopy is generally considered a minor repair, even if the identical technique is required for both replacements.

(3) Major repairs may be made only by an appropriately rated master rigger or a manufacturer of approved parachute components. The manufacturer may designate certain repairs to be done only by the manufacturer or the manufacturer's designee.

## 16. PARACHUTE ALTERATIONS.

**a. Configuration.** Alterations are changes to a parachute system configuration that have not been approved by the manufacturer or the manufacturer's supervising FAA ACO. Examples include removing a deployment device from a reserve canopy, adding harness fittings to permit attaching an additional canopy, using non-standard repair materials or techniques, or installation of a specific make/model AAD, when the manufacturer has not authorized such changes. Changes that result in an approved configuration are considered repairs (see paragraph 15).

**b. Approval.** An alteration to an approved parachute system must be done in accordance with approved manuals and specifications and only by those with specific authorization to perform that alteration. Specific approval is not needed for the method of altering a non-TSO'd main parachute canopy. A person seeking authorization to alter an approved parachute system should proceed as follows:

(1) A person qualified to alter a parachute (as listed below) should contact his or her local FAA FSDO inspector to discuss the proposed alteration. The applicant should be prepared to show the inspector the nature of the alteration by using a sample assembly, sketch, or drawing and be prepared to discuss the nature of the tests that will be needed to show that the altered parachute meets all applicable requirements.

(2) The inspector will review the proposal with the applicant and a plan of action will be agreed upon.

(3) The applicant will then prepare an application, in the format of a letter, addressed to the local FSDO. Attach all pertinent data. The data should include:

- (a) A clear description of the alteration.
- (b) Drawings, sketches, or photographs, if necessary.
- (c) Information such as thread size, stitch, pattern, materials used, and location of altered components.
- (d) Some means of identifying the altered parachute (model and serial number).

(4) When satisfied, the inspector will indicate approval by date stamping, signing, and placing the FSDO identification stamp on the letter of application.

(5) Alterations to approved parachutes may be performed only by a certificated and appropriately rated master parachute rigger, a current manufacturer of approved parachute systems or components, or any other manufacturer the Administrator considers competent.

#### **17. MATERIALS USED FOR REPAIRS TO APPROVED (TSO-APPROVED) COMPONENTS.**

**a. Material Quality.** Materials used for repairs to TSO-approved components, including but not limited to fabric, suspension line, tape, webbing, thread, and hardware, must meet the same specifications, requirements, and certifications of the original materials used by the manufacturer.

**b. Parachute Fittings.** Hardware may be reconditioned and reused, as long as it complies with subparagraph a. However, the plating or re-plating of load-carrying parachute fittings may cause hydrogen embrittlement and subsequent failure under stress unless the plating is done properly. Chrome or nickel-plated harness adjustment hardware may also have a smoother finish than the original and may permit slippage.

ORIGINAL SIGNED by

/s/  for

John M. Allen  
Director, Flight Standards Service

# **APPENDIX 1. TABLE OF LOCATION OF JUMP AUTHORIZATION OR NOTIFICATION**

<b>Location of Jump</b>	<b>Kind of Authorization Required</b>	<b>When to Apply or Notify</b>	<b>Where to Apply or Notify</b>	<b>14 CFR Section Reference</b>
Over or onto any airport	Prior approval (see Note 1)	Applicant's choice	Airport management	§ 105.23
In or into Class E or G airspace	ATC notification	Between 24 hours and 1 hour prior to jump	ATC facility having jurisdiction	§ 105.25
In or into Class A, B, C, or D airspace	ATC authorization (see Notes 1 and 2)	Apply before jump	ATC facility having jurisdiction	§ 105.25
Over or within a restricted or prohibited area	Prior authorization	Apply and receive before jump	Controlling agency, as noted on sectional chart	§ 105.25
Over or into a congested area or open air assembly of persons	Submit FAA Form 7711-2, Certificate of Authorization Application	10 working-days prior to jump	FSDO having jurisdiction over the area where jump is to be made	§ 105.21
<b>Note 1: Verbal authorization normally issued.</b>  <b>Note 2: Title 14 CFR part 105, § 105.13 requires radio communication be established prior to jumps in or into controlled airspace.</b>				



## Samantha Haschert

---

**From:** Volker Haag [Volle2000@gmx.de]  
**Sent:** Sunday, June 02, 2013 9:25 AM  
**To:** Samantha Haschert  
**Subject:** parachuting  
**Attachments:** landing area.JPG; Landing\_area1.JPG; Site\_map\_authorized.jpg

Hello Samantha,

I will be out of the country until the 14th of June and will only be able to communicate via email or if needed we could set up a certain time for a phone conversation .

Richard informed me that he learned during the appeal meeting that the County was dismissing its citations. That is great news. This enables us to really focus on the application rather than the appeal.

I am attaching a site plan. Please note that we are not overflying any properties below 1000 ft. We enter our pattern over the Watsonville Sod's property at around 1000 ft. The green striped properties are directly adjacent properties of neighbors that we have authorization from to overfly as low as we want (BUT WE NEVER DO BELOW 1000 FT ANYWAYS!!!), The yellow stripes mark properties that are orchards or fields without any buildings.

Our Average jump runs per day were 3.5 in 2012 that is 0.29 per hour (12 hour day!!!)  
On a very busy we did a max number of 13 jump runs on a day (this happened only a few times)....we cannot ever do more than 2 jump runs per hour.

Just some other numbers. We are in the 2 mile airport influence area as defined by the City of Watsonville. As documneted by the FAA the Watsonville Aiport had an anual total of 103,000 aircraft operations (take offs and landings) affecting the area around the airport. This number is talking about a 12 months period ending 06/21/2012.  
Source FAA:

<http://www.gcr1.com/5010web/airport.cfm?Site=WVI&AptSecNum=2>

This means an average of 282 take offs and landings PER DAY!! How can our tiny operation have ANY impact? And again while we are jumping the FAA ATC NorCall (air traffic control) is redirecting traffic around the jump zone, so there will be less low flying airtraffic in the neighborhood.

So the parachuting activity is reducing the aircraft noise and also there is less the risk of aircraft crashing into houses we have seen one crashing into the hospital last year!)

I have to catch a connecting flight and gotta go.

I will report back to you after my return.

Thanks again for everything

Volker

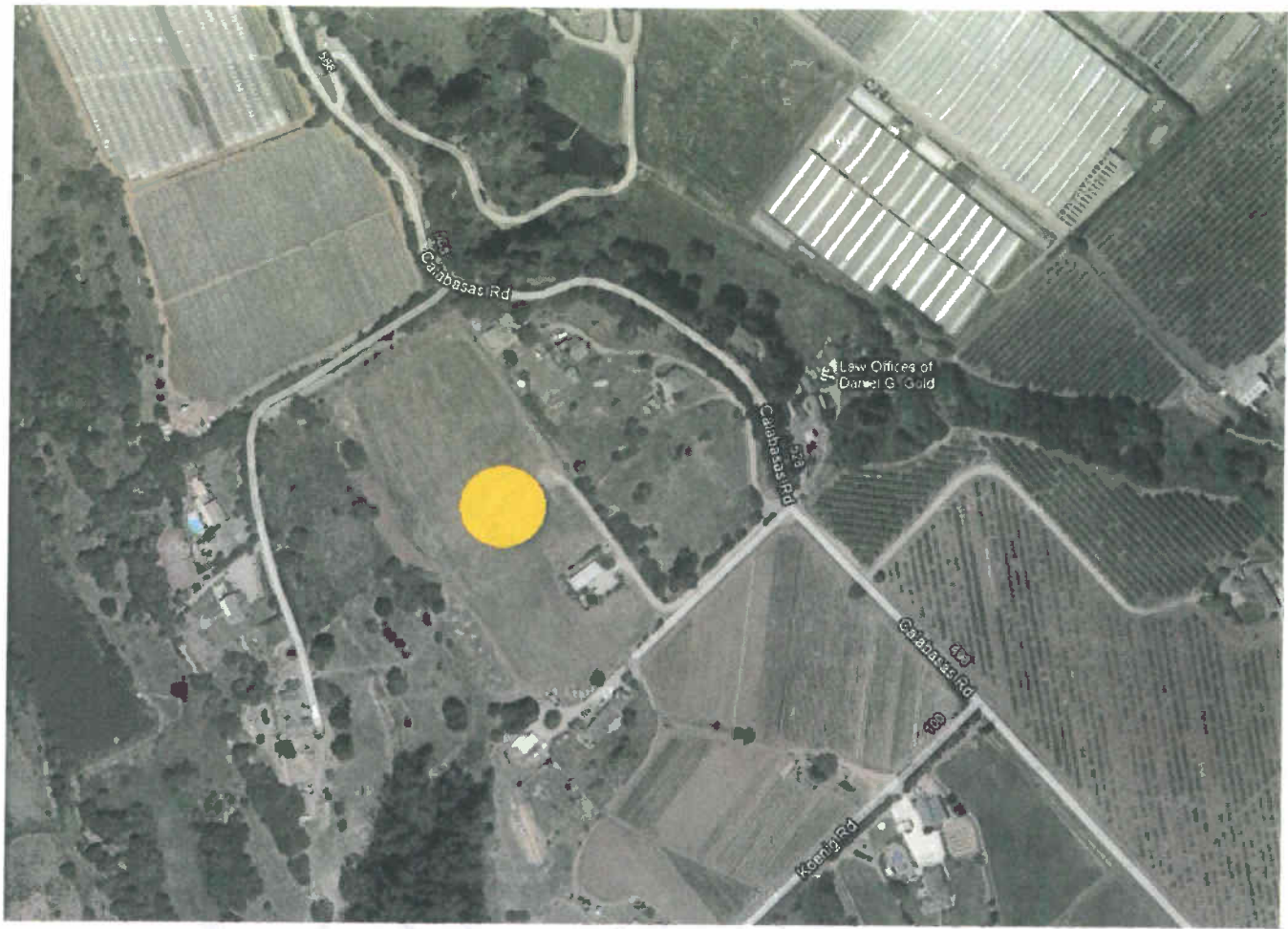






EXHIBIT I

**Subject: Taking photos of people on the ground can not be done by parachutists**

It came to our attention through some forwarded emails from neighbors entitled "The invasion from above" that Priscilla Partridge, resident of 400 Oak Hollow Ln. has a concern about her privacy as she thinks that we are out to take photos of her. Potentially even while she is using an outside shower!

We have investigated our procedures and current technology and came to the following conclusion:

Taking photos of anybody on the ground is simply not possible to do when parachuting.

Reasons:

To see someone on the ground you would need a **tele-objective** or a **tele-converter**. Our cameras do not have the capability to attach a tele-converter. Even if we could connect a **tele-converter** we would not be able to carry them in free fall and under the parachute as these cameras are way too big.





What we are actually using:



We are using super wide angle “fish eye lenses” to record the skydivers facial expressions in freefall and under canopy. These cameras are only match box sized and are strapped to the instructors wrist facing the face of the passenger. Due to the length of our arms we are around 10-14 inches away from the passengers face.



Camera set up: Video and photo camera hand cam set-up

EXHIBIT 1

While our cameras are very high tech.....they focus on the faces and bodies of the jumpers and you will not be able to zoom in and focus on anything on the ground. In no way could we ever make out anything that is happening on the ground.....even if we wanted to.

But we don't want to :-)) We are very busy getting the passengers down to the ground safely. This is very challenging work. We are controlling the passengers in freefall, flying the parachutes, constantly assessing the wind, reminding the passenger to not say or yell "whoohoo!", reminding them of the landing procedures, flying to the landing area, and safely landing on the ground.

We are very high up we cannot make out anything on the ground. When we are low we busy getting ready for landing and executing landings. Plus we are over my property at that stage. If we were to overfly the 400 Hollow Oak Property we would need to be at least 2,800 ft high on order to make it back to our property. With our cameras you cannot make out anything on the ground even if you were only 400 feet high....the technology is simply not good enough.

Please see below pictures taken on actual jumps:

This is what you see from the Airplane!!



EXHIBIT I



And in freefall:



And again in freefall!!



EXHIBIT I

Under the Parachute at around 3500 ft flying through the FAA regulated Airspace!!



**This should demonstrate that we simply could not film anybody in details on the ground while parachuting.**

Besides the fact that it is not possible, I would like to emphasize that we have no interest in spying on, or filming anybody on the ground.

However, Priscilla may have a point. I also personally have a concern that my privacy rights are endangered. But not by the parachutist.

1

If somebody wanted to spy on her or on us from the sky it could be more easily accomplished using airplanes, helicopters with tele-converted cameras. There are low flying helicopters and airplanes that are continuously filming our area in order to monitor the illegal growth of marijuana. These aircraft and helicopters are run by local and federal law enforcement agencies. That is posing a risk to our right for privacy! The Watsonville Airport has more than 100,000 takeoffs and landings of aircraft per year.

**EXHIBIT I**

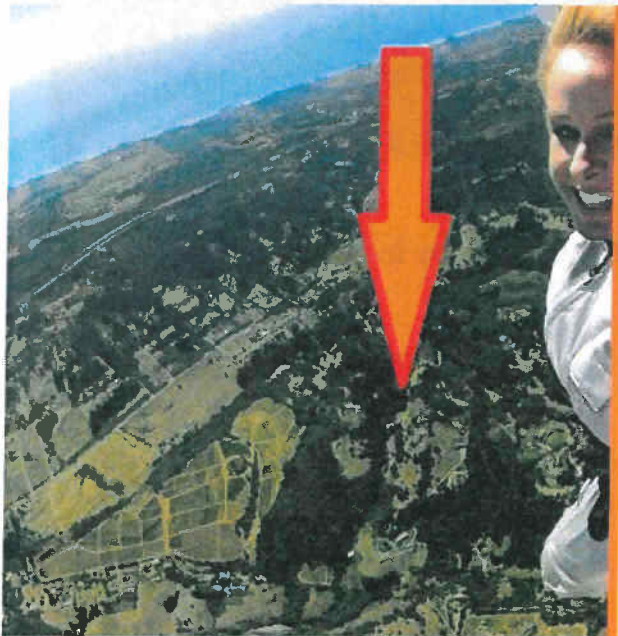


2

We are under constant Satellite surveillance .Satellite images gave gotten very accurate. Here is a in detail Satellite picture of the 400 Oak Hollow Property. It took me less than 5 minutes to get this. And I did not even have to leave my couch. You can see every detail on the Satellite image, and don't be mistaken, this type of footage is being recorded 24/7 by Satellites. Luckily in this version nobody is using an outside shower!



**Spy-Photo Taken by Satellite AND NOT  
by hostile parachutists!!!**



**Photos taken by parachutists  
are useless for spying!!**

**EXHIBIT I**

In summary:

We can understand how Priscilla may be concerned about her privacy. We are too. Low flying airplanes, Police helicopters and Satellite surveillance is infringing on our privacy rights.

The parachutists landing on 515 Calabasas Rd. do not have the capability to spy on anybody on the ground. They are highly trained tandem instructors that have an important job to do. They cannot take close up shots of anybody on the ground as

- they are busy focusing their attention on freefalling, parachuting, assessing the wind constantly, preventing the passengers from going "whoooo whoooo!", preparing for landings, landing etc
- the camera equipment that can be used for skydiving needs to be small
- the camera equipment uses wide angel lenses to film the faces of the passengers
- the resolution of surrounding scenery shots is not very high.

EXHIBIT I

## **Samantha Haschert**

---

**From:** Volker Haag [Volle2000@gmx.de]  
**Sent:** Thursday, June 20, 2013 7:43 PM  
**To:** Samantha Haschert  
**Subject:** site visits and photography follow up

Hello Samantha,

how are you?

Where you able to confirm any site visits for this upcoming Monday? Please give me the heads up when you know so I can plan my week accordingly.

I hope you got our little "exposé" about the use of photo cameras in skydiving/parachuting and our inability to see or film anybody on the ground. Did you get a chance to look at it yet? I believe it might put Priscilla's concern into a new perspective.

Below is a link about a landmark lawsuit in regards to Privacy and Aerial Photography:

<http://www.californiacoastline.org/streisand/pressrelease-decision.html>

Barbara Streisand tried to sue our local pilot and Internet millionaire Ken Adelman for publishing a photo of her mansion. She felt her privacy rights were infringed upon....she lost in multiple instances.

In my opinion Barbara Streisand almost had a case as Ken actually did take a high-res photo of her mansion overflying it with a Helicopter and he put these photos on his web-site.

We on the other hand busy skydiving and taking care of passengers and we are not filming anybodies' houses close up or high-res. We don't have the time, physical or technological capability. We film peoples faces and bodies that are attached to us. And we give the photos on a disc to our passengers if they order them.

From a recent conversation with Ken Adelman, I know how strongly he feels about protecting our Right to engage in aerial photography when conducting an aeronautical activity. I have sent him an email about our situation to get his feedback and support.

I am meeting with Mr Marinovich tomorrow at around 10am. Maybe we can touch base about the scheduled site visits tomorrow at around noon? I should be available on my phone or via email.

We should have the "Public Notice" sign up by Monday, too.

I am looking forward to hearing from you.

Thanks

Volker

831.331.9150

# Barbra Streisand's Lawsuit to Silence Coastal Website to be Dismissed

## Free Speech Protections Upheld for Landmark Aerial Database

Los Angeles - 12/3/2003 - In a decision that reaffirms the public's First Amendment right to participate in matters of public significance, a Los Angeles Superior Court issued a 46 page opinion today holding that Barbra Streisand, the well-known entertainer and Hollywood celebrity, abused the judicial process by filing a lawsuit against aerial archivist Ken Adelman, his Internet Service Provider Layer42.NET, and Pictopia.COM. The court also firmly rejected Streisand's request for an injunction to force the removal of a panoramic photographic frame that happens to include her sprawling blufftop estate from Adelman's website, [www.Californiacoastline.org](http://www.Californiacoastline.org).<sup>1</sup>

### **• Streisand's Use of Corporate Polluter Tactic Fails:**

A jubilant Adelman expressed gratification at the court's ruling. "My goal in bringing the Anti-SLAPP motion was to protect the integrity of this historic photographic database of the California coast and to ensure that the public continues to have unfettered access to the photographs and the other data it provides," Adelman said. Lawsuits that seek to suppress public participation and free speech are referred to as SLAPP suits - Strategic Lawsuits Against Public Participation. The California Legislature enacted the Anti-SLAPP Statute to stop the increasing use by large corporate polluters of these meritless lawsuits that sought to silence the "valid exercise" of the constitutional right of freedom of speech of grassroots activists.

### **• Project is Labor of Love; Use Free to Government, Science and Grassroots**

The landmark California Coastal Records Project (CCRP), an aerial database consisting of 12,700 sequential panoramic frames of the California coast, is the brainchild of Ken and Gabrielle Adelman. The Adelmans, a husband and wife team, self-funded the project in an effort to promote coastal conservation. They donated their time and the use of their personal helicopter and the latest computer and camera equipment to complete the baseline photographic index of the California coast; Gabrielle flies the helicopter while Ken shoots pictures roughly once every three seconds. The aerial photographs, taken over a period of over six months from public airspace, are arranged sequentially by longitude and latitude and made available to government agencies, universities, scientists and conservation groups free of charge on the website [www.Californiacoastline.org](http://www.Californiacoastline.org). Users include the National Oceanic and Atmospheric Administration (NOAA), United States Geological Survey (USGS), US Coast Guard, the National Park Service, the State Coastal Conservancy, the State Lands Commission, California State Parks and others. A more complete listing of CCRP users appears below.

EXHIBIT I



Streisand, a self-proclaimed environmentalist, shocked many in the environmental and scientific community when she filed suit in May against Adelman, claiming that the appearance of her lavish blufftop Malibu estate in a small portion of one of the 12,700 aerial photographs in the database violated her right to be free from offensive intrusions, violated the anti-paparazzi statute, constituted wrongful publication of private facts and misappropriated her name. Streisand sought ten million dollars in damages and a permanent injunction against display or dissemination of the photograph.

**• Hundreds of Scientists, Researchers & Planners Utilize Site:**

“We were quite surprised to learn that someone who publicly espouses support for environmental and free-speech protection would sue to dismantle a project that has proven itself a powerful tool for coastal protection at no cost to the public. We were even more dismayed at allegations posted on her personal celebrity website that claimed that our hobby was to ‘fly around spying on people.’ Certainly, the hundreds of scientists, researchers, land-use planners and conservationists who use the website in their work understand that this project is providing a photographic baseline from which to understand, measure and, hopefully, reverse environmental degradation of the California coast,” said Gabrielle Adelman.

“The Californiacoastline.org web site and photographs have become an extremely useful tool for our coastal research on a wide range of issues from coastal erosion and cliff failure, to the distribution of seawalls and other coastal armoring,” said Gary Griggs, Director of the Institute of Marine Sciences at the University of California, Santa Cruz. “Nowhere does this sort of statewide, up-to-date, high quality information exist in an easily available and conveniently accessible format. It has greatly facilitated our research and has become an invaluable data base. This is a resource I use virtually every day and there is no other source for this quality and scope of aerial photography for documenting coastal change,” Griggs said.

Adelman’s attorney, Richard Kendall of Irell & Manella, successfully argued that the photographs constituted protected free speech in connection with a matter of public significance - protection of the California coast - and that Streisand’s suit was nothing more than a SLAPP suit that lacked a ‘reasonable probability’ of success on the merits. The Court agreed that Streisand’s lawsuit was an attempt to unfairly restrain and punish Adelman and ordered Streisand to pay the legal fees the defense incurred.

Countering Streisand’s claim that Adelman sought to benefit by allowing Streisand’s name to appear in a caption of the photograph, Kendall pointed out that Adelman does not profit from the website. Her claim that her privacy suffered from the publication of the photograph is also groundless; Kendall noted that Adelman deliberately designed the site so that the captions on the photographs, that are supplied by the public, are invisible to external search engines like Google; that the site does not contain Streisand’s address; and that the information that Streisand sought to suppress was readily available on other sites and in other publications - some with the express permission of Streisand herself.

**EXHIBIT I**

**• Streisand's Mansion Attracted Little Attention:**

Kendall also pointed out that Streisand grossly overestimated the number of people who would use the caption to download or order pictures of her blufftop estate. In her declaration, Streisand claimed that it was likely that thousands of people had downloaded the frame to view her estate. In fact, prior to the lawsuit, only six downloads of that frame were executed (out of a total of over 14,000 downloads for the site as a whole), two of which were downloads by her own attorneys. Similarly, prior to the lawsuit, only three reprints of the frame were ordered through Pictopia - two by Streisand herself and one by a neighbor who is in a lengthy dispute with her over controversial expansion plans for her blufftop estate.

**• California Coastal Protection Activists Celebrate:**

Environmentalists up and down the state rejoiced at the decision. "We applaud the court's determination that the public has a compelling interest in viewing our coast and that efforts of coastal landowners to intimidate the public will not be tolerated. The victory today is more than just a validation that the Adelmans' philanthropic enterprise provides an extraordinary and legitimate public benefit. It is a confirmation that the public has the unfettered right to view our coast and public trust resources," said Mark Massara, environmental lawyer and Director of the Sierra Club Coastal Program.

"For scientists, researchers, and conservationists working to protect the California coast against environmental degradation and the threat of illegal and inappropriate development, this project is an invaluable tool. Streisand's lawsuit, had it been successful, would have opened the door for other wealthy landowners to demand that individual frames be removed thereby jeopardizing the entire coastal baseline survey that forms the foundation of the California Coastal Records Project," said Susan Jordan, Director of the California Coastal Protection Network. "Public access to the coast, whether physical or visual, is a cornerstone of the California Coastal Act and we welcome its implicit affirmation in the Court's decision today," she concluded.

"This decision sends a message to all environmental activists that the court will not tolerate threats of intimidation whether it comes from corporate polluters like Texaco or Shell Oil or a celebrity who believes that her personal interests are more important the public's constitutional right to free speech," said Adelman.

For more information. contact:

Ken Adelman: 831-728-0692

Susan Jordan: 805-637-3037

Mark Massara: 805-895-0963

EXHIBIT I

## **Government Use**

Army Corps of Engineers  
National Marine Fisheries Service (NMFS)  
National Oceanic and Atmospheric Administration (NOAA)  
National Park Service  
US Forest Service  
US Geological Survey (USGS)  
US Coast Guard

California Department of Conservation  
California Coastal Commission  
California Department of Boating and Waterways  
California State Coastal Conservancy  
CALTRANS  
State Lands Commission

Capistrano Bay District  
County of San Diego  
Crescent City Harbor District  
Half Moon Bay Planning Commission  
Humboldt Bay Harbor Recreation, & Conservation District  
La Jolla Town Council  
Mendocino County

**EXHIBIT I**

Mendocino County Planning Department  
San Diego Parks & Recreation  
San Luis Obispo County Planning & Building Department  
Santa Barbara Planning Department  
Santa Cruz Planning Department  
South Orange County Wastewater Treatment

## **Universities/Educational Institutions**

Aquarium of the Pacific  
Associated Press  
Scripps University  
Stanford University  
The Diversity Institute  
The Watershed Institute  
UC Berkeley  
UC Santa Barbara  
UC Santa Cruz  
UC Davis  
University of Montana  
McMaster University, Canada  
Partnership for Interdisciplinary Studies of Coastal Oceans

## **Publications**

American Society of Landscape Architecture Magazine  
Architectural Records Magazine  
Bodega Bay Navigator  
California Cruising Clippers  
Faultline News  
Independent Coast Observer  
Intl. Association of Women Pilots Magazine  
Los Angeles Times  
Longboard Magazine  
National Wetlands Newsletter  
Petroglyph Magazine - Utah University  
Pilot Journal  
Popular Photography Magazine  
Recreational Boating Magazine  
San Francisco Chronicle  
San Jose Mercury News  
San Simeon Newsletter  
Santa Rosa Press Democrat  
Scripps Explorations Magazine  
Seabright News  
Surfer Magazine

## **Conservancies, Foundations, & Environmental Groups**

**EXHIBIT I**



Big Sur Land Trust  
CALPIRG  
California Coastal Foundation  
Committee for Green Foothills  
Dana Point Headlands Conservancy  
Environmental Defense Center (EDC)  
Environment California  
Film Arts Foundation  
Friends of Salk Coastal Canyon  
Friends of the Garcia Watershed  
Glendon Organization  
Golden Gate Park Windmills  
Headlands Institute  
Heal the Bay  
LandPeople  
LightKeepers  
Nuclear Witness  
Peninsula Open Space Trust  
Point Bonita Lighthouse  
Rancho Santa Ana Botanic Garden  
Redwood Coastal Land Conservancy  
Rivers and Mountains Conservancy  
The Nature Conservancy  
The Trust for Public Land  
Zoological Society of San Diego

<sup>1</sup> The Court's "Tentative Decision and Proposed Statement of Decision" is subject to correction pursuant to Rule 232 of the California Rules of Court, but given the thoroughness of the Court's Opinion, any corrections are expected to be minor.

**EXHIBIT I**

## Samantha Haschert

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**From:** Volker Haag [Volle2000@gmx.de]  
**Sent:** Monday, June 24, 2013 9:06 AM  
**To:** Samantha Haschert  
**Subject:** Aw: RE: RE: RE: site visits and photography follow up  
**Attachments:** 500ft.JPG; 1200ft.JPG; 100ft.JPG

Hello Samantha,

I will keep an eye on it until 11am. If it is not clearing by then we can safely say that it is not going to happen today, my experience tells me it will not:-( So in terms of planning our day I think we are better off looking for alternatives.

We could do it on Thursday or Friday but I believe Thursday you are working at the counter if I remember correctly.

Photos per your request:

1:

Please find attached some photos I took on Saturday. The first one was taken between 1,100ft and 1,200ft right before entering the pattern over our property. You can see the airport on the left but we are just slightly to the South of my property. We are over Terry Hinojosa's (511 Calabasas) property which is our standard approach to enter the pattern over our property. You will get a chance to meet him, too during the site visits. What I like about this photo is that it says a lot about perception: It looks like we are really close to the airport but in fact we are 1.5 miles away from the airport. If I had turned the other way we could have seen the area where the Partridge Property is about 3000ft the other way.

2-3:

We really cannot use the camera efficiently at lower altitude as we have to pick up the flare toggles. I have tried to take 2 photos one at 500ft one at 100ft, right before landing. It is really hard as we need our hands for steering so we have them way back...for the last shot I twisted my wrist to at least show you a shot of the landing area.

I am really looking forward to having you out here watching some landings. That way you will see things with your own eyes and we can talk more about the 2 flight pattern and about perception.

It was funny on Friday while Richard and I had the meeting with Mr Marinovich, we were operating. The 1st 2 x parachutes had opened and after about a minute I said "Gentlemen if you look up over to the South you can see 2 of the parachutes at about 3800 ft. Mr Marinovich stood up abruptly and stormed inside yelling "I cannot bear listening to them". There was no sound at all. He was gone for a few minutes. I guarantee you neither Richard nor Mr Marinovich would have noticed them at all, had I not pointed them out.

I am afraid that Mr Marinovich has made up his mind: he does not like the parachutes, period. I don't see anything that will change his mind. We are not anywhere near his property...but perception wise the parachutes stand out and are very colorful in the blue skies. Anyways you will see for yourself soon....hopefully the weather starts cooperating!

I will call you at around 11am.

Thanks

Volker  
831.331.9150

**Gesendet:** Montag, 24. Juni 2013 um 16:50 Uhr  
**Von:** "Samantha Haschert" <PLN145@co.santa-cruz.ca.us>  
**An:** "Volker Haag" <Volle2000@gmx.de>  
**Betreff:** RE: RE: RE: site visits and photography follow up

Hi Volker,

500 ft.

100 ft.

410-1200 ft.



**RICHARD M. MANNING**

Attorney at Law  
9053 Soquel Drive, Suite B  
Aptos, CA 95003

(831) 688-4133

E-mail: [qmanning@pacbell.net](mailto:qmanning@pacbell.net)

July 8, 2013

Samantha Haschert, Project Planner  
County Planning Department  
701 Ocean Street, Fourth Floor  
Santa Cruz, CA 95060

Reference: Application No. 131132; APN 049-091-24

Dear Ms. Haschert:

I represent the applicant. The following summarizes the information that I believe is most germane to the application. Please include it in the agenda packet for the meeting at which the Zoning Administrator will rule on the referenced application.

Introductory Facts:

The subject property is zoned A-Agricultural. It is a sod farm. It is occupied by the Haag family. About two years ago Volker Haag inquired of the Planning Department whether the property could also be used as a landing spot for parachutists. Mr. Haag was told that no permits were required. Parachute landings were arranged on the property in the manner that least impacted residential properties.

Contrary to the initial information provided to Mr. Haag, he has more recently been advised that a permit should be obtained. One of the many A-Agricultural accessory uses listed in County Code Section 13.10.312(B) is: "Recreational activities: playfields not involving permanent structures or paving." His application is for approval of the recreational activity of parachute landing on the field that the accompanying diagram/map labels as "landing area". He would also like to occasionally use that and the surrounding area for soccer.

There are dozens of properties within approximately one mile of the Haag property. When the need-for-permit issue arose, the Haags received

**EXHIBIT I**



numerous unsolicited letters of support. Mr. Haag subsequently has tried to contact his neighbors to learn of their concerns. Over 25 of the neighbors support the activity, often very enthusiastically; only two or three seemed opposed. Mr. Haag is, separately, supplying you with letters of support. This letter will respond to the concerns of property owners that have expressed opposition. A property owner, whose property is approximately 3000 ft from the nearest boundary of the subject property, is reportedly concerned that parachutists will take photos of users of that property. Parachutists do not, will not, and have no interest in, taking such photos. Mr. Haag will be meeting with that property owner to learn about, and hopefully lessen their concerns. Consequently, this letter will focus on the concerns of owners, the Marinoviches, of an adjoining property, who oppose the application. The Marinovich property is one of four adjoining properties, all located along the westerly boundary of the Haag property, that are zoned RA-Residential-Agricultural. All other property in the surrounding area is zoned A-Agricultural or C-Agricultural.

County Code:

It is appropriate at this point to list provisions of the County Code that are applicable to situations such as this, in which a residential property owner objects to agricultural accessory activities on property zoned A-Agriculture.

Section 13.10.311 lists the Purposes of the A Agricultural district, which include the following (emphasis supplied by me):

*...to provide for agricultural uses of a higher intensity in rural areas than those allowed in the RA Residential Agricultural Zone District... to maintain options for a diversity of farm operations; to implement the agricultural preservation policy of Chapter 16.50 SCCC; and to maintain productive open space.*

Chapter 16.50, (Agricultural Land Preservation and Protection), Section 16.50.010 (Purposes) contains these provisions:

Sub-section A says:

*The Board of Supervisors of Santa Cruz County also finds that nonagricultural development adjacent to certain of these [agricultural zoned] lands often leads to restrictions on the County's agricultural industry as a whole. It is the determination of the Board of Supervisors that residents living near agricultural land should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of*

*living in a County with a strong rural character and healthy agricultural sector so long as the agricultural operations are conducted in accordance with Federal, State, and local laws and regulations.*

Sub-section (B) states that one of the purposes of the chapter is:

*...to forewarn prospective purchasers and residents of property adjacent to agricultural operations of the necessary sounds, odors, dust and hazardous chemicals that accompany agricultural operations.*

Sub-section D also describes the County policy of preventing residential uses from limiting agricultural accessory uses. It reads as follows:

*Interpretation of Provisions. The provisions of this chapter shall be liberally interpreted insofar as they apply to agricultural pursuits and services and shall not be deemed or construed to interfere with any normal accessory use conducted in conjunction therewith...; [and] to provide maximum protection to existing and future agricultural enterprises from restrictions which may be instituted later at the request of future residents...*

More Detailed Facts:

Although the County Code clearly gives priority to agricultural uses and accessory agricultural uses and allows, as unconditionally permitted activities, activities that would be much more bothersome to adjoining residential properties than parachute landings could possibly be, the remainder of this letter will provide facts showing that the parachuting activity on the subject property has such an insignificant effect on R-A zoned properties that it would be allowable even if the County Code had a much different way of weighing residential versus agricultural interests than those set forth in the County Code.

As a person who believes in being neighborly, Mr. Haag has sought to accommodate the concerns of the Marinoviches, who were kind enough to invite him and me up to their property to discuss their concerns. Nearly all of their concerns were about noise, so that will be the emphasis here. (Also, from the Marinovich yard, because of trees, parachutists cannot be seen in the last 1,000 feet (vertically) of their descent, so "visual" concerns seem negligible.) I will focus on the last 1,000 feet of the parachutists' descent for two reasons. First, above 1,000 feet, parachutists do not generate any noise that can be of realistic concern to someone on the ground. Second, the FAA is the government agency that regulates the operation of aircraft (which, surprisingly to a layman, includes parachutists) above 1,000 feet. The subject parachuting activity is clearly in compliance with all FAA regulations. Above 1,000 feet there are no prohibitions on aircraft and the noise they

EXHIBIT I

generate. Thus, above 1,000 feet it is quite legal for aircraft to generate noise that is ten or 100 times that of parachutists, without violating any regulations.

In this situation, the parachute is deployed sometimes by a single jumper, but more often by an instructor hooked in tandem with a "passenger". Here, I refer to the instructor-passenger combination as a "duo". There are never more than two duos jumping from a plane on any single flight, which is called a "jump run". In a typical day of parachuting, the number of jump runs is between 4 and 6. The most that has ever occurred is 15. An instructor and his/her passenger talk to one another, but there are no communications between different parachute duos during a jump run. It takes about 30 second for parachutists to descend the last 1,000 feet, so the total time that sounds are generated by descending parachutists in a normal day is about 7 minutes; never more than 14 total minutes in a day.

The riders are instructed to avoid yelling, etc. and rarely violate such instruction. On some occasions there is a whoop of delight just as the landing is being made.

The landing spot is more than 1000 feet from any home (except the Haags). In that landing area the participants converse without shouting for a few minutes before leaving the property. Thus, the usual daily total of recreation-related sounds is less than ½ hour and never exceeds one hour.

These activities never occur before 9:30 a.m. or after 7:00 p.m.

And what is the nature of the sounds? There are wind-caused clothes-flapping sounds that are very similar to a small sailboat sail heard at a considerable distance and there are the human voices of people who are either conversing or enjoying themselves in a completely inoffensive manner. There are no obnoxious sounds like those that generate friction in urban settings, such as loud music, machine-generated noises from tools, or noise that interferes with sleep. The level of noise never approaches that which could be generated by an agricultural crew working near the common boundary of the Marinovich/Haag property. It is less than generated in such typical recreation field activities such as softball or soccer with well behaved players, and completely without the aggressive sounds sometimes generated in competitive recreation field activities. The sounds are always joyful.

Attached is a map that depicts the location of the properties that object to, and favor, the parachuting, and, in light purple, the flight path during the last part of the descent. The following are noteworthy.

1. The flight path is not over any properties zoned R-A. It goes over the property of persons who do not object to the parachuting.
2. During the last 1,000 feet the parachutists are entirely over the Haag property. Their path is one that roughly goes along the boundaries of the Haag property that are most distant from the Marinovich property. When the parachutists are about 600 ft in elevation, they are approximately over the southwest corner of the Haag property. When they are about 300 ft high they are approximately over the middle of the eastern boundary. The instructors have very precise control of the flight path.
3. No parachutist ever comes within 1000 feet, as the crow flies, of the Marinovich patio.
4. The driveway from the Haag property to Calabasas Road is from the part of the Haag property that is furthest away from the locale of the RA zoned properties. The same is true of the landing area.

Perhaps the best way of giving the reader an idea of the level and nature of the sound is for me to describe what I heard when I experienced a jump run from the Marinovich driveway. I was quietly conversing with Mr. Haag, consequently I did not even hear the parachutes open. I could not hear the parachutists until they were over the Haag property. At no time did the sound that they created equal what would be heard if one listened to well-behaved soccer players or softball players from a distance of over 100 yards. It was impossible to see expressions on a person's face or even to know what sex the parachutist is. The same would be true in reverse, in the unlikely event that a parachutist would ever be interested in people on the ground.

The complaints of residential neighbors usually concern what they must endure when in their homes, and during evening/sleep hours. Here, however, the parachuting is noticeable only when outside of one's home. Therefore the claimed "intrusion" consists of distant, joyful human voices related to daytime recreational activities, occurring far away, in those few minutes per day when the residential property owners are in their yards or on their patios.

The County Code expressly allows recreational activities, such as playing fields, as accessory uses in agricultural areas. The sounds generated by parachute activities are without question much less than what could be expected from even well-regulated team playing field activity. When I commented to Mr. Marinovich that the sounds were those of people



enjoying themselves and therefore unobjectionable and much less bothersome than farm-generated activities, his response was that as a farm boy he did not mind roosters, etc. but did not like the voices of the parachutists. The County Code, however, makes it plain that a neighbor's idiosyncratic distinction between farm and recreational sounds is not a basis for prohibiting a recreational activity. The relevant inquiry, therefore, is whether the recreational sounds of this parachute landing activity, when compared to other recreational playing field activities, have an abnormally high level, frequency or duration or occur at bothersome hours. This parachuting activity easily passes that test.

Conclusion:

Sod growing and parachute landing are extremely complementary activities. Parachute landing is an ideal accessory use, because it makes sod growing more economically feasible. It does not cause anything that interferes with growing crops on the property, now or in the future. No structures, roads or pathways have been constructed or will be constructed. The accessory use is therefore perfectly in accordance with the County's agricultural land preservation objectives as expressed in Chapter 16.50

The noise generated by the combined activities is much less than most agricultural operations and more pleasing to most peoples' sensibilities. Parachute landings generate no dust, pesticides, or any other negative items.

Residential property owners living next to unused property often assume they have some sort of right to preclude their neighbors from any new activity that lessens that residential tranquility, such as the "productive" (quoting from section 13.10.311) use of the Haag property, that is sought by this application. However, as the above-quoted portions of the County Code prove, that is especially untrue when the neighboring property is agricultural. The County Code specifically lists playing fields as an accessory use, so an accessory use whose only impact is a few minutes a day of playing field-type sounds should easily pass muster. The vast majority of the Haag neighbors support his use of the property. Presumably many of them appreciate that his use is much more advantageous to them than most of the likely alternatives. Approving this application enriches the local economy and furthers the interests and desires of the Haags, the vast majority of their neighbors, those whose jobs depend upon this permit, and the passengers who enjoy a thrilling, unique recreational activity.

Thank you for considering this information. Please let me know if you need any other information from the applicant.

EXHIBIT 1

Respectfully submitted,

Richard Manning

RM/dm  
Attachment: Map  
cc: Volker Haag

EXHIBIT I

## **Samantha Haschert**

---

**From:** Volker Haag [Volle2000@gmx.de]  
**Sent:** Tuesday, July 09, 2013 12:42 PM  
**To:** Samantha Haschert  
**Subject:** Voluntary Improvements and Changes in Procedures to Accommodate Neighbors  
**Attachments:** Implemented\_Improvements\_procedures.pdf; Improved\_Flight\_Pattern.jpg  
**Importance:** High

Dear Samantha,

please find attached an overview of some "Voluntary Improvements and Changes in Procedures to Accommodate Neighbors".

This overview will show that we have been very proactive in addressing the small number of neighbor complaints although the great majority of neighbors is very much in favor of the parachute operation.

We feel that some parts of the complaints (complaints about privacy but also noise) should have been directed to the FAA, rather than the County of Santa Cruz as we are using the FAA regulated airspace and will continue to do so, no matter where the landings take place.

Nevertheless, we have reviewed our procedures to accommodate neighbors. I hope this is useful information

One question: Do you have the copies of the support letters and signature sheets that I have sent you a few weeks ago? I can have delivered all the originals if necessary. Should I do so? I have been told that there will be more to come in the next few weeks

Sorry about sending over so much material right before the deadline.

Volker  
831.331.9150

Even from the very beginning of us landing parachutes onto the 515 Calabasas Road property we have been very eager to fit in and get along with everybody in the neighborhood. I guess, this attitude of being concerned about our neighbors' opinion is the reason why up until recently we haven't heard about any complaints and why we have received numerous letters of support and are still receiving such letters today.

We would have loved to be given a complete list of neighbors' concerns in order to address them. We have tried to "guess" what possible concerns there might be and we came up with changes in our procedures to mitigate these potential concerns. Most of them have already been implemented, others will be in the near future.

### **Sounds from above**

Parachutes are per definition un-motored and generate only neglectable noise. As one of my neighbors put it eloquently in his letter of support : " They sound like a flag in the wind".

In some rare occasions some passengers would let out a sound of joy or excitement. However, only a small proportion of passengers do actually yell anything when they jump. Skydiving literally takes peoples breath away. This is a verifiable fact! And in the rare occasion of a "yeller", they yell once and not for the entire time under the parachute.

So if we do, let's say 10 jump runs on a busy day, we only have people up in the air for a few minutes that day...and during those few minutes there is only a small chance of noise during certain points of these few minutes. There is only a small duration of only potential sources of noise present.

### **What we have already done to eliminate "noise from above::**

- We changed our safety briefings: In every safety briefing we now include to tell our passengers to not yell "woohoo" or anything of the like.
- We have warning signs in the office as well as in the aircraft. This eliminates 90% of the temptation to yell. (see pictures at the end of this document)
- More importantly, our instructors have been vigorously keeping the passengers from yelling during the jumps and particularly under the parachute. The instructors are in a very "powerful position" while under the parachute. We literally hold the passengers lives in our hands. In that moment passengers always follow our instructions 100%

We have gotten great feedback from our neighbors. They literally cannot hear the parachutes at all anymore!



## Sounds from the ground

One of our neighbors “guessed” that the complainers might have a concern due to passengers that have already landed, yelling up to the other parachutist. This used to happen on very rare occasions. The neighbor also commented that if that was true such a complaint would be “ridiculous” as the mere number of loud field workers plus the animal and tractor noise in surrounding ag-operations generally by far exceed our parachutists, in numbers and in noise generation. Also we are operating only during daylight hours: never early morning or at night when there might be noise special noise regulation in place.

### What we have already done to eliminate noise on the ground:

- We have put up signs with Landing Area Ruled: at the office and twice on the landing area (see pictures at the end of this document)
  - “1 Do not cross the red line- stay clear of landing area per FAA regulations;
  - 2 No yelling up to the parachutes-they cannot hear you, but our neighbors can!;
  - 3 Be mindful of the neighbors-keep the noise down”
- Passengers on the ground are accompanied by staff that are now working vigorously to keep them quiet

## Dust

Our driveway is currently base rock. When we drive our vehicles up and down the drive way (maximum twice an hour, on average only 5 times a day) there might be some dust on a hot day.

We don't think that this would ever be or has been an issue, particularly if compared to the surrounding dust-generating ag-activities. Nevertheless, we did the following things to eliminate the occurrence of driving related dust:

- We have an agreement with “Monterey Peninsula Engineering” to have the base rock driveway replaced with asphalt grindings. The main benefit of asphalt grindings is that there will be no dust generated when driving over it. This will be accomplished by the end of August.
- In the longer term, we will replace overlay the asphalt grindings on the driveway with a layer of asphalt.
- We never have more than 2 vans drive up per hour
- We always make sure to drive slowly with all of our vehicles. Our neighbor can attest to that. In fact, some neighbors have already commented on that in support letters that we have forwarded to you

## Privacy/ Flight Pattern through the Airspace

The FAA reserves all rights to regulate the National Airspace System (NAS). There is not, nor ever was, a provision for local authorities to regulate any aspect of the NAS. When an aircraft is not on the ground, it is in the NAS, and anything that the aircraft might do once in the NAS is subject exclusively to federal regulations. The absolute sovereignty of the federal government in airspace regulation is outlined in Title 49 USC §4010.

Our flying parachutes reserve the right to use the federally regulated airspace. It is important to note that we use this airspace now and will continue to use the very same airspace once we will be landing on the airport.

While most airplanes volunteer to be above 1000 feet over this area the regulation allows airplanes to fly as low as 500 ft above ground level in this area ( See FAA FARs 91.119).

If a neighbor had a complaint about noise or privacy when we are using the FAA regulated airspace, they should be directed to make a complaint with the FAA!

Nevertheless we are taking all concerns serious and are trying to mitigate their concerns even in these aspects.

### What we have already done to address concerns about our flight patterns

- We have reevaluated our past and current flight patterns
- Our findings are: We are never below 1000 ft anywhere but over the 515 Property  
→ we are doing this not only as a courtesy to our neighbors but actual physics, the flight characteristics of modern RAM air parachutes dictate that → parachute technology dictates these altitudes!
- As a courtesy, we are not overflying the complaining neighbors houses and stay away from them as far as we can, at all times!
- During the lowest point of our descent outside of our property (just over 1000 ft) we are over flying uniquely properties of supporting neighbors that have submitted letters of supports.

Sign in the plane:



Sign on the landing area:



EXHIBIT I



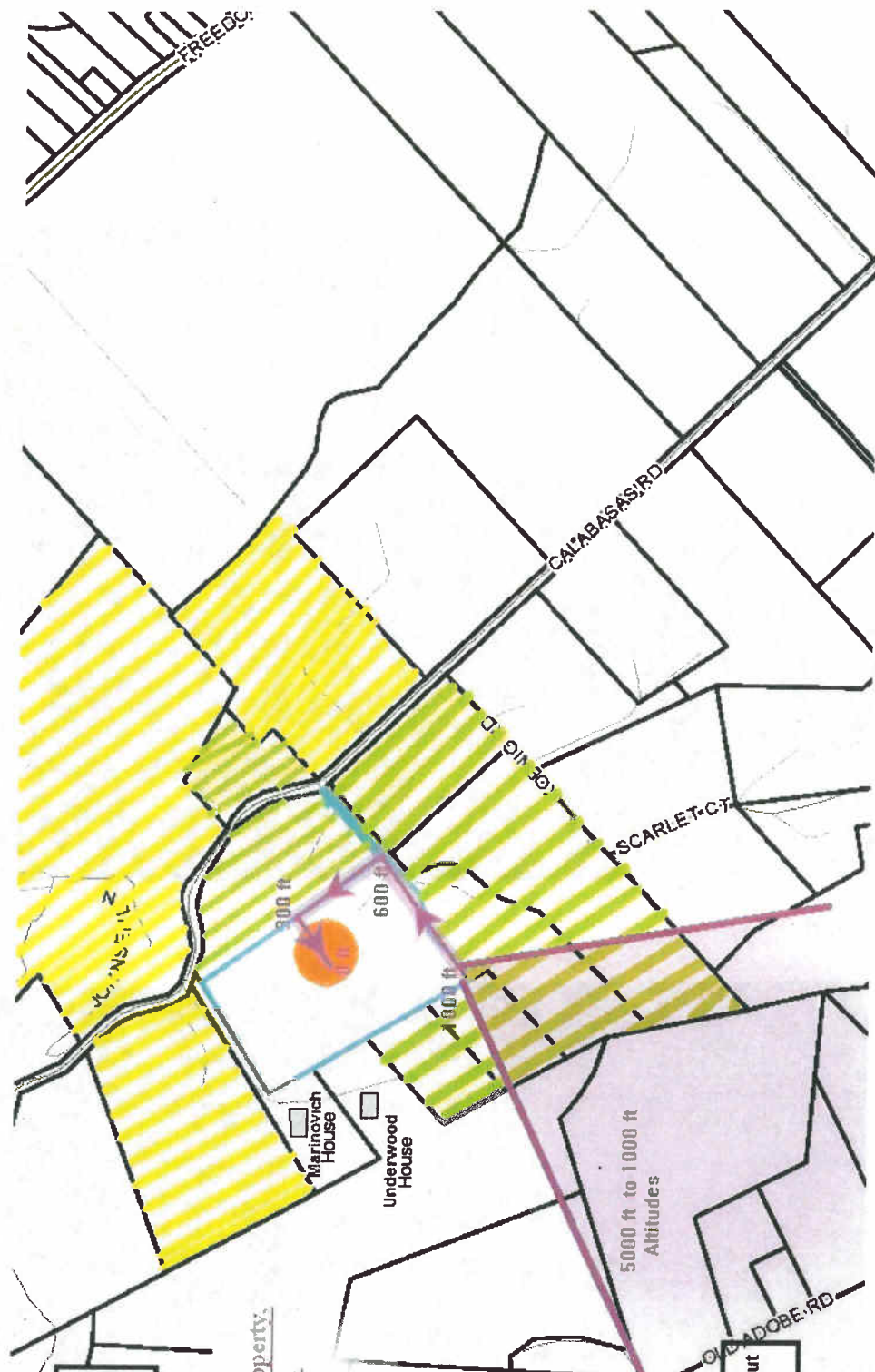
2n Sign on the landing area:



1<sup>st</sup> Sign in the office:







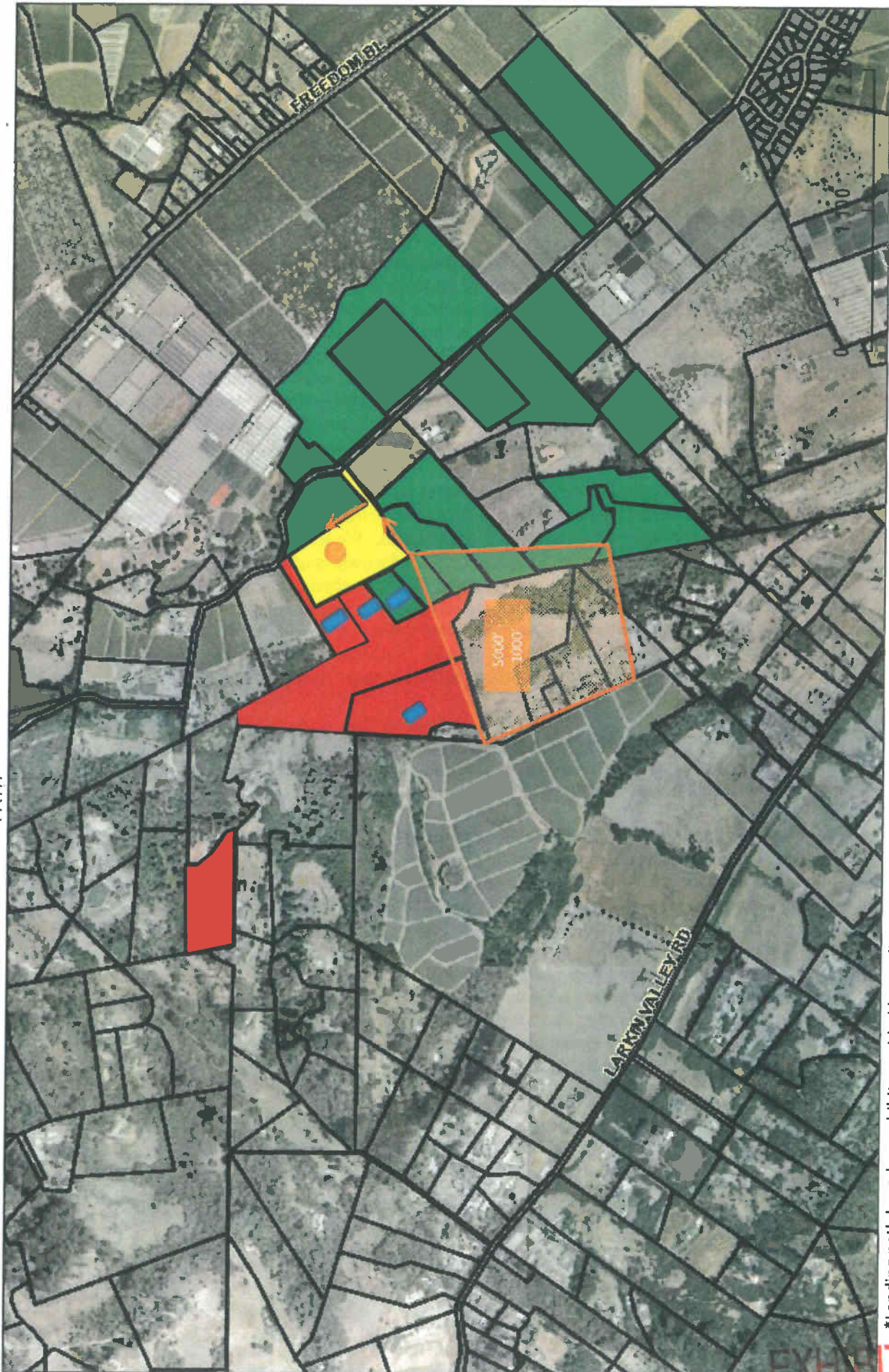
Application: APN 049-091-24  
Parachuting

Note: When the parachutes are over our property, they are at 1000ft and below. The trees and buildings block the views from and to the Underwood and Maimovich backyards.

- Standard Flight Pattern
- APN 049-091-24 515 Calabasas Rd
- Landing Zone
- Property owners that support skydiving and love the parachutes
- AG properties (fields and orchards without any building).



OPPOSED
  SUPPORT
  LANDING PATH



\*Landing path based on exhibit provided by applicant.

\*Opposition and support based on public comments received by the Planning Department.

\*Building areas are approximate and do not reflect the footprint of the structures.



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

Dear County Planning Department,

My family and I reside at 520 Calabasas Road, Watsonville, directly across the street from 515 Calabasas Road. The 6 of us have lived there for 12 years in this rural, relatively quiet agricultural area. I say relatively quiet because, as is to be expected in an agricultural area during the growing season, we often hear the sound of tractor engines and large blower motors beginning in the early morning hours, as well as the sound of large truck engines and clanking trailers periodically during the day. Indeed, we also can clearly hear the amplified sounds of mostly Mexican radio station music our neighbors play during the workday for the benefit of their mostly Hispanic workforce. We understood, when we bought the property that we needed to expect these noises, so we were not surprised, nor have we found them annoying.

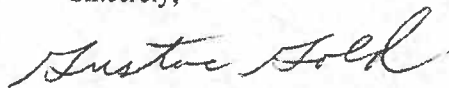
We were, however, surprised one day last summer to look up and spy a couple of large, very colorful parachutes in the air high above us and even more delightfully surprised to see them descend and land in the huge, flat meadow at 515 Calabasas. We soon learned that the nice, young couple who recently purchased that property were the owners of Skydive Santa Cruz and that they were using their meadow as a landing zone. We have observed two parachutes at a time descend at intervals during daylight hours. Sometimes, we can hear the high-in-the sky whoops of excited skydivers as they experience jumping out of a plane for the first time. All of us have enjoyed watching the happy activities over the months. We often stop what we're doing to watch the gracefully descending parachutes and smile to see them glide silently to the ground just a few hundred yards from us.

We have never felt endangered by the sky divers because a highly trained and experienced skydiver is in control of each jump and we've never observed a parachute to land anywhere other than comfortably within the several acre meadow at 515 Calabasas.

Calabasas Road has sparse traffic, so the few minivan trips per day do not cause any problem on the road. Unlike trucks hauling farm equipment or horses, which use the road, we do not hear the minivan at all. Our main driveway is directly opposite the 515 driveway, however, we have never been inconvenienced or delayed by the skydivers being ferried back to Watsonville airport.

Finally, I think it's worth mentioning that I have many times observed both fixed wing and helicopter crop dusting activities over nearby agricultural lands, and been subject to errant insecticide spray landing on my car. Although recreational parachuting is not an agriculturally related activity, I would much rather be a neighbor to this activity than noisy, dangerous and poisonous crop dusters that fly in agricultural airspace. So, to the extent it matters, we, as very close neighbors, welcome the skydiving activities that take place at 515 Calabasas Road.

Sincerely,



Gustave Gold  
520 Calabasas Road  
Watsonville, CA 95076

To: County of Santa Cruz Planning Department

STATEMENT OF SUPPORT

We are neighbors of Volker Haag. We are happy to welcome Volker and his young, energetic family to our neighborhood.

Before Volker purchased the property the land was overgrown with weeds and filled with debris and garbage. It was a sore sight. Now the grounds are clean and attractive.

We are familiar and aware of Volker's parachute landings on the large grass field at 515 Calabasas Road, Watsonville, CA, which is also his family residence. We enjoy seeing the beautiful parachutes floating by in the sky and people having a good time. It is an asset to the community, a clean activity that brings people and money to our local economy.

Please allow this activity to continue.

Kim [signature] 227 Scarlet Ct. Watsonville CA 95076  
Jean Holmquist 410 Calabasas Rd. Watsonville, CA 95076  
Warren Koenig 220 KOENIG ROAD, WATSONVILLE

Olivia Koenig 220 Scarlet Ct Watsonville

Robert A. Annis 12 Calabasas Rd. Freedom, CA 95019

Ali Padella 2869 Freedom Rd Watsonville CA 95076

Luis Padella 2869 Freedom Rd

[signature] 513 CALABASAS RD. WATSONVILLE Steven Ramirez

Ron Ince 159 Koenig Rd Wats 95076

EXHIBIT J



To: County of Santa Cruz Planning Department

STATEMENT OF SUPPORT

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Please allow this activity to continue.

Reed Sigs 407 Calabaras Rd  
Watsonville CA  
95076

Nancy Bongers 402 CALABARAS Rd.  
WATSONVILLE, CA 95076

Will Gutting 375 Calabaras  
Watsonville RD

E Coleman 381 Calabaras Rd  
Watsonville CA

Marci Buhse 338 Calabaras Road  
I appreciate you being here Thank you very much

Tim R. 511 Calabaras Rd

Tammy Kinjoist 511 Calabaras Rd

Heidi Hoffman

Steve Rushworth 230 Scarlet Ct.  
Brew Bushworth

EXHIBIT J

#131132

Phone call

Anonymous neighbor

- Predatory birds seem to be decreasing in area
- Red tailed hawks and white kites used to be present
- Jumps viewed at site visit were not typical jumps
  - appears to have taken a separate path
  - the landings were fairly quick
  - not as much noise as usual; usually a lot of yelling
- Airspace around airport is already disturbed and would be a better place for parachuting
- Do not want to shut down his business but the use is impactful on neighbors.

March 17, 2013

Santa Cruz Planning Dept.  
701 Ocean Street  
Santa Cruz, CA 95060

Ladies and Gentlemen:

Our names are Warren and Amelia Koenig. We have lived at 260 Koenig Road for the past 28 years. There is only one house between our land and Volker Haag's property. The property at 515 Calabazas Road had been a flight before the Volker Haag purchase. There was trash, and weeds were everywhere. Volker cleared the land and cleaned up all the debris. Now the premises are neat and attractive and certainly enhance the neighborhood.

We like to see the colorful parachutes above our house. They are an occasional cheerful sight if friends come to visit. We see no problems from this fun activity and hope they will continue.

We have met Volker Haag and his young family. We are delighted to have them as neighbors.

Sincerely,  
Amelia Koenig  
Warren Koenig

To: County of Santa Cruz

March 18, 2013

I am writing regarding my neighbors, Lisa and Volker Haag. Since they have arrived they have been very helpful in clearing 10 acres of old rotting remains of greenhouse debris and weeds.

Since the clean up we have had a much easier time in controlling weeds and rodents which was greatly appreciated.

In regards to the skydiving which occurs @ times next door. It has not been a problem. Everyone involved has been very respectful and we enjoy seeing the parachuters.

*Jim Ferris*

513 CALABASAS RD



March 19, 2013

Santa Cruz Planning Department  
701 Ocean Street  
4<sup>th</sup> Floor  
Santa Cruz California 95060

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

To Whom It May Concern,

It came to my attention that the County of Santa Cruz is trying to stop the parachute landings on the property located at 515 Calabasas Road.

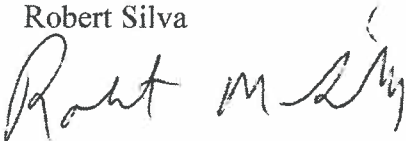
This letter is written in support of the parachute activity. As a next door neighbor I and my children enjoy the parachutes and have no problems with the landings whatsoever.

We have been living at 557 Calabasas Road for the past 8 years. From my property I have a good view of the 515 Calabasas Rd. field. It used to be filled with trash and infected with rodents. It was a pleasure to see how the new owners, the Watsonville Sod LLC, have cleaned up the property as it had been an eyesore for the past 8 years.

It was great for the neighborhood to get this mess cleaned up. The landings of the parachutes have no negative impact for me at all.

Sincerely,

Robert Silva

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

March 19, 2013

Santa Cruz Planning Department  
Attn: Departmental Review  
701 Ocean Street  
4<sup>th</sup> Floor  
Santa Cruz California 95060

Ref. Parachute Landings on 515 Calabasas Road, Watsonville

To Whom It May Concern,

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

I have been renting here for the past 3 years. I was happy to see how the next door neighbors have cleaned up the property over the past 1-2 years. While it has been covered with debris and garbage in the past, it is now a lush green field.

In regards to the occasional parachutes landings, I have absolutely no problems. There are no noise, safety or privacy concerns from my side.

In fact, I enjoy watching the parachutes land. I hope that they will continue to land here.

Sincerely,



Jennifer Stearns  
(Renter 511 Calabasas Rd.)

March 19<sup>th</sup>, 2013

Santa Cruz Planning Department  
Attn: Planning Director / Review  
701 Ocean Street  
4<sup>th</sup> Floor  
Santa Cruz California 95060

**Letter of support for parachute activity on property 515 Calabasas Rd, Watsonville  
(APN 049-091-24)**

Ladies and Gentlemen,

The Hinojosa family consisting of Terry, Tammy and now grown up children Cody and Christina have been living on the property located at 511 Calabasas Rd. for the past 18 years. Our house is right next to 515 Calabasas Rd.

For the past 10 years the state of the property was absolutely appalling. It was a storage yard for old leaking vehicles, decayed green houses, piles of wood, debris and simply a lot of trash. We had a huge rodent problem originating from the debris next door as well.

Being a junkyard, the property had not been usable for agriculture for years. After the property had sold 2 years ago, the Watsonville Sod has done a terrific job in cleaning up the property, making it not only look attractive but making future agricultural use possible. It is now a beautiful, open grass field that very much looks like a soccer field. What the Watsonville Sod LLC has done to the property and therefore to the entire neighborhood is invaluable.

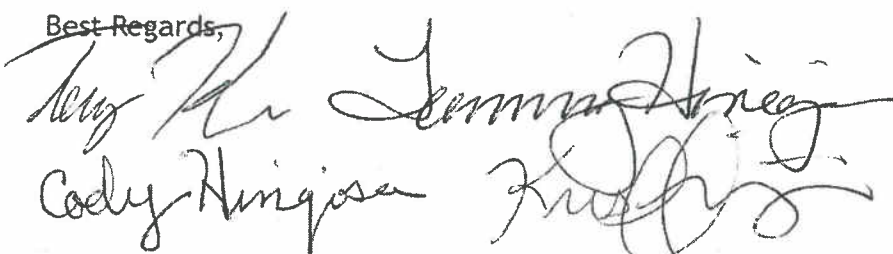
We are absolutely not bothered by the local parachuters that land their parachutes on the field. Actually we are enjoying it. We frequently take out our lawn chairs and watch the colorful parachutes fly and land.

We cannot understand how anybody would not like to see this fun activity in our area and why they county of Santa Cruz would want to put and end to it. Being right next door we don't see any potential harm from the parachuters. There is also no excess noise associated with the parachuting. In this rural area we are surrounded by noise from tractors and animals all day long. We cannot even hear the parachuter's airplane as they are dropping from very high. But again we don't care about airplane noise anyways, as we knew what it meant to buy a house located close to the airport.

We are 100 percent in support of the parachute activity happening on property 515 Calabasas Road. We hope to see many more parachutes land next door

Feel free to contact us if you have any further questions.

Best Regards,



**Daniel Gold**  
514 Calabasas Road  
Watsonville, CA 95076  
(831) 724-7600

March 21, 2013

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

Ref: Property Located at 515 Calabasas Road, Watsonville  
Parachute Landing

To the Planning Department:

I am an owner and resident of a property directly across the street from the subject property. I have resided at this neighboring property, 514 Calabasas Road, since April 2009.

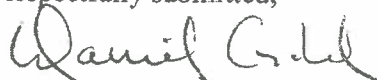
Several months ago, on a clear sunny day, I was unexpectedly delighted by the sight of beautifully colored interestingly shaped parachutes floating gently in the sky overhead. All too soon, the parachutes disappeared from view as they neared the ground, hidden behind the trees and foliage standing between the landing area across the street and the road that divides our properties. I recall feeling cheated by not being able to watch the parachutes complete their graceful journeys.

I have never desired to jump out of a plane and fall to earth held precariously aloft by a large piece of cloth. But when I saw these parachutes I immediately appreciated the phenomenon that attracts some to just that activity. The parachutes themselves are silent as they descend, or at most produce a gentle whisper as the wind catches their various structural elements. Even as months have passed, each time I catch a glimpse of a chute overhead, it brings a smile to my face and reminds me that the desire to pursue a challenge, and enjoy it, is a positive human trait.

I both live and work on the property at 514 Calabasas Road and have never been disturbed by the landing of the parachutes nearby. I have noticed parachutes only during the middle of the day, never in the very early or late hours. All of the activity I have noticed associated with the landing of the parachutes seems to me to be within appropriate parameters for an area that consists of large agricultural tracts and country style homes.

Far from creating a nuisance or a hazard, I think the landing of the parachutes brings local color and character to our rural neighborhood. I have no reason to oppose the continued parachute landings, and, in fact, I would be disappointed if the activity were to be stopped.

Respectfully submitted,

  
Daniel Gold



**Lenny & Geri Wolff o 514 Calabasas Rd. Watsonville, CA 95076**

March 23, 2013

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

RE: 515 Calabasas Road, Watsonville

To Whom It May Concern:

This letter is written regarding the complaint filed against Volker Haag who owns the property located at 515 Calabasas Rd. I understand the complaint is in regards to parachute landings at the above mentioned property.

We live across the street from 515 Calabasas and have lived here since 2001. We have really enjoyed watching the parachutes floating above us and landing in the meadow across the street. They are not a nuisance to us and we do not feel that they present any type of safety hazard to us or those around us.

We sincerely hope that you will allow the parachute landings to continue at 515 Calabasas. We're excited to have such an activity in our neighborhood.

Cordially,

*Lenny Wolff*      *Geri Wolff*

Lenny & Geri Wolff

April 5, 2013

Santa Cruz Planning Department  
Attn: Departmental Review  
701 Ocean Street  
4<sup>th</sup> Floor  
Santa Cruz California 95060

Parachute Landings on 515 Calabasas Road

To Whom It May Concern,

Our property is located about half a mile North West of the field where the parachutists are landing.

We like watching the parachutes float through the skies. We have now idea how anybody could be annoyed with this fun activity. In no way do we feel that the parachutes present any harm or nuisance to us . They are up in the skies and have no impact on our privacy.

We hope that they will be allowed to continue this fun activity in this area.

Sincerely,

Chris and Erika Reid  
(615 Dusty Trail, Watsonville, CA 95076)

CC: Zack Friend

*Erika Reid* 4-12-13  
*Chris Reid* 4/14/13

April 8, 2013

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

Parachutes over Calabazas Road

To Whom It May Concern,

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

In comparison to the airplanes, the unpowered parachutes are not noisy at all. You cannot even hear them at all, particularly due to all the surrounding tractors noise and airplanes in the sky.

Living within the "2 Mile Airport Influence Area", I cannot comprehend how any neighbor living here could have a problem with aircraft or in this case parachutes in the sky. If you don't like it, don't live close to the airport!

Pachuting is an FAA recognized activity and parachutist have the same rights in the airspace as powered aircraft (planes/ helicopters).

We heard that the county is trying to shut down the skydivers due to an alleged zoning violation. How can that be? Is there an ordinance in the Santa Cruz County Code that is dealing with skydiving/parachuting? Federal regulation is definitely in support of the activity.

Everything around here is zoned AG. As long as they are not disturbing the AG-use potential of the fields, there should be no need for the county to interfere!

I am supporting the parachuting activity. It is fun, safe, and it is not noisy.

Please support them and let them continue.

Sincerely,

Robert Loomis

*Robert Loomis 4-8-2013*

**Statement of Victims**

Submitted to the County of Santa Cruz

May 20, 2013

#13-CV23291

Re: skydiving/parachuting business over Calabasas Road homes and land

As long-time residents of Calabasas Road we are extremely distressed by the invasive, intrusive, and unlawful skydiving/parachute business that has been operating over our heads for more than a year. We purchased our lands, some of us 25+ and 40+ years ago, knowing this is a rural agricultural area and not zoned for airport-related activities or recreational businesses and understand the zoning has not changed. As responsible citizens of Santa Cruz County, we made sure that any intended businesses would be appropriate for the area. The landowner, Volker Haag, has appropriated our homes and yards, our privacy, and a way of life that some of us have spent years maintaining or recently acquired for the peacefulness of the area, for his business which is in violation of current zoning.

This is an area of rolling hills, meadows, tall trees, scattered ponds, scattered homes and outbuildings, winding driveways and power lines that zigzag through the trees. One yard and meadow is a certified National Wildlife habitat. We have hawks and owls living, hunting and nesting in the trees. Some of us have pools or hot tubs, or like to entertain, fly kites, or garden. We have planted trees as necessary to maintain the privacy of our yards and interior spaces while maintaining the openness of our lands. Now, with the 10-30 strangers a day 300 days a year, floating over our skylights, windows and yards with video cameras—we have no privacy inside or outside our homes. We are discouraged from being outside. This activity is an intrusion on our private moments, tranquility and the peacefulness of country living.

At first there were only a few drops when the fog was at the beach. Then the dropping began as soon as the sun came out, and all day long. More recently there have been drops through the clouds and even when there is fog at the airport. On several occasions a helicopter has circled closely around the skydivers as they floated at an altitude that is lower than one of the homes.

At any time during daylight hours and often for hours on end, people living and working under the target drop zone, the float zone, and next to the landing spot are subject to the following cycle. Residents under the drop zone hear a plane engine and then realize that it is not going away but stays overhead like a generator parked above. After 10 minutes, the plane slows down and two groups of bodies fall and the screaming starts. You can look directly up and see them fall while the plane turns and heads back to the airport. One resident regularly sees people falling as she looks up to hang her laundry.

Then the parachutes open up with a roar as loud as thunder, one after the other. If a parachute does somersaults, there is even more screaming. Then they float down and eastward over one of our meadows and trees toward the landing area, approx. a half mile from the drop zone. As the two parachutes approach the landing zone, they fly directly

#13-CV23291

049-091-24

EXHIBIT J



Re: skydiving/parachuting business over Calabasas Road homes and land

over several homes, front and back yards, which puts them face visible and close enough to talk to, as well as creating shadows over the homes. The residents can hear loud, exultant screaming as well as considerable profanity. The parachutes flap loudly as they descend to the ground. Twenty minutes later the plane is back dropping two more parachutes (4 more people).

To date no person, camera, parachute paraphernalia, or bodily fluids has landed on us, but items have fallen in the area, and the owner's plane crashed into a nearby orchard last June. We personally know of mishaps that have occurred in Hollister and have heard about others countrywide. In the last 5 years there have been 111 parachute fatalities in the U.S. Aside from reduced privacy and security, the inherent risk to residents and guests is tremendous. Those of us on the ground do not accept this risk. It is only a matter of time before something disastrous happens.

The shuttle drivers have repeatedly been observed with a phone to the ear as they drive Calabasas Road. One time, a skydiving vehicle did not even slow down for a woman and child crossing in front of the school. Since the business was red-tagged and the owner notified that his vehicles were driving carelessly, the skydiving advertising on the shuttle vehicles has been removed or the vehicles have been replaced, achieving lower visibility as they drive through the Freedom/Buena Vista neighborhoods and pass Calabasas School. However, the vehicles continue to be seen driving above posted speed limits when shuttling to and from the airport.

In addition to being denied our privacy by one individual, the property values of our homes and lands are being significantly affected. A respected local broker has estimated that a loss of 10-20%, starting at \$50,000 per property, can be expected upon sale of these properties due to the loss of privacy and home security, video-taping, overhead screaming and talking, constant overhead airplane noise, and risk of danger or death from falling objects or persons.

We do not understand why, after independently contacting the county in early February and learning that this activity is against the zoning for this area, it is still going on at our mental/personal and physical expense and for the benefit of one. This business needs to be carried out in some place where all affected landowners and residents are agreeable to it. As residents subjected to this activity, we are very distressed that a single individual, against local ordinance, has turned our private spaces into a personal, recreational enterprise zone. We ask that you cease this inappropriate activity immediately. Thank you.

Russella L. Lortridge W. F. Marinovich  
David K. Kikuchi Brenda J. Marinovich

EXHIBIT J



Freedom Backhoe

Drop zone



Cock Hollow Ln

Driveway

flat

Area



Landing zone



SIS

W ————— Prevailing wind —————> E

90% of drops/freefall occur in "Drop zone"

X = locations where we have been walking or driving and parachutes have been overhead

H = home

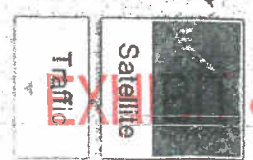


S

5/29/13

Watsonville, CA

Don Blvd



**Samantha Haschert**

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**From:** Priscilla Partridge [kajimom2012@gmail.com]  
**Sent:** Thursday, May 23, 2013 1:46 PM  
**To:** Samantha Haschert  
**Subject:** Application 131132/515 Calabasas Rd

Dear Ms. Haschert:

We understand that the owner of the skydiving/parachute business that has been taking place over our house and land for the last year has applied for a permit to carry out this activity on 515 Calabasas Rd. This is a rural/agricultural/ residential neighborhood and this activity is not appropriate.

Furthermore we object to the skydiving/parachute business because the drop zone takes place over our property. We live to the west of the landing zone and the prevailing winds are west to east, so that 90% of the drops including the freefall, parachute opening, and float portions of this activity take place over our home and land.

We have no privacy inside or outside our home. Our home and yard are being viewed and videotaped by strangers all day long and we live in fear of bodies or debris falling on us. The constant noise and screaming is disturbing. This activity violates our safety, privacy, security, peace of mind, personal activities and property values. We want this activity stopped immediately.

Sincerely,

Priscilla Partridge and Dave Kikuchi

**Samantha Haschert**

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**From:** Brenda Marinovich [brendamarinovich@yahoo.com]  
**Sent:** Monday, May 27, 2013 8:54 AM  
**To:** Samantha Haschert  
**Subject:** Re: Volker Haag Application No. 131132

Dear Samantha:

We spoke to you previously when we questioned whether Volker Haag had a permit to land skydivers on his property on Calabasas Road. We will be attending a hearing at the County regarding this on Thursday, May 30.

We wanted to relay to you that our concerns and disapproval as close neighbors has not changed. The skydiving is relentless flying over and back over the front and back areas of our home many, many times a day every day but Wednesday. There is hooting and howling and general excitement on their part. It's a severe invasion of our family privacy and very annoying. We can see and hear them if we are inside or outside, upstairs or down, windows open or closed. Since we are adjoining properties we also endure their landings.

His continued skydiving business not only destroys our tranquility but would do much to destroy our property value if it was ever necessary for us to move and sell our home. (This is not something we plan to do.) To view skydiving from a distance is fun and entrancing but when it is directly over your home it is not. Since we are in an agricultural/residential area we feel it is wrong to change that for one business newcomer to the area who could have checked this out before he bought his property and who began his business with no permission or warning.

This has been going on relentlessly for well over a year and should not be allowed to continue.

Thank you.

Brenda and Bill Marinovich  
555 Calabasas Road  
Watsonville



## **Samantha Haschert**

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**From:** Priscilla Partridge [kajimom2012@gmail.com]  
**Sent:** Wednesday, June 19, 2013 9:10 PM  
**To:** Samantha Haschert  
**Subject:** photos/site visit

Samantha,

We don't have any decent photos. It is difficult to photograph upwards into the sun and to capture something falling from 10,000 ft.

Would you be able to provide us a copy of Volker's map?

If we are home and able to accomodate your site visit on 6/24, we are authorizing you, only, to visit our property.

Thank you.

Priscilla Partridge and David Kikuchi

County of Santa Cruz  
June 27, 2013

Re: Permit for Skydiving business

We do not think it is safe to have skydivers jumping over people's homes. We used to have skydivers jump and float over our home, yard and communal pool area in Aptos. We experienced the following problems:

- noise pollution: the screams were loud and disturbing to us as we tried to relax after coming home from work
- anxiety every time a parachute opened above us
- constant fear of a plane crash or a parachute not opening
- reckless driving through the Seascape neighborhood: the drivers repeatedly rolled through stop signs and we almost got hit by a pick-up vehicle while we were walking

We felt harassed by this skydiving business. We are relieved that it no longer occurs at our home but feel that this is disturbing and not safe to be taking place over anybody's home and personal space.

A handwritten signature in black ink, appearing to be 'Jeff and Yvonne Garrett', written in a cursive, stylized script.

Jeff and Yvonne Garrett  
989 Via Tornasol  
Aptos, CA 95003  
662-4521

EXHIBIT J

Site Visit 6/28

Jennifer Underwood- 547 Calabasas Road

Brenda Marinovich – 555 Calabasas Road

Anonymous Neighbor

- Skydivers can see property from the sky- privacy concerns
- Noise from parachutes in the wind a nuisance
- Noise from skydivers yelling is a nuisance
- Skydivers once asked to go on the property to look for a lost parachute – concerns of falling people/objects
- Even occasional jumping is not okay with the neighbors
- Use is a commercial enterprise that includes their properties
- Some of the surrounding horses are spooked by the yells
- Landings occur as late as 7 pm.
- One property has had trespassers lately. Think it might be from people viewing the property from the air.

EXHIBIT J

**Samantha Haschert**

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**From:** Hanna Wallace [hannanwallace@gmail.com]  
**Sent:** Sunday, July 14, 2013 8:12 PM  
**To:** Samantha Haschert  
**Subject:** Supporting the Parachuting in Watsonville

Dear Ms Hascher,

My name is Hanna Wallace. I live on 350 Calabasas Road. I recently went to Skydive Surfcity and did my very first tandem skydive a few weeks ago on June 27th.

While we had seen the parachutes frequently, I had never met Volker or anybody from Skydive Surfcity before. Volker asked me, as a neighbor, if I would be willing to talk to the county about my skydive.

During my Jump, I had a completely overwhelming experience. Although I live only 3000 ft away from the landing site, I was completely disorientated and could not even find my own house when I was up in the sky. While free falling it feels like time is standing still. When the parachute opens you are so relieved and full of adrenaline it is truly amazing and hard to describe. There is no way that I could have ever tried to look into anybody's backyard or spy on anybody. As I said I couldn't even find my own house. The last thing I clearly remember is being in the plane. Then there is a whole lot off bliss and suddenly you are back on the ground.

The instructors had instructed us to be quiet while in the air and I did not feel the need to scream at all.

Living so close to where they land, neither me or my family was ever bothered by the parachute jumpers. I absolutely loved my jump and hope that the county will allow Skydive Surfcity to remain open so that many more people can enjoy this amazing experience.

Sincerely,

Hanna Wallace



## **Samantha Haschert**

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**From:** AmoKoenig@aol.com  
**Sent:** Thursday, July 18, 2013 4:57 PM  
**To:** Samantha Haschert  
**Subject:** Sky Dive Surf City

Attention: Samanta Haschert, Project Planner

Re: Sky Dive Surf City

Dear Ms. Haschert:

We fully support Volker Haag's Sky Dive Surf City business. We are neighbors with one house between us and his land. Sky Dive Surf City fills a void in Santa Cruz County's drive to attract tourism and bring in revenue.

Economically Sky Dive Surf City is a real asset. A total of 12 people have jobs because of Sky Dive Surf City. Some are independent contractors, but all 12 depend on the company for a livelihood. In addition, fringe businesses benefit from Sky Dive Surf City; e.g. airport mechanics and maintenance crews, Props Restaurant located at the airport because Sky Dive Surf City customers buy meals and drink beer there, and local hotels. Sky Dive Surf City attracts jumpers from out of town; some from as far away as Los Angeles, and they stay at hotels and spend money locally.

We have always enjoyed watching the beautiful-colored parachutes. Volker Haag has visited every neighbor in our immediate neighborhood, explained the business and asked if they had any complaints. All of them support him. In fact, one of them is jumping on Saturday.

Respectfully submitted:

Warren and Amelia Koenig  
260 Koenig Road  
Watsonville, CA 95076  
(831) 722-8227  
[amokoenig@aol.com](mailto:amokoenig@aol.com)

## Samantha Haschert

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**From:** Kim Sotero [kim@skbookkeeping.com]  
**Sent:** Friday, July 19, 2013 7:26 AM  
**To:** Samantha Haschert  
**Cc:** volker@skydivesurfcity.com  
**Subject:** Surf City Skydive

Hi Ms. Haschert,

I'm a neighbor at 226 Scarlet Court Watsonville and am very close to where the skydivers land. My family and I enjoy watching the skydivers. We hear airplanes because of being so close to the airport but we are never aware of the specific airplane that the jumpers are jumping out of. We don't hear anything till they open their parachutes and that is only a flutter that we hear. We love hearing everyone having so much fun with their joyful laughter and "yippees". We're in our backyard all lot on the weekends and never feel that this is a privacy issue. We definitely would want this activity to continue.

I don't know if I'll be able to make the hearing on August 2<sup>nd</sup> but would like you to consider this email as my response.

Thanks,

***Kim Sotero***

Certified Bookkeeper

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

**Samantha Haschert**

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**From:** Kim Sotero [kim@skbookkeeping.com]  
**Sent:** Friday, July 19, 2013 2:44 PM  
**To:** Samantha Haschert  
**Cc:** volker@skydivesurfcity.com  
**Subject:** Follow up on Surf City Skydive

Hi Ms. Haschert,

I just wanted to clarify that the "yippees" I mentioned in my earlier email are only on rare occasions and by far not on every jump.

Thank you for your time in this manner.

***Kim Sotero***

Certified Bookkeeper

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



UNITED  
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JAY STOKES  
CHAIRMAN OF THE BOARD  
AND NATIONAL DIRECTOR

7689 EAST OLIVE ANN LANE, YUMA, AZ 85365 • (580) 595 2190 • FAX: (928) 317-8033 • MOSTJUMPS@AOL.COM

19 July 2013

Subject: Parachuting in Watsonville and the job of a Tandem Instructor

Dear Ms. Haschert,

As a National Director and Chairman of the Board for the United States Parachute Association (USPA), it has come to my attention that Skydive Surfcity, LLC. is working with the County of Santa Cruz, CA to obtain a permit to continue landing their Tandem parachutes onto their own property.

Apparently one or more of Volker's neighbors believe that the Tandem Skydives have an impact on their privacy. Volker mentioned that one person is even worried that the skydivers could watch her use an outside shower.

Let me take a minute of your time to talk about the job of a Tandem Instructor. As an experienced skydiver with 21,400 skydives, Instructor and Instructor Examiner I have trained hundreds of skydiving Instructors in all disciplines of our sport.

The job of a Tandem Instructor is quite complex and entails a high degree of proficiency, skill, and attention to detail. While in the air during a work jump, any skydiving Instructor's attention must be 100% on the student or passenger that he/she is ultimately responsible for. This does not need to be taken lightly, Tandem student/passengers trust their Instructors with their lives.

The actual tasks that a Tandem Instructor has to master during each jump include but are not limited to: determining the right exit spot, maintain altitude awareness, continuously control checking the parachutes for proper function, constantly scanning the airspace for air traffic, constantly assessing the wind speed and direction, keeping an eye on the landing spot, making correction to the flight path, controlling the student/ passenger at all time, steering the parachute, making sure the student/passenger is comfortable, explaining and practicing the landing, performing the landing, securing the parachute after the landings, controlling the student/passenger in the landing area.

The skydivers are performing all these tasks during the short 5 minutes that they are actually in the air. To do all this in only 5 minutes, the Instructors' attention is 100% on the safety of the Tandem pair. In other words, they are too busy and have better things to do than spying on anybody on the ground. It is simply not possible.

Please do not hesitate to contact me if you have any further questions at 580-595-2190 or via email.

Sincerely,

*W. L. "Jay" Stokes*

W. L. "Jay" Stokes  
National Director  
Chairman of the Board

THE UNITED STATES PARACHUTE ASSOCIATION IS A VOLUNTARY, NOT-FOR-PROFIT ASSOCIATION DEDICATED TO THE SAFE ENJOYMENT OF SKYDIVING.  
WWW.USPA.ORG

EXHIBIT J



I am writing to share some awareness viewpoints related to my skydiving experience w/ SkyDiveSurfCity. The sensory awareness/compromise that I experienced while skydiving, to me, was a complete overload. My mind took in so much, so fast that it took a couple days for me to 'process' it all. While floating back to earth I took in all the awe of life & its God given beauty. Then we landed in some field and took a van back to the hanger. The whole experience was amazing & without incident. In fact I went again last month, equally amazing and without incident. I hope to go again someday.

It's come to my recent attention that the field we landed in is being targeted by "nay- sayers", who, for some reason, want to restrict the use of this area. Apparently someone is afraid they will be seen in their outdoor shower or that their 'privacy' in general is somehow being invaded by skydivers? Well, I can *guarantee* that birthday suits are *not* something one can see from up there, let alone look for. There's not much visual definition of *anything* more than landscaping in general (like shoreline and some farm outlines). As I mentioned , it's s-e-n-s-o-r-y overload situation. My eyes weren't able to keep up with all the input my brain was trying to process. Actually, I didn't even see the guy that helped us land until we were almost on the ground.

I think people should be aware of safety records and policy's that skydiving centers maintain . They are highly trained to do what they do and those that jump with them *trust* in this fact. I sure did! If I'm willing to-literally-place my life in their hands, I would hope others could put some trust in my statement. The instructors informed us of noise awareness but It's so peaceful and quiet up there I don't understand why people are making noise about it in court.

I further request that the field in question be allowed to be used by SkyDive SurfCity without restrictions because I plan to jump with them again and I need somewhere to land! If anyone has any further questions regarding my statement or skydive experience, please contact me and I will be happy to provide more details.

Respectfully,

Cindy L Dalman  
Santa Cruz  
831-588-1844

## Samantha Haschert

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**From:** Caroline O'Shaughnessy [carolineoshaughnessy@gmail.com]  
**Sent:** Saturday, July 20, 2013 1:51 PM  
**To:** Samantha Haschert  
**Subject:** Skydive Surfcity

Hello there,

My name is Caroline O'Shaughnessy and I am writing to you regarding Sky Dive Surfcity.

I live in London, England but in March-April this year, my partner and I visited America and travelled on a roadtrip across the West Coast. We were visiting America for a month and wanted to get the best experience possible so we looked into Skydiving in California. Neither of us have skydived before, but we figured what better way to see some of California than to see it from a birds eye view!

I have recently found out about the possible closure and I just felt I had to get in touch.

Santa Cruz was planned to be a little stop over on our month away, but we ended up staying there longer and looking back, it was our favourite destination. This was definitely enhanced by our experience with Skydive Surfcity. We want to support this amazing business and I just wanted to give our view on our experience with the company.

We booked our skydive in advance and upon arrival were given a full briefing about the jump and what we would be able to see. The one thing that really stood out was how much the skydivers themselves cared and respected the area. On the flight up they gave us a little tour of Santa Cruz from the air and you could tell how much they loved doing what they're doing in such a beautiful place like Santa Cruz.

After we jumped, all you could see was the beautiful coastline of Santa Cruz and hundreds of fields. At no point did I notice any houses, or people, and to be honest I wouldn't have noticed anyway as I was flying through the air at who knows how many miles per hour. The only thing going through your mind is how beautiful the bay is and how far you could see out to sea!! The initial freefall before the parachute was about 40 seconds and then 5 minutes floating down with the parachute up. Once the parachute was up, I cannot stress how calming and silent everything is. You're not screaming, you're not shouting, its just so peaceful. It's as calm as being a bird floating through the sky.

We hope this helps to keep provide a better understanding of a passenger perspective. We've even recommended it to friends who are planning a trip to the States! It was a brilliant, memorable experience, and we really hope that other travellers and skydivers can continue to experience it in future.

Best wishes,  
Caroline

**Samantha Haschert**

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**From:** Heidrun Hoffmann [heidrunhoffmann91@gmail.com]  
**Sent:** Sunday, July 21, 2013 4:46 AM  
**To:** Samantha Haschert  
**Subject:** Regarding parachuting

Dear Ms. Haschert,

We live on 230 Scarlet Court in Watsonville, and understand that the local parachutists are currently working on getting a county permit in order to continue using the Calabasas Rd. landing site which is less than half a mile away from our home.

As neighbors we have no objections to this permit. We don't think that parachuting has any negative impacts on us, and we are supporting this application.

Sincerely,

Heidrun Hoffmann, Stan Rushworth

Sent from my iPhone

## Samantha Haschert

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**From:** Joan Holmquist [jholmquist10@gmail.com]  
**Sent:** Monday, July 22, 2013 10:38 AM  
**To:** Samantha Haschert  
**Subject:** Item 131132 515 Calabasas Rd.

Dear Samantha Haschert

I live at 410 Calabasas Rd. and wanted to let you know that I can hear the shuts open and the people scream at my home.

Joan Holmquist

Sent from my iPad



## **Samantha Haschert**

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**From:** Volker Haag [Volle2000@gmx.de]  
**Sent:** Monday, July 22, 2013 10:22 AM  
**To:** Samantha Haschert  
**Subject:** you should be getting this letter in the mail tomorrow. Carol dropped it off here last night with a note that she is mailing it to you

Samantha Haschert  
Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060

July 17, 2013

RE: To the Zoning Administrator: Parachuting on Calabasas Road

Dear Samantha,

Our family lives at 350 Calabasas Road approximately half of a mile down the road from the parachute landing area. We have seen a notice sign for the parachute landing area at 515 Calabasas Rd. and understand that the skydivers are in a permit process with the county.

We have enjoyed seeing the parachutes over our neighborhood for the past year or so and especially on the weekends when we are out in the garden. We believe this activity adds to the neighborhood. We have never been bothered by the parachutists and find the sight quite beautiful.

We are surprised to hear that the county could have a concern with this activity. We have not noticed any noise nor do the parachutes invade our privacy in any way. The noise and constant activity from the Watsonville airport and 24/7 agricultural equipment noise far exceed any that could come from parachutes.

As neighbors we support the parachutists. We are not sure if we can attend any county hearings but we would like to show our support by writing this letter. Please forward it to the zoning administrator.

Please feel free to contact us by phone or email if needed at 831-332-9792, [guacamedic@aol.com](mailto:guacamedic@aol.com) or [barewall@aol.com](mailto:barewall@aol.com)

Sincerely,

Carol, Barry and Hanna Wallace

