



Staff Report

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

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

Subject

Status review of Permit 131132.

History

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

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

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

Relocation to airport

Condition IIG of permit 131132 reads as follows:

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

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

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

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

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

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

Current site conditions and permit status

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

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

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

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

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

Cessation of use

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

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

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

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

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

Change of circumstances

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

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

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

Use chart interpretation

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

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

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

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

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

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

Permit revocation

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

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

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

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

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

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

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

Permit amendment

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

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

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

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

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

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

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

Staff Recommendation

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

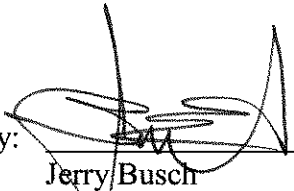
Staff recommends that the Zoning Administrator accept and file this report and direct staff to report back on the status of the existing use after January 1, 2017.

Exhibits

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

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

Report Prepared By:



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

Mail to:

Volker Haag
515 Calabasas Road
Watsonville, CA 95076

Jean Marinovich
P.O. Box 2327
Salinas, CA 93902

Richard Manning
P.O. Box 1930
Aptos, CA 95001

Appeals

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



Staff Report to the Zoning Administrator

Application Number: 131132

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

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

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

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

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

Permits Required: Level 5 Use Permit
Technical Reviews: None

Staff Recommendation:

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

Exhibits

- | | | |
|----|----------------------------------------------------|----------------------------------------------------------------------------------|
| A. | Categorical Exemption (CEQA determination) | retrieved from Department of Chemistry, Purdue University (reference on exhibit) |
| B. | Findings | |
| C. | Conditions | H. 49 USC § 40103 – Sovereignty and use of airspace |
| D. | Program Statements and Maps | 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

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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.



Residences

Landing Site

*not to scale; landing site
is approximately 5,000
square feet in area

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

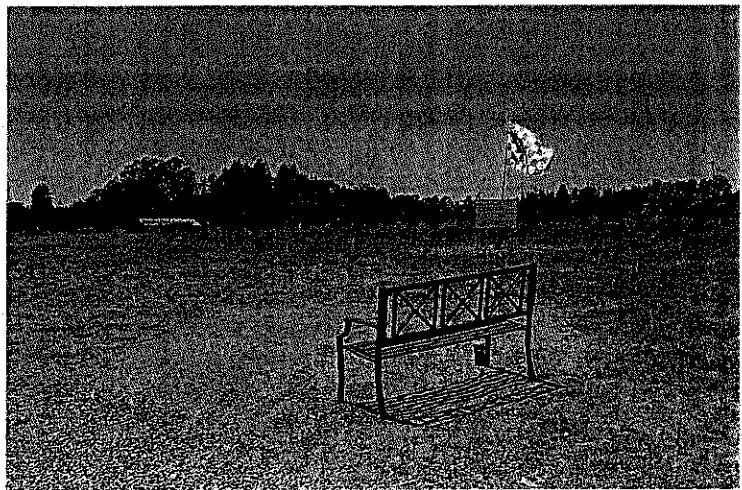
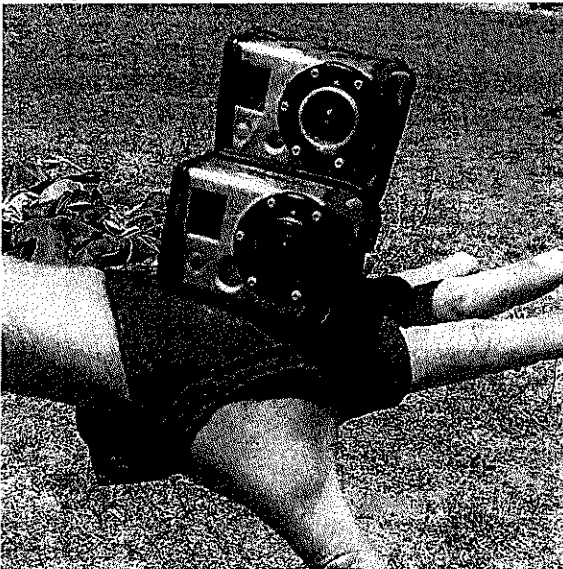
The proposal is to allow a skydiving operation (Skydive Surf City) that is located at the Watsonville Airport, to land skydivers on the Agriculturally (A) zoned parcel. The parcel, known as APN 049-091-24 or 515 Calabasas Road, is located about one and a half miles from the

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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 *jumpruns* take place in a typical day and that 15 is the maximum number of jump runs that has ever occurred in one day. (*Amended at ZA mtg 8/2/13*)

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



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

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

Project Analysis

Zoning & General Plan Consistency

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

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

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

Parking and Traffic

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

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

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

Noise

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

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

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

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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.

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Conclusion

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

Staff Recommendation

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

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

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

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

Development Permit Findings

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

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

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

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

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

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

EXHIBIT A

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

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

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

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

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

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

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

For these reasons, this finding can be made.

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

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

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

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

EXHIBIT A

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

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

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



COUNTY OF SANTA CRUZ

Planning Department

LEVEL 5 USE PERMIT

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

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

PROJECT DESCRIPTION AND LOCATION

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

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

SUBJECT TO ATTACHED CONDITIONS

Approval Date: 8/2/2013
Exp. Date (if not exercised): see conditions
Denial Date: _____

Effective Date: 8/16/2013
Coastal Appeal Exp.Date: n/a
Denial Date: _____

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

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

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

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

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

[Signature]
Signature of Owner/Agent
[Signature]
Staff Planner

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

Distribution: Applicant, File, Clerical, Coastal Commission

EXHIBIT A

Return recorded form to:

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

Attention: Samantha Haschert
Application #: 131132



2013-0046154 09/19/2013 11:28:49 AM
OFFICIAL RECORDS OF Santa Cruz County
Sean Saldavia Recorder
RECORDING FEE: \$30.00
COUNTY TAX: \$0.00
CITY TAX: \$0.00



NOTI
6 PGS
RCD152

Notice

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

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

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

Conditions of Approval

Development Permit No. 131132

Property Owner: Volker Haag

Assessor's Parcel No.: 04909124

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

- I. This permit authorizes parachute landings to occur on the Agiructure (A) zoned parcel. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
 - C. Submit a sign plan to the County Planning Department for review and approval. The sign plan shall provide details for a new directional sign that shall be installed on the subject parcel at the frontage of the parcel, clearly visible from 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.

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

II. Operational Conditions

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

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

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

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

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

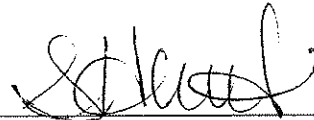
Approval Date: 8/2/2013

Effective Date: 8/16/2013

Expiration Date: 8/16/2016



Wanda Williams
Deputy Zoning Administrator



Samantha Haschert
Project Planner

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

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

Executed on September 19, 2013
(date)

Property Owner(s) signatures:

V. Haag
(Signature)

VOLKER HAAG
(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

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

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ} ss

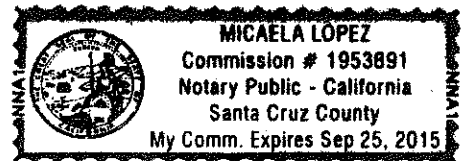
On September 19, 2013, before me, Micaela Lopez, Notary Public, personally appeared Volker Haag, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their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

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

Witness my hand and official seal.

Signature

[Signature]
(Signature of Notary Public)



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

Dated: 9/19/13

COUNTY OF SANTA CRUZ

By:

[Signature]
Planning Department Staff



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

March 4, 2014

Agenda Date: April 4, 2014

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

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

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

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

Condition Compliance

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

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

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

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

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

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

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

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

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

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

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

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

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

Status of Watsonville Airport Landing Area

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

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

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

Recommendation

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

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

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

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

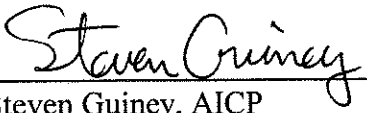
- If it is determined by Planning Department staff that the progress to transfer parachute landings off of the subject property has significantly stalled or been delayed either purposefully or as a result of approval processes, Planning Department staff may refer the item back to the Zoning Administrator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

Sincerely,



Samantha Haschert
Project Planner
Development Review

Reviewed By:



Steven Guiney, AICP
Principal Planner
Development Review

Exhibits:

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



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

Agenda Date: August 1, 2014

July 18, 2014

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

Subject: Condition compliance review of Permit 131132

Introduction

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

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

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

Protocol

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

EXHIBIT D

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

Observations

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

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

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

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

No other spectators were observed during the three site visits.

Conclusion

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

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

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

Sincerely,

Robin Bolster-Grant
Code Compliance Administrator

EXHIBIT D

Jerry Busch

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

Hello,

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

Cathy Meehan
750 Calabasas Rd.
408-425-6100

Jerry Busch

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

Dear Jerry, Dear Wanda

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

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

Thanks

Volker

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

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

Hello,

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

Cathy Meehan
750 Calabasas Rd.
408-425-6100

Jerry Busch

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

Dear Ms Williams,

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

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

Sincerely,

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

EXHIBIT E

To:
County of Santa Cruz
Zoning & Planning Administrator

October 2 , 2016

Subject:
Parachute landings next door

To Whom It May Concern,

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

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

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

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

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

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

I hope you will take our support letters into consideration

Respectfully Submitted,

Matt Fearnough

A handwritten signature in black ink, appearing to read 'Matt Fearnough', with a long horizontal stroke extending to the right.

CC: Supervisor Zach Friend

EXHIBIT E

October 6, 2016

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

CC: Zach Friend

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

Dear Ms Williams,

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

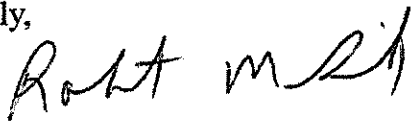
My property on 557 Calabasas Road is one of the Residential Agricultural zoned parcels just west of the parachute landing field.

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

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

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

Sincerely,

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

Robert Silva
557 Calabasas Rd.

EXHIBIT E

Jerry Busch

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

Dear Ms. Williams,

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

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

Thanks

Kim Sotero

Certified Bookkeeper

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

EXHIBIT E

Jerry Busch

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

Dear Mr. Busch,

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

Sincerely,

Lacie Bowers

EXHIBIT E

Jerry Busch

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

Dear Ms. Williams,

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

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

Thank You

Hanna Wallace

EXHIBIT E

Jerry Busch

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

Dear Ms. Williams,

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

Cordially,

Geri & Lenny Wolff

October 4th, 2016

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

Ref. Parachute Landings on property 515 Calabasas Rd, Watsonville

To Whom It May Concern,

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

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

Sincerely,


Jennifer Stearns
(Res. 511 Calabasas Rd.)

