May 3, 2016

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Merit Hearing on Ordinance Amending the Airport Business Operating Standards to Include New Section 12.06.035, Standards for Skydiving

Dear Board Members:

RECOMMENDATION: 1) Conduct merit hearing; and 2) adopt Ordinance.

SUMMARY: Title 12 (Aircraft) of the Marin County Code includes airport business operating standards that are applicable to Gnoss Field, Novato, the County’s General Aviation airport. These business standards include: aircraft flight training; airframe and power plant repair and maintenance; aircraft sales, radio and avionics sales/repair/services; commercial fueling; and other aeronautical operating requirements. These existing and the proposed business standards are consistent with Federal Aviation Administration (FAA) grant assurance requirements and Advisory Circulars (specifically AC No: 150/5190-7). This proposal is to add business operating standards for skydiving operations, currently not defined by existing standards.

Airport Business Standards

FAA policy requires that the airport sponsors of a federally obligated airport agree to make available the opportunity to engage in commercial aeronautical activities by persons or firms that meet reasonable minimum standards established by the airport. The purpose of imposing the standards is to ensure a safe, efficient, and adequate level of operations and services is offered to the public. Such standards must be reasonable and not unjustly discriminatory. Note that the minimum standards are independent of any specific operator and are generic to the aeronautical activity.

Under federal regulations and FAA agreements, the County cannot restrict aeronautical activity at the airport. Safety considerations can be made for an activity and certain minimum standards can be adopted (the subject of the ordinance). The attached FAA July 16, 2015 memo provides some specific guidance on this matter. In addition, last November the FAA conducted a safety risk management evaluation and the Oakland Air Traffic Control Center prepared a Safety Risk Management Document specifically for Gnoss Field (attached). This evaluation led to a Letter of Agreement between Golden Gate Skydive and Oakland Air Traffic Control Center, which provided additional conditions on the proposed skydiving operation at Gnoss Field (attached).
We are recommending at this time that your Board conduct a merit hearing and adopt an ordinance amending the airport business operating standards to include these minimum standards for skydiving to comport with federal regulations and FAA agreements. We will return to your Board at a later date regarding the specific consideration of a pending airport business operating permit application for commercial skydiving operations.

Background
The need to create these skydiving business operating standards arises out of a pending airport business operating permit application for commercial skydiving operations. On June 5, 2014, the Aviation Commission heard the Golden Gate Skydiving business proposal and conditionally recommended approval of the business operating permit with two stipulations regarding wind speed limitations and an offsite retrieval plan. The applicant subsequently submitted an informal complaint to the Federal Aviation Administration on August 27, 2014, alleging that the recommended airport business operating permit conditions were a violation of the County’s FAA grant assurances. When airport owners accept funds from FAA-administered airport financial assistance programs, they must agree to certain obligations (assurances). These obligations require the recipients to maintain and operate facilities and not restrict aeronautical activity, such as skydiving.

The County subsequently suspended processing the application until the FAA provided a determination on the informal complaint. On March 8, 2016, the County received a safety review from the FAA Flight Standards District Office (attached FAA memo with a July 16, 2015 date, received on March 8, 2016). This clears the way to move forward with amending the County code for minimum skydiving operating standards and processing the skydiving airport business operating permit application.

Staff submitted a draft skydiving business standards ordinance to the Aviation Commission for comment at its regular meeting on April 7, 2016. The Aviation Commission recommended that certain exclusive use requirements for skydiving businesses be removed from the draft ordinance. The proposed ordinance before your Board reflects and incorporates those recommendations.

Current Skydiving Proposal
Golden Gate Skydiving is proposing to commence a tandem jump skydiving business at Gnoss Field. Customers with no or limited skydiving experience would receive ground instructions from an instructor and then board an aircraft that would depart from Gnoss Field. The customer would be harnessed to a professional skydiving instructor and once the aircraft had reach a designated altitude (approximately 9,500 feet), the tandem pair would jump from the aircraft and land at a designated parachute land zone on the airport property. The landing zones being considered are on the southeast corner of the property, near the helipad (see attached diagram). At the first reading Board meeting, the applicant stated that they would expect 5 to 10 departures per business day.

Business Review & Permit
Prior to the business starting operations, the operator will also need to secure a place of business at the airport (part of the standards) and obtain an airport business operating permit. Both of these requirements will result in staff returning to your Board for approval. Golden Gate Skydiving is currently in negotiations to sublease offices on the
north side of the airport, and, if successful, would require County consent. The airport business operating permit will require certain minimum insurance requirements that are currently under review by Risk Management, submittal of a business and safety plan, and submittal of an off landing zone retrieval plan. Based on the Board’s request at the first reading meeting, a rough draft business operating permit is attached (County Counsel and Risk Management review has not been completed) as an example. This document is based on the County of Santa Clara’s skydiving business permit. It should be noted that the County of Santa Clara attempted to prevent or significantly regulate skydiving operations at one of their airports, which resulted in suspension of $1.5 million in FAA grant funds. Ultimately the skydiving operation was approved and has been in operation a few years without incident.

Recommendation
On April 19, 2016, your Board held a first reading of the proposed ordinance and standards. Pursuant to regulations, today is a merit hearing to discuss adding skydiving operations to the list of airport business standards for Gnoss Field, Novato. Staff requests that your Board approve these standards.

Should your Board adopt these recommended minimum business standards to comport with federal regulations and FAA agreements, the Airport Manager will return to your Board with a recommendation and details of a conditional business operating permit for Golden Gate Skydiving.

FISCAL IMPACT: There is no direct impact to the General Fund by this action. The Airport Enterprise Fund would receive 1% of gross business receipts and possibly additional aircraft tie down fees. There is no estimate on revenue at this time.

REVIEWED BY:  
[X] County Administrator  
[ ] Department of Finance  
[X] County Counsel  
[ ] Human Resources  

respectfully submitted,

Dan Jensen
Airport Manager

Attachments: Proposed Ordinance Amending Chapter 12.06 - Standards for Skydiving
FAA Memorandum dated July 16, 2015
Parachute Landing Zone Diagram for Gnoss Field
Oakland ARTCC DVO Jump Zone Safety Risk Management Document
Letter of Agreement, Golden Gate – Oakland ARTCC
Draft Business Operating Permit Example

cc: Golden Gate Skydiving
David Binder, FAA Oakland FSDO
Dennis Fogarty, FAA Western-Pacific NextGenBranch
Karol Hosking

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