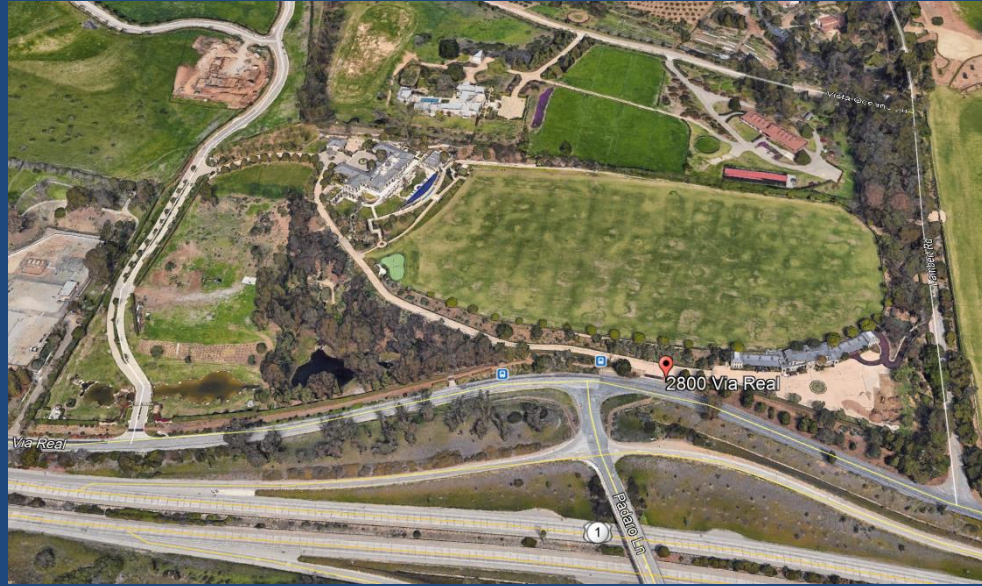


Applicant Appeal of the Carpinteria Valley Farms Helistop



Case Nos. 19CUP-00000-00004,
19CDP-00000-00055, & 19APL-00000-00029

Nereyda (Rey) Harmon, Planner



July 7, 2020

Santa Barbara County Board of Supervisors



Site Vicinity Map





Background

- During the Planning Commission (PC) hearing of June 26, 2019 the applicant requested to continue the hearing to September.
- The PC granted the continuance and the project was continued to the hearing of September 25, 2019.
 - ▣ Before the September hearing, the applicant revised the project description:
 - 1 landing zone instead of 2
 - Hours of operation from 7am-7pm instead of 7am-9pm



Background Continued

- At the September hearing, the PC directed staff to return to the November 7, 2019 hearing with findings for denial.
- At the November hearing, the PC denied the project because the PC was not able to make all of the required findings for approval.
- On November 15, 2019 the applicant submitted a timely appeal of the PC's denial of the project to the Board of Supervisors (BOS).



Proposed Project

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Carpinteria Valley Farms Helistop Project

- Helistop Landing Zone Proposed on Existing Grass Field

- Proposed Uses
 - ▣ Personal Use:
 - Up to Two Times/Week (7am to 7pm)
 - ▣ Emergency Use: As Needed

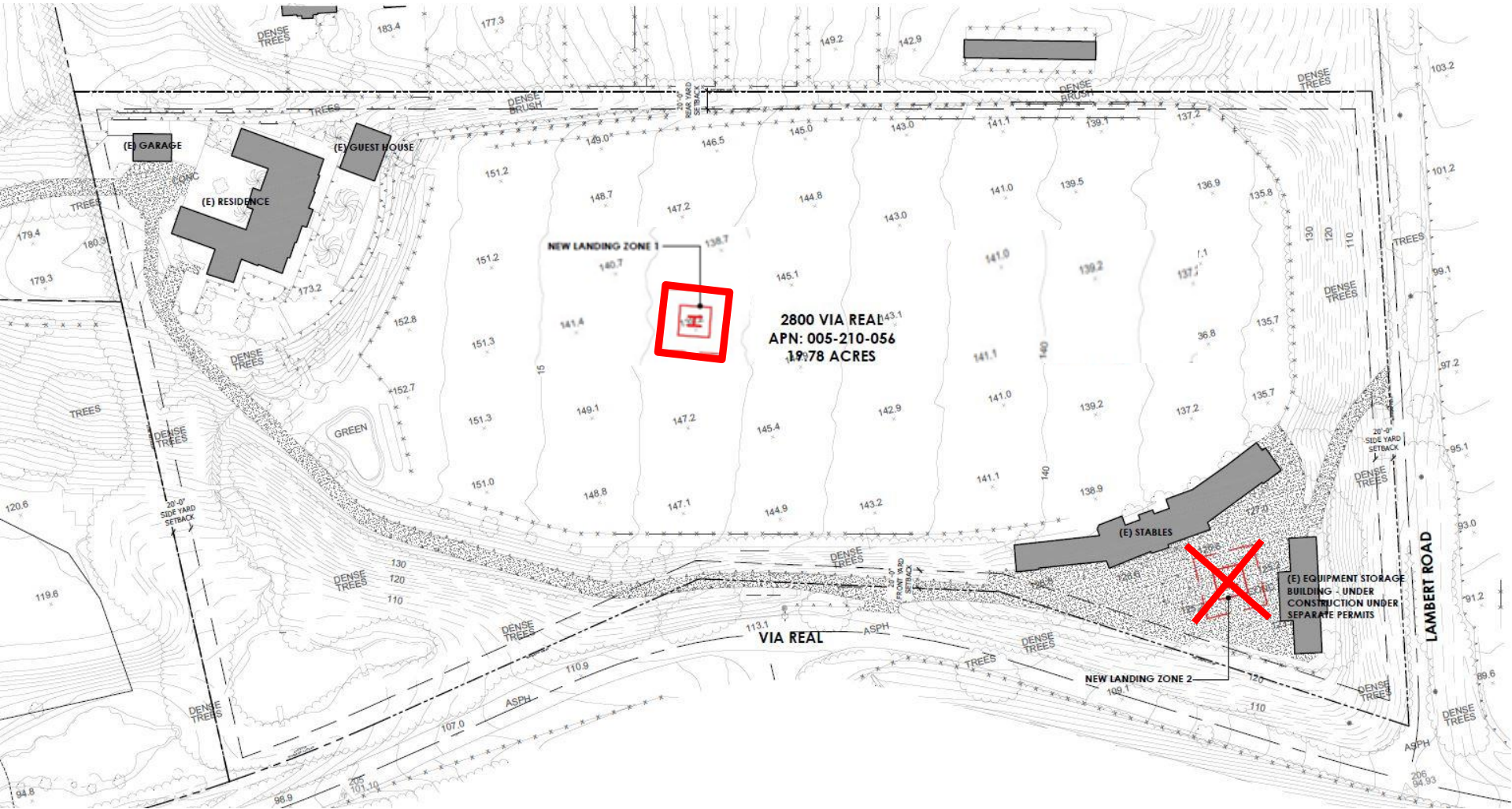


Project Site





Site Plan





Appeal Issue #1

Appellant

- The decision of the PC is inconsistent with the provisions and purposes of the County's zoning ordinances and other applicable law.

Staff Response

- The PC's decision to deny the project is supported by the fact that specific applicable findings could not be made.
- Sections 35-169.4.3 and 35-172.8 of the CZO list the findings that must be made prior to the approval or conditional approval of an application for a CDP and a CUP, respectively.
- The findings presented to the Commission and to your Board discuss how the proposed project is inconsistent with the CZO and the Comprehensive Plan.



Appeal Issue #1 Continued

Staff Response

- SCP Policy N-S-1 provides that residential uses shall be protected to minimize significant noise impacts, and SCP Policy BIO-S-3 states that “monarch butterfly roosting habitats shall be preserved and protected.”
 - ▣ The PC found that the loud, percussive noise events caused by helicopter take-offs and landings are incompatible with the surrounding neighborhood, adjacent trails, and nearby environmentally sensitive habitat.
- Policy PRT-S-5 of the SCP states that “new development shall not adversely impact existing recreational facilities and uses.”

Existing Public Trails





Appeal Issue #1 Continued

Staff Response

- Applicable findings require that the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area...
 - ▣ The PC found that the proposed helistop is incompatible with the surrounding areas due to the proximity to the surrounding residential neighborhood and existing trails that are immediately adjacent to the subject property.

- Therefore, these findings could not be made by the Commission.



Appeal Issues #2 & 3

Appellant

- There was an error and abuse of discretion by the PC because there is no substantial evidence to support the denial.
- The PC's decision is not supported by the evidence presented for consideration.

Staff Response

- The PC's decision to deny the project is supported by the fact that specific applicable findings could not be made.
- Letters and public testimony provided by members of the community were comprised of firsthand accounts from people who regularly see and hear helicopters landing on properties in the area, including on the subject property.



Appeal Issue #4

Appellant

- There was a lack of a fair and impartial hearing.
- The applicant states that there is a body of case law bearing on whether the applicant for a LUP is afforded procedural due process when a member of the adjudicatory body considering the permit is, or may be, biased.

Staff Response

- The PC followed all required procedures during the multiple hearings.
- Public testimony was heard and due process rights for both the public and applicant were upheld.
- The PC's decision to deny the project is supported by substantial evidence that necessary findings of approval cannot be made.



Conclusion

- All of the appeal issues raised are meritless and Planning and Development staff recommends that the Board of Supervisors deny the proposed project.



Staff Recommendations

Staff recommends that your Board take the following actions:

- ❑ Deny the appeal, Case No. 19APL-00000-00029.
- ❑ Make the required findings for denial of the project, Case Nos. 19CUP-00000-00004 and 19CDP-00000-00055, included as Attachment 1 of the BAL, including CEQA findings.
- ❑ Determine that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15270(a); and
- ❑ Deny the project *de novo* (Case Nos. 19CUP-00000-00004 and 19CDP-00000-00055).



End of Presentation