

**PLANNING AND DEVELOPMENT  
MEMORANDUM**

TO: Santa Barbara County Planning Commission

FROM: Nereyda (Rey) Harmon, Planner, Development Review Division

DATE: September 24, 2019

RE: Helistop – Carpinteria Valley Farms  
Case Nos. 19CUP-00000-00004 and 19CDP-00000-00055

**I. Introduction**

At the June 26, 2019 Planning Commission hearing, the applicant for the proposed helistop project requested a continuance to allow time for his review of public comment letters that were submitted for the project. The continuance was granted and the project was scheduled for the Planning Commission hearing of September 25, 2019.

Since the June 26 hearing, the applicant has revised their project description to reduce the number of proposed landing pads to one by removing the landing pad on the southeast corner of the property. The applicant has also reduced the proposed landing pad hours of operation from 7 am through 9 pm to 7 am through 7 pm. These changes to the project description are a reduction of scope from what was analyzed in the CEQA Negative Declaration. Therefore, the Negative Declaration that was circulated is sufficient for approval of this project.

**II. Revised Project Description**

The revised project description as follows:

*The request is for a Conditional Use Permit and associated Coastal Development Permit to allow for a helistop with ~~two~~ one landing zones to be used for (1) personal use by the property owner and (2) emergency services. The personal use helicopter type shall be a Robinson R44 (or similar, not to exceed noise produced by an R44). The landing zones would consist of ~~two~~ one approximately 25 sq. ft. plastic tarps. ~~Both~~ The landing zones would be located toward the center on the eastern portion of the property and would be temporarily placed just prior to landing and removed following take-off. The ~~first~~ landing zone would be located on an existing 10-acre grass field and the second landing zone would be located on a concrete drive adjacent to an equipment storage building that is currently under construction under separate permits. See Attachment D for project plans showing the locations of the proposed landing zones. Personal use of the helistop would be limited to a maximum of two times per week (two landings and two takeoffs) between the hours of 7am and ~~9pm~~ 7pm. Emergency responders that would use the helistop for emergency services include International Emergency Services, LLC and the Santa Barbara County Sheriff's Department. Frequency of use of the helistop by emergency responders would*

*be on an as-needed basis and dependent upon the nature of potential emergencies such as fires, floods, debris flows, etc. Helicopters used by the owner would take the ocean route as opposed to the mountain route in order to avoid any potential disturbance to residences along the mountain route. See Attachment D of the Planning Commission Staff Report dated June 18, 2019 for an exhibit showing the proposed ocean route flight path. There would be no refueling or maintenance of the helicopters at the proposed helistop. Restrooms within existing structures on the property would be available for emergency responder aircrews. This project does not propose any construction. The property will continue to be served by the Montecito Water District, Summerland Sanitary District, and Carpinteria-Summerland Fire District. Access will continue to be provided off of Lambert Road, Via Real, and Montecito Ranch Lane. The property is a 19.78-acre parcel zone AG-I-20 and shown as Assessor's Parcel Number 005-210-056, located at 2800 Via Real in the Summerland/Carpinteria area, First Supervisorial District.*

The updated project description has been included in the revised Conditions of Approval for the project as included in Attachments B.1 and B.2 of this Planning Commission Memorandum.

### **III. Revised Recommendations and Procedures**

Given these changes, staff's updated recommended motions are as follows:

Your Commission's motion should include the following:

1. Make the required findings for approval of the project as specified in Attachment A of the Planning Commission Staff Report dated June 18, 2019, including CEQA findings;
2. Adopt the Negative Declaration (19NGD-00000-00004) included as Attachment C of the Planning Commission Staff Report dated June 18, 2019; and
3. Approve the project (Case Nos. 19CUP-00000-00004 and 19CDP-00000-00055) subject to the Conditions of Approval included as Attachments B.1 and B.2 of this Planning Commission Memorandum dated September 24, 2019.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

#### **Attachments:**

- B.1. Revised Conditions of Approval for 19CUP-00000-00004
- B.2. Revised Coastal Development Permit, 19CDP-00000-00055, with Conditions of Approval

## **ATTACHMENT B.1: CONDITIONS OF APPROVAL**

### **HELISTOP – CARPINTERIA VALLEY FARMS**

**CASE NO. 19CUP-00000-00004**

**APN: 005-210-056**

- 1. Proj Des-01 Project Description.** This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-J, and all conditions of approval set forth below, as well as all applicable County rules and regulations. The project description is as follows:

The request is for a Conditional Use Permit and associated Coastal Development Permit to allow for a helistop with one landing zone to be used for (1) personal use by the property owner and (2) emergency services. The personal use helicopter type shall be a Robinson R44 (or similar, not to exceed noise produced by an R44). The landing zone would consist of one approximately 25 sq. ft. plastic tarp. The landing zone would be located toward the center of the property and would be temporarily placed just prior to landing and removed following take-off. The landing zone would be located on an existing 10-acre grass field. Personal use of the helistop would be limited to a maximum of two times per week (two landings and two takeoffs) between the hours of 7am and 7pm. Emergency responders that would use the helistop for emergency services include International Emergency Services, LLC and the Santa Barbara County Sherriff's Department. Frequency of use of the helistop by emergency responders would be on an as-needed basis and dependent upon the nature of potential emergencies such as fires, floods, debris flows, etc. Helicopters used by the owner would take the ocean route as opposed to the mountain route in order to avoid any potential disturbance to residences along the mountain route. See Attachment D of the Planning Commission Staff Report dated June 18, 2019 for an exhibit showing the proposed ocean route flight path. There would be no refueling or maintenance of the helicopters at the proposed helistop. Restrooms within existing structures on the property would be available for emergency responder aircrews. This project does not propose any construction. The property will continue to be served by the Montecito Water District, Summerland Sanitary District, and Carpinteria-Summerland Fire District. Access will continue to be provided off of Lambert Road, Via Real, and Montecito Ranch Lane. The property is a 19.78-acre parcel zone AG-I-20 and shown as Assessor's Parcel Number 005-210-056, located at 2800 Via Real in the Summerland/Carpinteria area, First Supervisorial District.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require

approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

### **Rules and Regulations**

3. **Rules-02 Effective Date-Appealable to CCC.** This Conditional Use Permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
4. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed an acceptance of all conditions of this permit by the Owner/Applicant.
5. **Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required Conditional Use Permit within 18 months following the effective date of this Conditional Use Permit. If the required CUP is not issued within the 18 months following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with the Article II Zoning Ordinance, and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit shall be considered void and of no further effect.
6. **Rules-17 CUP-Void.** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance the Article II Coastal Zoning Ordinance. Any use authorized by this Conditional Use Permit shall immediately

cease upon expiration or revocation of this Conditional Use Permit. Any Zoning Clearance approved or issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit. [ARTICLE II §35-172.9].

7. **Rules-23 Processing Fees Required.** Prior to issuance of Conditional Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
8. **Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
9. **Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.



**COASTAL DEVELOPMENT PERMIT NO.: 19CDP-00000-00055**

**Project Name:** HELISTOP - CARP VALLEY FARMS  
**Project Address:** 2800 VIA REAL LN, CARPINTERIA, CA  
**A.P.N.:** 005-210-056  
**Zone:** AG-I-20

The County Planning Commission hereby approves this Coastal Development Permit for the project described below based upon compliance with the required findings for approval and subject to the attached terms and conditions.

**APPROVAL DATE:** 9/25/2019  
**LOCAL APPEAL PERIOD BEGINS:** 9/26/2019  
**LOCAL APPEAL PERIOD ENDS:** 10/7/2019

**APPEALS:**

1. The approval of this Coastal Development Permit may be appealed to the Board of Supervisors by the applicant, owner, or any aggrieved person. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either. The appeal must be filed in writing and submitted in person to the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on or before the date that the local appeal period ends as identified above (Article II Section 35-182).
2. Final action by the County on this permit may be appealed to the California Coastal Commission; therefore payment of a fee is not required to file an appeal of the approval of this Coastal Development Permit.

**PROJECT DESCRIPTION SUMMARY:** The request is for a Coastal Development Permit and associated Conditional Use Permit to allow for a helistop with one landing zone to be used for (1) personal use by the property owner and (2) emergency services. See Condition No. 1 for a complete project description. To receive additional information regarding this project and/or to view the application and/or plans, please contact Nereyda Harmon at 123 East Anapamu Street, Santa Barbara, by email (nmontano@co.santa-barbara.ca.us), or by phone ((805) 568-2513).

**PROJECT SPECIFIC CONDITIONS:** See Attachment A.

**ASSOCIATED CASE NUMBERS:** 19CUP-00000-00004

**PERMIT ISSUANCE:** This Coastal Development Permit will be issued following the close of the appeal period, including the Coastal Commission appeal period, provided an appeal is not filed, or if appealed, the date of final action on the appeal which has the effect of upholding the approval of the permit. Issuance of this permit is subject to compliance with the following terms and conditions:

1. **Notice.** Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (Article II Section 35-181). The ***Proof of Posting of Notice on Project Site*** shall be signed and returned to the Planning and Development Department prior the issuance of the permit.
2. **Compliance with conditions.** All conditions that are required to be satisfied prior to issuance of the permit have been satisfied and the permit has been signed by the applicant or owner.

3. **Design Review.** If required, the project has been granted final approval by the appropriate Board of Architectural Review (BAR), and an appeal of that final approval has not been filed.

4. **Appeals.** An appeal of the approval of this permit, or an appeal of the final approval by the BAR, has not been filed with the County, and an appeal of the approval of this permit has not been filed with the Coastal Commission within the 10 working days following the receipt of the County's Notice of Final Action on the project by the Coastal Commission. If an appeal has been filed then the permit shall not be issued until final action on the appeal(s) has occurred, including appeals filed with the Coastal Commission, which has the effect of upholding the approval of this permit, and, if applicable, the final approval by the BAR.

5. **Other approvals.** Any other necessary approvals required prior to issuance of this Coastal Development Permit have been granted.

**PERMIT EXPIRATION AND EXTENSION:** This permit shall remain valid only as long as compliance with all applicable requirements of the Article II Coastal Zoning Ordinance and the permit continues, including the conditions of approval specific to this permit. Additionally:

1. The approval of this permit shall expire either 12 months from the effective date of the permit or other period allowed in compliance with an approved Time Extension, and shall be considered void and of no further effect unless the permit is either issued within the applicable period in compliance with the terms indicated above or a valid application for a Time Extension is submitted prior to the expiration of this 12 month period and is subsequently approved (Article II Section 35-169).
2. This permit shall expire two years from the date of issuance and be considered void and of no further effect unless the use and/or structure for which the permit was issued has been lawfully established or commenced in compliance with the issued permit or an application for a Time Extension is submitted prior to the expiration of this two year period and is subsequently approved (Article II Section 35-169).
3. The effective date of this permit shall be (a) the day following the close of any applicable appeal period, including an appeal to the Coastal Commission, provided an appeal is not filed, or (b) if appealed, the date of final action on the appeal, including an appeal to the Coastal Commission, which has the effect of upholding the approval (Article II Section 35-57B).

**WORK PROHIBITED PRIOR TO PERMIT ISSUANCE:** No work, development, or use intended to be authorized pursuant to this permit approval shall commence prior to issuance of this permit and/or any other required permit (e.g., building permit).

**OWNER/APPLICANT ACKNOWLEDGMENT:** Undersigned permittee acknowledges receipt of this approval and agrees to abide by all conditions and terms thereof. Undersigned permittee also acknowledges that issuance of this permit for this project does not allow construction or use outside of the project description, nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

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**Print name**

**Signature**

**Date**

**Coastal Development Permit Approval By:**

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**Chair, County Planning Commission**

**Date**

**PERMIT ISSUANCE:** The permit shall be issued and deemed effective on the date signed and indicated below.

**Planning and Development Department Issuance By:**

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**Planner**

**Date**





**ATTACHMENT A: CONDITIONS OF APPROVAL**

**Project Description**

- 1. Proj Des-01 Project Description:** This Coastal Development Permit is based upon and limited to compliance with the project description and all conditions of approval set forth below, as well as all applicable County rules and regulations. The project description is as follows:

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Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

- 2. Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

**County Rules and Regulations**

- 3. Rules-02 Effective Date-Appealable to CCC:** This Coastal Development Permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If

an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].

4. **Rules-05 Acceptance of Conditions:** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
5. **Rules-11 CDP Expiration-With CUP or DVP:** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. Prior to the expiration of a time extension approved in compliance with Subsection a. above, the review authority who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.

A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. A Coastal Development Permit whose expiration date has been extended in compliance with the above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).
6. **Rules-23 Processing Fees Required:** Prior to issuance of Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
7. **Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
8. **Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.