

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

November 12, 2019

Patrick M. Nesbitt
Carpinteria Valley Farms, Ltd.
205 Lambert Road
Carpinteria, CA 93013

PLANNING COMMISSION
HEARING OF NOVEMBER 7, 2019

RE: *Helistop – Carpinteria Valley Farms; 19CUP-00000-00004, 19CDP-00000-00055*

Hearing on the request of Patrick M. Nesbitt, owner, to consider Case Nos. 19CUP-00000-00004 and 19CDP-00000-00055 [applications filed on February 7, 2019] to allow a helistop with two landing zones for personal use and for emergency services, within a 19.78-acre property zoned AG-I-20, in compliance with Section 35-172 of Article II, the Coastal Zoning Ordinance; and to adopt the Negative Declaration (19NGD-00000-00004) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. No significant effects on the environment are anticipated as a result of this project. The Negative Declaration and all documents may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara. The property is a 19.78 acre parcel identified as Assessor's Parcel Number 005-210-056, zoned AG-I-20, with an A-I-20 Comprehensive Plan designation. The project is located at 2800 Via Real Lane in the Summerland Community Plan area, First Supervisorial District. (Continued from 6/26/19 and 9/25/19)

Dear Mr. Nesbitt:

At the Planning Commission hearing of November 7, 2019, Commissioner Cooney moved, seconded by Commissioner Bridley and carried by a vote of 3 to 1 to 1 (Ferini no; Blough abstained) to:

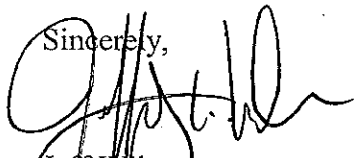
1. Make the required findings for denial of the project as modified at the Planning Commission hearing and dated November 7, 2019, including CEQA findings;
2. Determine that denial of the project is exempt from CEQA pursuant to CEQA Guidelines Section 15270(a), included as Attachment B of the memorandum dated October 29, 2019; and
3. Deny the project (Case Nos. 19CUP-00000-00004 and 19CDP-00000-00055).

The attached findings reflect the Planning Commission's actions of November 7, 2019.

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on November 18, 2019 at 5:00 p.m.**

Final action by the County on this project may be appealed to the Coastal Commission by the applicant, an aggrieved person, as defined above, or any two members of the Coastal Commission within the 10 working days following the date the County's Notice of Final Action is received by the Coastal Commission.

Sincerely,

Jeff Wilson
Secretary to the Planning Commission

- cc: Case File: 19CUP-00000-00004, 19CDP-00000-00055
Planning Commission File
California Coastal Commission, 89 S. California Street, Suite 200, Ventura, CA 93001
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Community Services Department
Public Works
Environmental Health Services
APCD
Michael Cooney, First District Planning Commissioner
✓ Brian Pettit, Deputy County Counsel
✓ Nereyda Harmon, Planner

Attachments: Attachment A – Findings for Denial

JW/dmv

ATTACHMENT A: FINDINGS FOR DENIAL

1.0 CEQA FINDINGS

1.1 CEQA EXEMPTION

The Planning Commission finds that denial of the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270(a). Please see the Notice of Exemption included as Attachment B of the Planning Commission Memorandum dated October 29, 2019.

2.0 ADMINISTRATIVE FINDINGS

Only findings that cannot be made are discussed below:

2.1 ARTICLE II, COASTAL DEVELOPMENT PERMIT FINDINGS

Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 In compliance with Section 35-169.5.3 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3, the review authority shall first make all of the following findings:

2.1.1 The proposed development does not conform:

1) To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan;

2) With the applicable provisions of this Article or the project falls within the limited exceptions allowed under Section 35-161 (Nonconforming Use of Land, Buildings and Structures).

The proposed helistop is located near small and medium density residential uses. A public trail easement runs along Lambert Road at the eastern property boundary. A bicycle path runs along both sides of Via Real to the south of the parcel and an equestrian trail runs along the southern property boundary. The site is adjacent to environmentally sensitive habitat, a recorded monarch roosting habitat.

Summerland Community Plan Policy N-S-1 provides that residential uses shall be protected to minimize significant noise impacts. Policy PRT-S-5 of the Summerland Community Plan states that "new development shall not adversely impact existing recreational facilities and uses." Summerland Community Plan Policy BIO-S-3 states that "monarch butterfly roosting habitats shall be preserved and protected."

The Planning Commission finds that due to the loud, percussive nature of the noise caused by helicopter take offs and landings, the proposed project is inconsistent with these Summerland Community Plan policies. These loud and percussive noise events are incompatible with the surrounding neighborhood, adjacent trails, and nearby environmentally sensitive habitat. These loud noise events may startle horses being ridden on the equestrian trail and pose a safety threat to users of the trail. Therefore, the proposed project would not comply with the above stated policies of the Comprehensive Plan and this finding cannot be made.

2.1.2 The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

The project proposal is for a helistop with one landing zone that will be entirely within the parcel boundary of the subject property. A public trail easement runs along Lambert Road at the eastern property boundary. A bicycle path runs along both sides of Via Real to the south of the parcel and an equestrian trail runs along the southern property boundary. Policy PRT-S-5 of the Summerland Community Plan states that “new development shall not adversely impact existing recreational facilities and uses.” The proposed helistop would adversely impact the existing equestrian trail adjacent to the subject property due to the loud noise events caused by a helicopter flying overhead and during landing or taking off events at the site. Noise events associated with helicopter traffic are percussive in nature and stand out against the existing ambient noise levels at the site. These loud and percussive noise events may startle horses being ridden on the equestrian trail and pose a safety threat to users of the trail. Therefore, the proposed project would not comply with the recreation policies of the Comprehensive Plan and this finding cannot be made.

2.2 ARTICLE II, CONDITIONAL USE PERMIT FINDINGS

Findings required for Conditional Use Permit applications subject to Section 35-172.8. In compliance with Section 35-172.8 of the Article II Zoning Ordinance, a Conditional Use Permit shall only be approved if all of the following findings are made:

2.2.1 That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.

The project site is inadequate in location and physical characteristics to accommodate the proposed helistop due to the proximity to the surrounding residential neighborhood and existing trails that are immediately adjacent to the subject property. A public trail easement runs along Lambert Road at the eastern property boundary. A bicycle path runs along both sides of Via Real to the south of the parcel and an equestrian trail runs along the southern property boundary. The proposed helistop would adversely impact the existing equestrian trail adjacent to the subject property due to the loud noise events caused by a helicopter landing or taking off at the site. Noise events associated with helicopter traffic are percussive in nature and stand out against the existing ambient noise levels at the site. These loud and percussive noise events are incompatible with the surrounding neighborhood and adjacent trails. These loud and percussive noise events may startle horses being ridden on the equestrian trail and pose a safety threat to users of the trail. Therefore, the proposed site is inadequate in terms of location and physical characteristics and this finding cannot be made.

2.2.2 That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

The Planning Commission finds that the proposed helistop is incompatible with the surrounding area due to the proximity to the surrounding residential neighborhood and existing trails that are immediately adjacent to the subject property. A public trail easement runs along Lambert Road at the eastern property boundary. A bicycle path runs along both sides of Via Real to the south of the parcel and an equestrian trail runs along the southern property boundary. The proposed helistop would adversely impact the existing equestrian trail adjacent to the subject property due to the loud noise events

caused by a helicopter landing or taking off at the site. Noise events associated with helicopter traffic are percussive in nature and stand out against the existing ambient noise levels at the site. These loud and percussive noise events and regular take offs and landings would be detrimental to the surrounding neighborhood and adjacent trails. These loud and percussive noise events may startle horses being ridden on the equestrian trail and pose a safety threat to users of the trail. Therefore, the proposed helistop may be detrimental to the safety, convenience, and general welfare of the neighborhood. Therefore, this finding cannot be made.

2.2.3 That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.

The Planning Commission finds that the proposed helistop is not subordinate to the scenic character of the area. Noise events associated with helicopter traffic are percussive in nature and stand out against the existing ambient noise levels at the site. These loud and percussive noise events and regular take offs and landings are incompatible with the scenic character of the surrounding area. A public trail easement runs along Lambert Road at the eastern property boundary. A bicycle path runs along both sides of Via Real to the south of the parcel and an equestrian trail runs along the southern property boundary. The proposed helistop would adversely impact the existing equestrian trail adjacent to the subject property due to the loud noise events caused by a helicopter landing or taking off at the site. These loud and percussive noise events may startle horses being ridden on the equestrian trail and pose a safety threat to users of the trail. Therefore, the proposed helistop is incompatible with the scenic and rural character of the area and this finding cannot be made.