

**PLANNING AND DEVELOPMENT
MEMORANDUM**

TO: Santa Barbara County Planning Commission

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

DATE: October 29, 2019

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

I. Introduction

At the September 25, 2019 Planning Commission hearing, the commissioners directed staff to return to the November 7, 2019 hearing with findings for denial.

II. Policy Inconsistency

The Planning Commission finds that the project is inconsistent with Policy PRT-S-5 of the Summerland Community Plan, which states that “new development shall not adversely impact existing recreational facilities and uses”, as discussed in the Attachment A of this memorandum.

III. Recommendations and Procedures

Your Commission’s motion should include the following:

1. Make the required findings for denial of the project as specified in Attachment A of this memorandum, 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 this memorandum; and
3. Deny the project (Case Nos. 19CUP-00000-00004 and 19CDP-00000-00055).

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

Attachments:

- A. Findings for Denial for 19CUP-00000-00004 and 19CDP-00000-00055
- B. Notice of Exemption

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).

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.

2.1.2 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 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 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 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 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 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 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 and rural character of the 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 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 helistop is incompatible with the scenic and rural character of the area and this finding cannot be made.

ATTACHMENT B: ENVIRONMENTAL DOCUMENT

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Nereyda (Rey) Harmon, Planning & Development

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN: 005-210-056

Case No.: 19CUP-00000-00004 and 19CDP-00000-00055

Location: 2800 Via Real Lane

Project Title: Helistop – Carpinteria Valley Farms

Project Applicant:

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

Project Description:

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 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.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Patrick M. Nesbitt

Exempt Status: (Check one)

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section: 15270(a)

Reasons to support exemption findings:

The County of Santa Barbara is recommending denial of the project. CEQA does not apply to projects which a public agency rejects or disapproves.

Lead Agency Contact Person: Nereyda (Rey) Harmon

Phone #: 805-568-2513 Department/Division Representative: _____

Date: _____

Acceptance Date: _____

distribution: Hearing Support Staff

Date Filed by County Clerk: _____.