

Ramirez, Angelica

Public Comment - Group 3

#1

From: Todd Wilson <toddwojai@comcast.net>
Sent: Friday, December 3, 2021 1:01 PM
To: sbcob
Subject: 12-7-2021 OASIS development Public Comment Letter
Attachments: 11-20-2021 Public Record BOS Entitlement protest letter.docx



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Mr. Villalobos,

Attached is a public comment letter for the above Project. Agenda references Dept. Agenda item #1 and 21-01097.

Thank you
Todd Wilson

November 20, 2021

Honorable Bob Nelson
Santa Barbara County Board of Supervisors, 4th District
105 E. Anapamu St. Fourth Floor
Santa Barbara, California 93101

Re: Protest OASIS Meeting Center Hearing 12/7/2021 Date - Case No 14GPA-00000-00020 and others

Dear Chair Nelson and Supervisors,

This letter is to protest Tuesday's approval to set hearing date of 12-7-2021, for OASIS development. I called the Clerk of the Board to provide public comment while Administrative Items were in progress and clerk advised public comment was closed.

You will recall the continued OASIS hearing on December 15, 2020 with Board of Supervisor. At that time the full Planning and Development (P & D) Board packet was distributed, including OASIS FEIR and compelling public comment letters from Southpoint Estates HOA, Friends of Key Site 18 attorney, Marc Chytilo, public opposition comment letters and a file full of concerned neighbor's commentary during the environmental phase of the project. You appeared in closed session several times to "negotiate price and terms" of sale of development rights. I trust you are quite familiar.

Project was recommended for approval by P & D and clearly was not ready to docket in December, 2020 and in my view, this nearly seven year old application is not ready for December 7, 2021.

A TAKING AND WITHOUT COMPENSATION

I am owner of Southpoint Estates Open Space Planned Residential Development (PRD) lot 20 of Tract 12679-1. Consistent with July, 1979 Subdivision approval, County advised the world of Southpoint Estates subdivision covenants via published Rezone Ordinance 3106 and followed with the August 3, 1981 recorded Grant Deed of Development Rights, perfecting the subdivided Orcutt Creek Corridor open space lot 197 (includes the now OASIS Lot 89), intending to preserve the "...open space character and the noncommercial recreational use..." of this green belt buffer. First phase, 4-14-1981 Staff Report reflects this perfected conservation easement also revealing dedicated lot size compensation for first phase lots 1-38. I note, FEIR Appendices contains the irrelevant declined tentative map Staff Report for Phase one rather than the above 4-1981 actual effective Staff Report – hiding the lot compensation linkage, involved in this "taking" objection. All 160 plus residential units of the subdivision require lot compensation. Promised protection measures of the creek corridor will be violated with this OASIS commercial development plan (Note P & D Cumulative Projects classification and status report). OASIS FEIR documented the overwhelming extent of impairment, impacting the entire community and especially Southpoint Estates Subdivision interests and quality of life.

Despite the OASIS fee ownership interests, OASIS FEIR brought clarity to the issue of bundle of rights as they pertain to OASIS Lot 89 project site and inconsistency with Southpoint Estates Subdivision entitlement interests, by saying this: "The Southpoint Estates conditions of approval apply to the OASIS property because the OASIS property is one of the Southpoint Estates subdivision open space lots. The tract conditions run with the land. Therefore, the conditions apply whether the property is owned by the homeowner's association or a private individual." (8-2020 OASIS FEIR section 2-28)

Modification of Recorded Map (OASIS 16RRM-00000-00001), without compensation is absent my consent and I understand other neighbors, as well. Breach of over 40 years of subdivision open space protections would be in violation of the spirit of California Civil Code Section 815-816, which says: "The Legislature finds and declares that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California." I've reviewed open space court cases, such as: Cedar Point Nursery v. Hassid (June, 2021), Associated Home Builders v. Walnut Creek (April, 1971 and even Ayres v. City Council of City of Los Angeles. I expect project would be in violation of Subdivision Map Act statutes. Proposed Recorded Map Modification is both a taking and impairment of contract under state and federal constitutional guarantees.

CONCLUSION

A nearly full year of opportunity to review the OASIS project, including FEIR, I honestly cannot see how Findings can be met for consistency, compatibility and a "taking" of Southpoint Estates Subdivision and community interests. I remind you, OASIS 8-2020 FEIR identified Foster Rd. location as the environmentally superior alternative. Respectfully, I ask you to further engage County Counsel review and remove this OASIS deeply flawed commercial project from 12-7-2021 agenda.

Last, I am neither an attorney nor a planner. I have conducted extensive review of the public record and am grateful for the County forums to share my observations. I participated in a long work career involving real estate, including responsibilities as bank compliance officer, V.P., Assessor's subdivision crew lead person, manager of assessment appeals unit, Municipal Advisory Council member and I've seen this application as a case study in poor planning practices. A point made in June, 2015 Planning Commission hearing by Planning Director, who recommended denial of the project, without even being aware of the recorded development rights deed. I intend to file a complaint for investigation with both State Department of Real Estate regarding subdivision matters and Santa County Barbara County Grand Jury for irregular planning matters. My Southpoint Estates Subdivision Lot 20 is among lots 1-38 described under August 3, 1981 recorded Grant Deed of Development Rights. I believe I have standing and would hope litigation will not be necessary in this matter. Neighbors, myself included, have been burdened enough.

Best Regards,

Todd Wilson
114 Wilson Dr.
Orcutt, Ca. 93455
toddwojai@comcast.net

Ramirez, Angelica

From: Joe Duran <jduranwild3@msn.com>
Sent: Friday, December 3, 2021 1:15 PM
To: sbcob
Cc: Joe Duran
Subject: OASIS 12-7-2021 Hearing Comment Letter to BOS
Attachments: sbc dec 3 2021.pdf

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Enclosed are 11 pages of documents for the OASIS December 7, 2021, Hearing Letter to BOS.
Please confirm receipt of documents.

Best Regards,
Joe Duran

To: Santa Barbara County Board of Supervisors Attn: Clerk of the Board 105 E. Anapamu Street, Room 407 Santa Barbara CA, 93101 sbcob@countyofsb.org

From: Southpoint Estate Homeowner Joe and Kelly Duran 304 Wilson Drive, 105-200-015 and 346 Hartnell RD, 105-250-032

Date: December 3, 2021

Subject: Public Comment for the OASIS Meeting Center Project - Board of Supervisors Hearing on December 7, 2021

Oasis Meeting Center Project Case Nos. 14 GPA-00000-00020, 16RMM-00000-00001, 16CUP-00000-00006, 16DVP-00000-00002, 16LLA-00000-00004, 17 CUP-00000-13, and 18GOV-00000-00005).

OASIS 12-7-2021 Hearing Comment Letter to BOS

Joe Duran Email jduranwild 3@msn.com

Kelly Duran Email kellyduran@msn.com

To: Honorable Bob Nelson;

I am owner of two homes in Southpoint Estate that had raise a family of five for over #39 years within this Southpoint Estate Open Space Planned Residential Development.

All # 161 residential units of the subdivision require lot compensation. Promised protection measures of the Orcutt Creek corridor open space Lot # 197 (includes the now OASIS Lot #89), intending to preserve the open space character and noncommercial recreational use of this green belt buffer.

These OASIS commercial development plan violated subdivisions require lot compensation, without compensation of the # 161 Southpoint homeowners. And breach of over 40 years of subdivision open space protection would also be in violation of the spirit of California Civil Code Section 815-816, which says: The Legislature finds and declares that preservation of land in its natural, scenic, agricultural, historical, forested, or open-space is the most important environment assets of California.

KS 18 (Southpoint HOA letter, dated 13 Dec 2020, and the remaining open space will not provide "adequate open space, open space views, and recreation for the Orcutt community". Friend and Neighbors of Key Site 18 update information dated August 6, 2021 from Todd Wilson (See enclosed documents.) Those add additional comment.

Entitlement of Southpoint Estates Subdivision and the OASIS development:

The proposed findings in three areas are wrong and therefore do not comply with section 21- 15.9 of Chapter 21 (Subdivision Regulations) of the County Code requirement for approval or conditional approval of an application for a modification to recorded final or parcel map, lot split plat or lot line adjustment.

Required Finding #1. There are changes in circumstances that make any or all of the conditions of such a recorded final or parcel map, lot split plat or lot line adjustment no longer appropriate or necessary.

Proposed Finding #1: The project site was previously identified as open space and a potential future location for a public park, but a park was never developed and subsequently the community identified a change in circumstances and the need for a senior-serving use/facility. The Board further finds that existing Orcutt Planning Area open space and parkland, together with anticipated future dedication of open space and development of parks and trails with new development, will provide adequate open space, open space views, and recreation for the Orcutt community.

Rebuttal to Finding #1: This proposed finding is wrong for the following reasons: Not building a park yet does not mean the circumstances have changed and is an inadequate justification since the proposed building will preclude building the park in the future as originally intended (the proposed construction is neither an open space nor a park); the open space in question was set aside specifically for the public and the #161 homeowners of Southpoint held in trust by the BOS to prevent this very attempt to build on .

Required Finding #3. The modification does not alter any right, interest or title reflected by the recorded final or parcel map lot split plat or lot line adjustment.

Proposed Finding #3: "The Board of Supervisors finds that the requested modifications to the recorded maps and conditions on the maps will not alter any current right, interest, or title to the OASIS property.

The property is currently owned by OASIS and this revision will not alter any right, interest, or title reflected in the map. The modifications will remove the requirement that the County hold the development right interests to the property because the proposed project includes a request for the vacation, abandonment, or release of the rights currently held by the County as to the OASIS site.

While OASIS proposes to obtain the development rights held by the County, the requested modifications to the two recorded maps and conditions on the maps do not compel the County to relinquish the development rights to OASIS."

Rebuttal to Finding #3: This proposed finding is wrong because the map modification absolutely alters Southpoint #161 homeowners' rights and interests. The introduction to the FEIR states, "The property is also part of the Southpoint Estates subdivision open space, (TM 13,345 open space lot 89)

The development rights are held by the county in trust for the public and Southpoint #161 homeowners.

Southpoint #161 homeowners have a property right to restrict development under the subdivision plan which was approved and recorded with the development restriction.

The Southpoint #161 homeowners hold beneficial title as part of the subdivision map the subdivision Map Act and Subdivided Lands Act protect the rights of buyers of lots in California.

The project is proposing many changes/amendments to the OCP in order to accommodate the items that are actually not consistent with the OCP, but according to the FEIR the subdivision tract map takes precedence over the OCP. The subdivision tract map requirements hold true no matter who holds title. Per the FEIR, Government Code 65402 Consistency Finding, "In order to approve the OASIS project requests,

OASIS must acquire the development rights to the property, which are currently held by the County, pursuant to the Southpoint Estates project conditions of approval

(TM 12,679 Condition No.18 and TM 13,345 Condition No.21). Therefore, approving the project would result in an altered right, interest or title reflected by the recorded final or parcel map inconsistent with the finding requirement. OCP Action OS-O-6.1:

"On sites ... receiving substantial increases in density and/or developable area, the County should delay approval of the rezone to a higher density until the preferred public open space lands on these sites have either been dedicated to the County or secured by other mechanism (e.g., development agreement)." Per the FEIR.

OASIS is not proposing to set aside other land or to provide funds for the County or another entity (e.g., Land Trust) to purchase other land to offset the proposed reduction in open space. As the project would further reduce open space in Orcutt, the project would exacerbate the previously identified significant impacts from loss of open space resulting from development (OCP EIR Class I impact, 79-EIR-1 Class II impact with preservation of TM 12,679 Lot 165 open space, which includes the OASIS parcel). Mitigation which would offset this impact includes provision of, or development rights to, other equivalent land or funds for the County to purchase or acquire development rights for equivalent land.

However, OASIS has indicated that provision of other land, funds for other land or development rights to other land would not be financially feasible. Therefore, lacking feasible mitigation, Impact REC-1 is considered significant and unavoidable (Class I)." Additionally, the development rights held by the county can't just be given away without getting something in return.

The situation that we are in now, with someone trying to build on open space land, is why the grant deed of development rights was written to begin with, to keep the land open space, as required by the subdivision plan. What is the county getting in exchange for the development rights? Using the proposed trail as mitigation doesn't benefit. It would be only a small unconnected segment which in no way benefits or compensates the Southpoint the #161 homeowners who purchased a home in reliance upon the development restrictions of record (open space) when the subdivision was built remaining in place.

Calling trail mitigation for the loss of the restrictions on development does not comply with the rules the county has to follow in this situation. If the map modification is approved that is a taking of personal property rights. The county would need to have each and every # 161 Southpoint homeowner's consent or equitable compensation for the loss of open space recorded within the Subdivision Tract Map.

Again, this constitutes an altered right, interest or title reflected by the recorded final or parcel map inconsistent with the finding requirement. Required Finding #4. The recorded final or parcel map, lot split plat or lot line adjustment as modified conforms to the provisions of Section 66474 of the California Government Code; Proposed Finding #4:

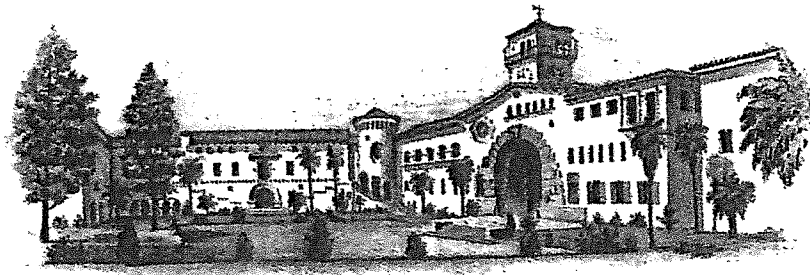
The Board of Supervisors finds that the proposed recorded map modifications conform to the provisions of Section 66474 of the California Government Code, as identified below: The modifications are consistent with the General Plan, including the Orcutt Community Plan ... consistency is subject to approval of the companion General Plan Amendment ... which includes amendments to the Orcutt Community Plan," Rebuttal to Finding #4: This proposed finding is wrong because the modifications are not consistent with the current General Plan, including the current Orcutt Community Plan.

This law is meant to prevent this type of development which is clearly inconsistent with the current plans. The statute must intend for consistency with the existing unchanged plans otherwise any development would be possible by simply changing existing plans to include the proposed development thus rendering the statute useless if the type of loophole were allowed.

Conclusion: The BOS must disapprove this proposed project. It does not meet statutory requirements for approval of a map modification. The justification is a rationalization of non-existent changed circumstances, tramples the open space rights of the public and Southpoint estates homeowners, and destroys an open space preserved for the community in violation of and inconsistent with the existing community plans.

Since the above rebuttals prove that the proposed findings are wrong, the map modification cannot be completed and therefore the BOS must disapprove the proposed project does not meet all of the conditions required for approval and must not proceed.

Best Regards,
Joe and Kelly Duran
304 Wilson Drive
Orcutt, Ca.93455



SANTA BARBARA COUNTY BOARD OF SUPERVISORS
NOTICE OF PUBLIC HEARING

On December 7, 2021, the Board of Supervisors will consider the recommendations of the County Planning Commission regarding the Oasis Meeting Center Project (Case Nos. 14GPA-00000-00020, 16RMM-00000-00001, 16CUP-00000-00006, 16DVP-00000-00002, 16LLA-00000-00004, 17CUP-00000-00013, and 18GOV-00000-00005).

The proposed Oasis development project consists of the construction of a new, 15,661-square-foot Orcutt Area Seniors in Service (OASIS) facility, which includes a 14,069-square-foot main building and a 1,592-square-foot ancillary BBQ/crafts building. The project also includes the construction of a related access road, 143 parking spaces, landscaping, and private trails within the development area. The project includes associated development consisting of the construction of a section of the multi-use Orcutt Creek Trail on APNs 105-020-041, -060, -063, and -064; and a request to modify the required number of parking spaces from 229 required spaces to 143 spaces.

The project site is approximately five (5) acres and is located within the Orcutt Community Plan (OCP), identified as "Key Site 18/Southpoint" (KS18) in the Orcutt area, Fourth Supervisorial District. The OASIS property is comprised of two APNs (105-020-063, -064), which together are one legal lot. The OASIS property is part of an approximately 35-acre common open space lot (Lot 165) of the original Southpoint Estates subdivision.

The Board of Supervisors will consider the recommendations of the County Planning Commission as follows:

Make the required findings for approval of the project as specified in the findings, including modifications to the parking requirements, and including California Environmental Quality Act findings.

Certify the Environmental Impact Report (Case No. 19EIR-00000-00003), as modified by EIR Revision Letter dated November 23, 2021, pursuant to the State Guidelines for Implementation of the California Environmental Quality Act, including making the CEQA findings and the statement of overriding considerations, and adopt the mitigation monitoring program contained in the Conditions of Approval.

Adopt a Resolution amending the Comprehensive Plan (Case No. 14GPA-00000- 00020) and revising the Orcutt Community Plan (OCP) as summarized below:

1. Revise the text of OCP Development Standard KS18-1 to allow portions of APNs 105-020-063 and 105-020-064 to be developed for non-profit meeting facilities;
2. Amend the OCP Open Space Area Map by removing the "Open Space Area" designation from APNs 105-020-063 and 105-020-064;
3. Amend the OCP Parks, Recreation and Trails (PRT) Map by removing the "Proposed Public Park" designation from APNs 105-020-063 and 105-020-064, and by depicting the proposed trail realignment;

4. Amend the Orcutt Community Plan Bikeways Map to allow an approximately 300-foot section of the proposed OCP Orcutt Creek Trail's Class I bike path to be a Class II, striped bike lane;
5. Amend the Orcutt Community Plan Figure KS18-1 to reflect the above changes to the Open Space Map, Parks, Recreation and Trails Map and Bikeways Map to ensure consistency with the Orcutt Community Plan.

Approve a Recorded Map Modification (Case No. 16RMM-00000-00001) to modify two conditions and two recorded maps for the Southpoint Estates project, specifically: TM 12,679 Condition No. 18/TM 13,345 and Condition No. 21, TM 13,345 Condition No. 8, TM 13,345 recorded map for Unit 1 (Book 125, p.8) and TM 13,345 recorded map for Unit 2 (Book 128, p. 93), subject to the conditions of approval.

- Approve a Lot Line Adjustment (Case No. 16LLA-00000-00004) subject to the conditions of approval.
- Approve a Major Conditional Use Permit (Case No. 16CUP-00000-00006) subject to the conditions of approval.
- Approve a Development Plan (Case No. 16DVP-00000-00002) subject to the conditions of approval.
- Approve a Minor Conditional Use Permit (Case No. 17CUP-00000-00013) for an Off-Site Directional Sign subject to the conditions of approval.
- Receive the Planning Commission's conformity report required by Government Code Section 65402(a).

On June 11, 2021 and effective immediately, Governor Newsom issued Executive Orders N-07-21 and N-08-21, which rescinded some prior Executive Orders related to COVID-19, but Executive Order N-08-21 additionally states some prior Executive Orders related to COVID-19 still remain necessary to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic. For current and alternative methods of public participation for the meeting of December 7, 2021, please see page two (2) of the posted Agenda.

For additional information, please contact Shannon Reese at sreese@countyofsb.org or 805-934-6261.

If you challenge this project (Case Nos. 14GPA-00000-00020, 16RMM-00000-00001, 16CUP-00000-00006, 16DVP-00000-00002, 16LLA-00000-00004, 17CUP-00000-00013, and 18GOV-00000-00005) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Board of Supervisors prior to the public hearing.

Attendance and participation by the public is invited and encouraged. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this hearing, please contact the Clerk of the Board of Supervisors by 4:00 p.m. on Friday before the Board meeting at (805) 568-2240.

To: Santa Barbara County Board of Supervisors
Attn: Clerk of the Board
105 E. Anapamu Street, Room 407
Santa Barbara CA, 93101
sbcob@countyofsb.org

From: Southpoint Estates Homeowners Association Board of Directors
C/O: The Management Trust
2540 Professional Pkwy
Santa Maria CA 93455

Date: 13 December 2020

Subject: Public Comment - OASIS Meeting Center Project - Board of Supervisors

Lot 165, which covers most of Key Site 18 (KS18) is an open space no build area established for reasons including compensation for accepting reduced lot sizes for the Southpoint Estates residence lots. The Board of Supervisors should therefore honor Santa Barbara County's commitment to the current residents who purchased their homes expecting that KS18 Open Space would remain an open space no build area as designated in the Orcutt Community Plan (OCP) and also respect and follow the zoning law approved to protect/preserve the open space. Following through on this promise to the Southpoint Estates homeowners means that the Board of Supervisors must deny any changes that would jeopardize the entirety of KS18 Open Space as an open space no build area and infringe on the Southpoint Estates entitlement to compensating open space.

Background of open space lot designation:

1. In 1979 the Board of Supervisors approved Ordinance 3106 which amended section 35-101 of the Land Use Development Code, Adoption of New Zoning Maps. This ordinance authorized the approval of Tract Map 12,679 Unit 1, thereby creating Southpoint Estates and an open space/no build area (lots 197, 198 & 202 from the original lot 165). There would be Tract Map 12,679 Unit 2 and Tract Map 13,345 Units 1, 2 & 3 would follow. With every new recorded tract map, the existing lots were subdivided/renumbered and designated as open space no build (currently labeled as lots 87 thru 97 and 99). All maps have carried forward the stipulation for the open space no build lots. These open space no build lots were established for reasons to include providing compensation to Southpoint Estates for accepting reduced lot sizes for their residence lots. [Discussed in a Santa Barbara County Planning Commission Staff Report and Recommendations (Southridge) dated 2/11/92 prepared for the Board of Supervisors in 1992.] All of the aforementioned tract maps were approved subject to 22 conditions required by the Board of Supervisors. One of these conditions (#20) was to "provide all open space in a sufficient amount with each unit of development in order to maintain a balanced density and an average lot area equal to the required base zone lot size."

2. Tract map 12,679 was based on Santa Barbara County rezone ordinance 3106, approved by the Board of Supervisors, authorizing the map overlay which includes the open space. One of the provisions of ordinance 3106 was, "With the submission of the Precise Plan (final map) for approval the Planning Commission, the developer shall submit a draft of a document which conveys development rights to the county on the common open space lot 165 [Key Site 18 Open Space]. Such document shall specify the intended improvement and that the entire parcel is to be maintained by a homeowners association. The development rights document shall be

subject to approval by the county counsel's office. At the time the final map is presented to the Board of Supervisors for approval by the county surveyor's office, the final development rights document shall be submitted concurrently for signature by the board of supervisors. Such document shall be recorded at the time the final map is recorded."

3. In accordance with ordinance 3106, the developer conveyed the development rights to the county of Santa Barbara for only 2 lots. The development rights are for lot 202 of Tract map 12,679 unit 2 and lot 197 of tract map 12,679 unit 1. The 1st paragraph of the grant deed of development rights for these 2 lots states, "in order to establish and preserve the open space character and the noncommercial recreational use of the real property here in after described (the property) and in satisfaction of condition #18 of the conditions of approval of tract map 12,679, as approved by the Board of Supervisors of Santa Barbara County". When the final 3 tract maps for Southpoint Estates Subdivision were filed (Tract Map 13,345 Units 1, 2 & 3) the 2 lots covered by these grant deed of development rights became current lots 87, 88 & 89. These 3 renumbered lots (originally lots 202 and 197) are part of the original open space lot 165 (KS18 Open Space) covered by the grant deed of development rights. The importance and purpose of these grant deed of development rights is to protect the land from being used for something other than its intended use. In this case, its intended use is open space.

4. Another of the 22 Board of Supervisors conditions of approval for the tract maps establishing lots 87, 88 & 89 was condition #21, "title to the common open space shall be held by a nonprofit association of property owners or by any other individual or entity on such reasonable terms and conditions as the board of supervisors may prescribe subject to conveying to the County of Santa Barbara the rights to develop such property with anything except open space or non-commercial recreation." Regardless of who holds the title to the land, Board of Supervisors condition of approval #21 and the grant deed of development rights require that lots 87, 88 & 89 each remain an open space.

5. According to a Santa Barbara County Planning Commission Staff report prepared for the Board of Supervisors in 1992, "It is staff's conclusion that the intention was for all of Lot 165 to be common open space owned and maintained by the homeowners association at the conclusion of all phases of development (all 163 residential lots)." ... "There is no record that the title to all the Open Space has been transferred to the Homeowner's Association." The lack of the title transfer appears to be an oversight. Lots 95 and 99 (a subset of the original Lot 165 Open Space) are not the lots designated to compensate Southpoint estates for accepting reduced lot sizes for their residence lots as agreed to when the Southpoint Development was approved. Additionally these lots are not suitable for use as open space because these lots are in a flood zone and Santa Barbara County uses them for flood control and other purposes such as moving dirt in and out for the new on/off ramp to Hwy 101 on Clark. It is also inconsistent with prior agreements & the recorded tract maps to attempt to retroactively use these flood zone lots to satisfy the compensating open space requirement. In an April 14, 1981 Department of Resource Management Report to the Santa Barbara County Planning Commission, Tract Map 12,679 Unit 1 designates compensation for Southpoint residential lots 1 thru 38 to be open space lot 197 (not flood zone lots 95 or 99). In an October 26, 1981 Department of Resource Management Report to the Santa Barbara Planning Commission, Tract Map 12,679 Unit II designates compensation for residential lots 39-77 to be open space lot 202 (not flood zone lots 95 or 99). Tract Map 13,345 Unit 3, the last map for the Southpoint Estates Subdivision was recorded on July 31, 1986. Since open space compensation was a condition for final map approval, the compensating open space would have needed to be recorded before or simultaneously with the final map. Since Flood zone lots 95 and 99 weren't recorded until November 21, 1986, those lots could have not met the condition for open space compensation.

Therefore the only option for open space compensation for reduced lot sizes of Southpoint Estates was lots 197 and 202.

Recommendations regarding Amendments to OCP KS18 Development Standard, amendment to OCP Open Space Map and Recorded map modifications:

1. Recommend the Board of Supervisors deny amending OCP KS18 Development Standard (DevStd) KS18-1 because the land in question is designated open space no build (as recorded on Tract Maps 12,679 and 13,345) for the Southpoint Estates Subdivision for reasons to include providing compensation for Southpoint Estates reduced lot size. These compensating lots are also referenced as KS18 Open Space. DevStd KS18-1 states, "The entire site, with exception of the residential and commercial areas noted [elsewhere]... shall remain in natural, undeveloped open space." KS18 Open Space is currently zoned correctly for both county ordinances and OCP standards. Removing DevStd KS18-1 doesn't mitigate the loss of open space. Mitigations are supposed to reduce the impact of an action. Removing the Development Standard requiring the open space does not reduce the impact by compensating for its loss, rather it simply justifies the plan to take it away.
2. Recommend the Board of Supervisors deny amending OCP KS18 DevStd KS18-1 because keeping KS18 Open Space (including lots 87, 88 & 89) as an open space is consistent with the purpose of the grant deed of development rights and Board of Supervisors conditions of approval #20 & #21. Santa Barbara County is under no obligation to relinquish these development rights and should use them as they were intended and agreed to when the open space was established, including to preserve the open space and to provide compensation to Southpoint Estates for accepting reduced lot sizes for their residence lots.
3. Recommend the Board of Supervisors deny amending the OCP Open Space map because the OCP map is labeled as Key Site 18 Open Space consistent with the intended use as stated in the DevStd KS18-1. Tract Maps 12,679 and 13,345 were recorded as open space no build. Both maps are consistent with DevStd KS18-1, their grant deeds of development rights and Board of Supervisors conditions of approval #20 & #21, therefore there is no need for an OCP Open Space map modification.
4. Recommend the Board of Supervisors keep the open space designation (including for lots 87, 88 & 89) because removing the open space designation would take the entitlement rights away from Southpoint homeowners, which is one of their rights approved by the Board of Supervisors in 1979 to compensate them for the reduced residential lot sizes. There are other options in Orcutt that are already zoned for building (i.e. not set aside for open space) that the Planning Commission could have recommended rather than unjustly proposing the Board of Supervisors renege on a legally binding agreement for open space reserved for Southpoint homeowners and benefiting the Orcutt community previously made by the Board of Supervisors. There are other options in Orcutt already zoned to build that the Planning Commission could have recommended rather than unjustly proposing the Board of Supervisors renege on a promise of Open Space reserved for Southpoint homeowners and benefiting the Orcutt community previously made by the Board of Supervisors.
5. Recommend the Board of Supervisors deny the recorded map modification because according to ordinance 3106 and Tract Map 12,679 and 13,345 conditions of approval, for all intents and purposes the land should stay an open space to compensate Southpoint Estates for accepting reduced lot sizes for their residence lots. Especially since Ordinance 3106 mandated that the open space was to be maintained by an HOA, presumably Southpoint Estates.

Ordinance 3106 and Board of Supervisors conditions of approval for final Tract Maps were very clear in the zoning designation of open space no build.

Conclusion:

Maintaining the open space no build lot designation for lots 87, 88 & 89 represents Santa Barbara County's commitment to the current Southpoint Estates residents who purchased their homes expecting that KS18 Open Space would remain an open space no build area as designated in the Orcutt Community Plan and respect of zoning laws that were approved to preserve the open space. It was established, in part, to compensate for accepting reduced lot sizes for the Southpoint estates residence lots. Changing KS18 Open Space status would violate Santa Barbara County's promise to the Southpoint Estates homeowners which led to creating the KS18 Open Space no build area in the first place. Therefore the Board of Supervisors should deny any changes that would jeopardize any part of KS18 as an open space no build area and infringe on the Southpoint Estates entitlement to compensating open space.

//Signed//
Julie Sanchez
President, Board of Directors
Southpoint Estates Homeowners Association

FRIENDS OF KEY SITE 18 (SOUTH POINT)

DATE: August 6, 2021

TO: Friends and Neighbors of Key Site 18

FROM: Todd Wilson, Chairperson *TW*

RE: OASIS development update

On 12-15-2020 Board of Supervisors, continued the final decision hearing for OASIS proposed development plan. OASIS CEO immediately expressed their request to continue was a result of concerns of a potential loophole for a project appeal. We can only speculate on the problems...there are so many. We do know that a large assemblage of people toured the OASIS site several weeks ago and latest Planning Commission meeting, senior planning staff projected an October or November OASIS hearing with Board of supervisors.

We now know that 4 General Plan Amendment developments were recommended for approval by County Planning and Development right after OASIS 9-11-2020 Planning Commission hearing...all with shortcomings and significant public comment opposition. A December approved development is now under formal appeal.

IMPORTANT 12-15-2020 OASIS DEVELOPMENT HEARING - PUBLIC COMMENT

1. Friends of Key Site 18 Attorney Formal Public Comment – *Attachment A*
2. Southpoint Estates Homeowners Association Board Formal Public Comment – *Attachment B*
3. Friends of Key Site 18 Formal Public Comment – *Attachment C*
4. Link to P&D public record OASIS archive -<https://www.countyofsb.org/plndev/projects/oasiscenter.sbc>

KEY QUOTES FROM 8-2020 OASIS FINAL EIR

- *"The Southpoint Estates conditions of approval apply to the OASIS property because the OASIS property is one of the Southpoint Estates subdivision open space lots. The tract conditions run with the land. Therefore, the conditions apply whether the property is owned by the homeowner's association or a private individual. The conditions require the property's development rights to be deeded to the County and limit use of the property to open space and non-commercial recreation. Further, the conditions require (and the recorded maps include) a label stating 'NOT A BUILDING SITE' OPEN SPACE on each of the open space lots, including the OASIS property."*
- *"The project would result in a change in character of the site and the scale of development on the site, which would present potential quality of life compatibility issues. This impact would be significant (Class I)"*
- *"The project would set a precedent for removing development restrictions and relinquishing development rights on similarly restricted open space lands, reversing previous decision maker actions. The County has conditioned projects throughout the County since the 1970's with language that is identical and nearly identical to the Southpoint Estates conditions and this language continues to be a standard Planning and Development condition"*
- *"Although the project would provide accessible areas for area seniors, permanently removing the OASIS property as designated open space and park land at KS 18 would not be considered a net recreational benefit."*

Additionally, neighbors and friends of Key Site 18 have provided personal, heartfelt and quite well informed public comment to this voluminous public record. Remarkably, Planning now asks Supervisors to define the project as consistent and compatible. See Attachment D, there are superior alternatives.

Ramirez, Angelica

From: Mike Pincin <mpin1111@gmail.com>
Sent: Friday, December 3, 2021 2:33 PM
To: sbcob
Subject: Oasis Center

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Hi,

I am in total support of the Oasis Center's new purpose location in Old Town Orcutt. I believe it will benefit both the seniors and Old Town Orcutt. Please approve this plan.

Thank you

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