

September 14, 2021
Ventura County Board of Supervisors

Crestview Mutual Water Company – Appeal

Case No. PL19-0039

Item No. 60



Resource Management Agency, Planning Division
John Kessler, Case Planner

Hearing Overview



- Project Location and Description
- Background
- Appeal of PC Decision
- Applicable Findings
- Recommended Actions

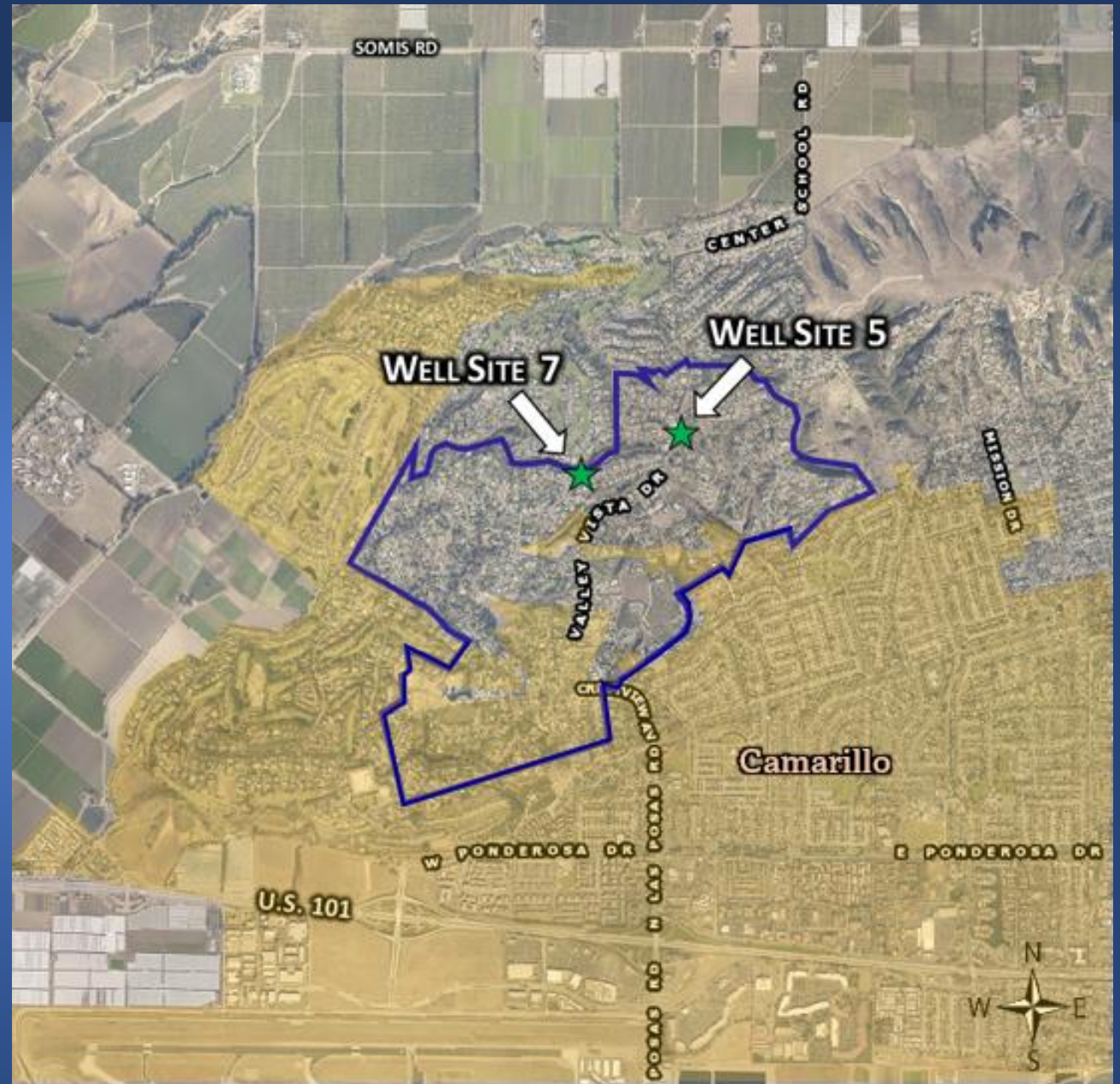


Project Location and Description

Applicant and Service Area

Crestview Mutual Water Co.

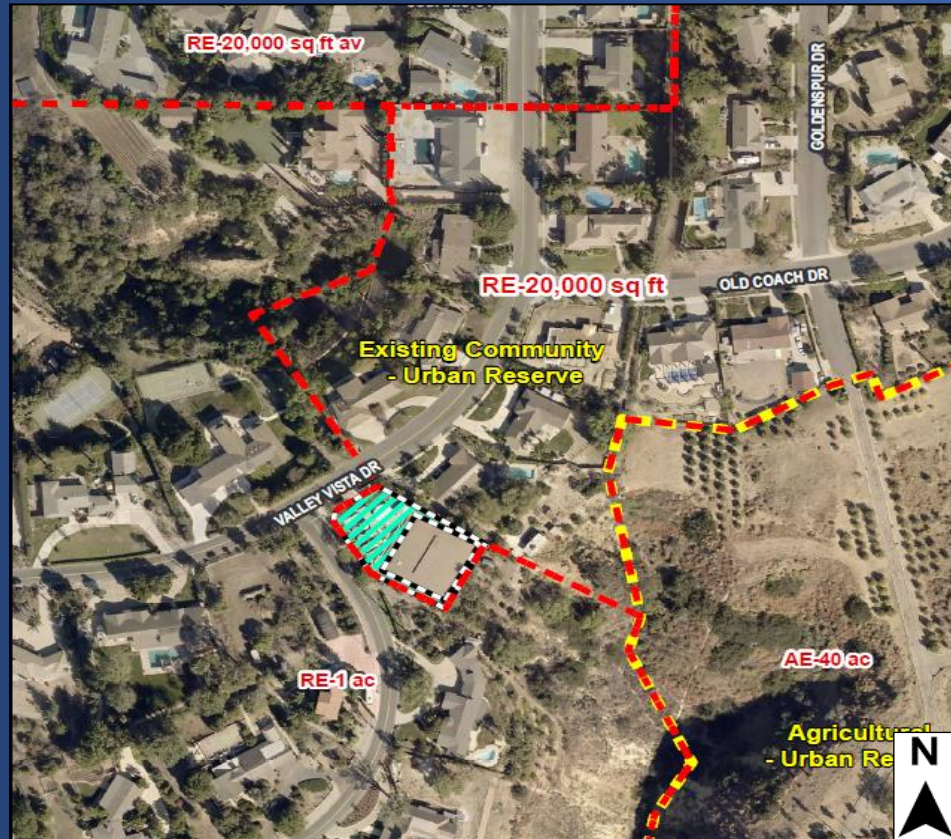
- 1950, CMWC formed
- 1994, CUP 4858 granted
- Covers ~ 970 acres
- Water service to ~ 621 residential customers



Site Location – Well Site 5



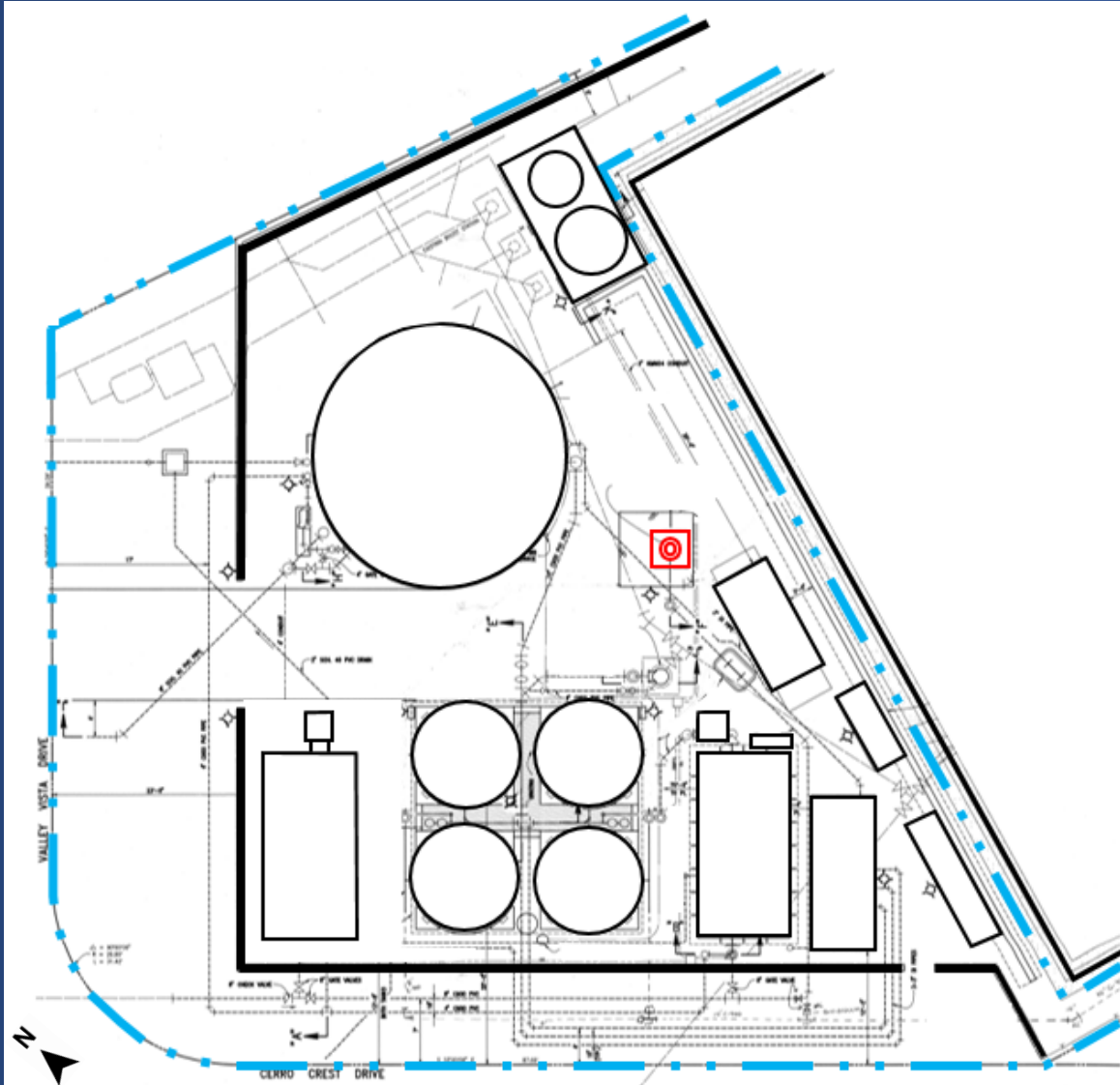
(Well to be abandoned)



602 North Valley Vista Drive



Site Plan – Well Site 5



- Decommission and abandon existing water well
- All other equipment and reservoir to remain

Site Location – Well Site 7

(proposed replacement Well)

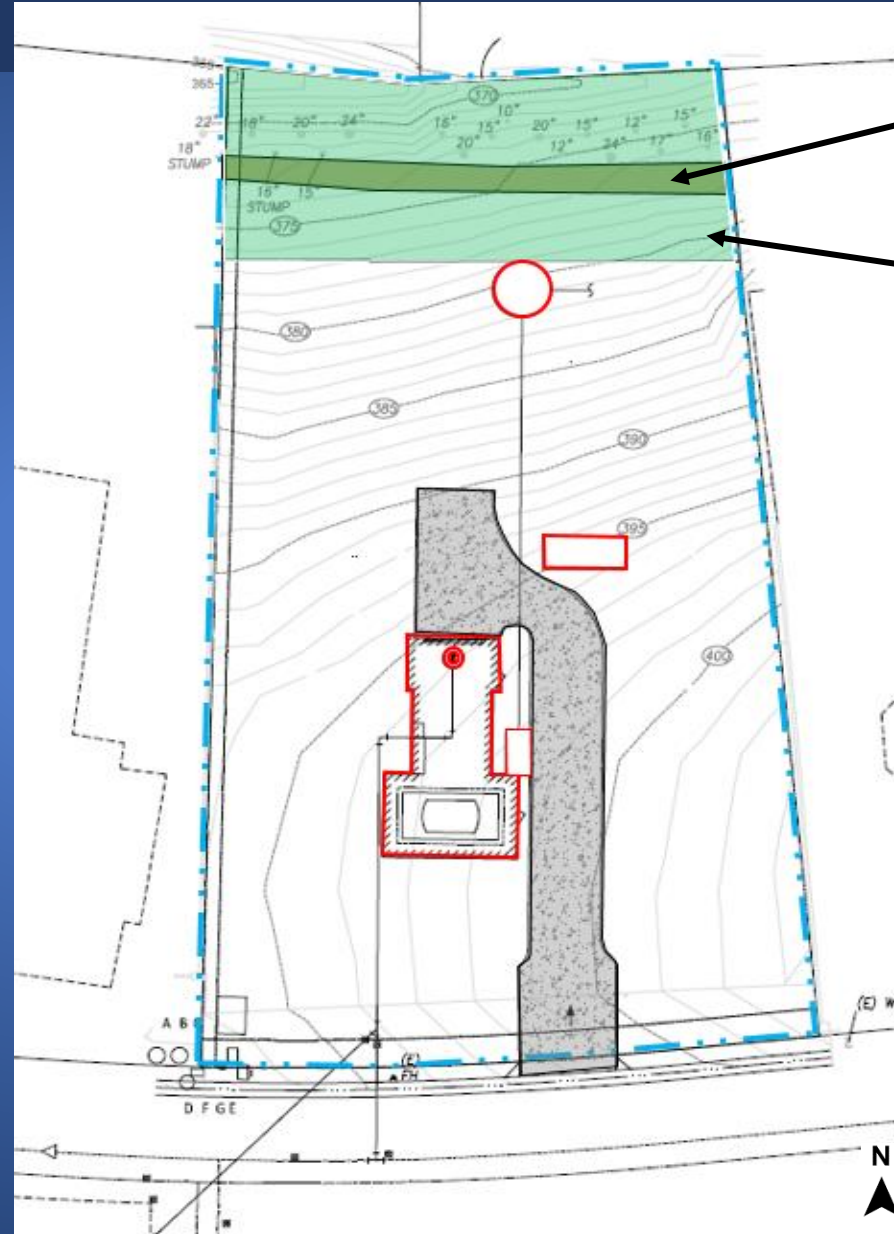


191 Alviso Drive



Site Plan – Well Site 7

- Custom pump house
 - Replacement water well
 - Chlorine tank inside vault
- Emergency generator enclosure
- Irrigation water tank
- Landscape / Hardscape
- ROW connections under Alviso



Dirt trail

Equestrian and
flowage easement
(shown in green)



Background

Project History



Date	Action
August 1, 2019	Application Deemed Complete
March 5, 2020	Planning Director Hearing
March 27, 2020	Planning Director Deferral
June 25, 2020	Planning Commission Hearing (project denied)
July 10, 2020	Timely Appeal Filed

Planning Director Hearing: March 5, 2020



- More than 20 attendees present
 - Oral and written public comments received
- Comments/ Issues - Well Site 7
 - Non-compliance with CC&Rs
 - Proximity to existing septic systems and reliability of cement sanitary seal
 - 24-hour construction for Well 7
 - Environmental effects
 - Alternative sites
 - Incomplete project description

Planning Commission Hearing: June 25, 2020

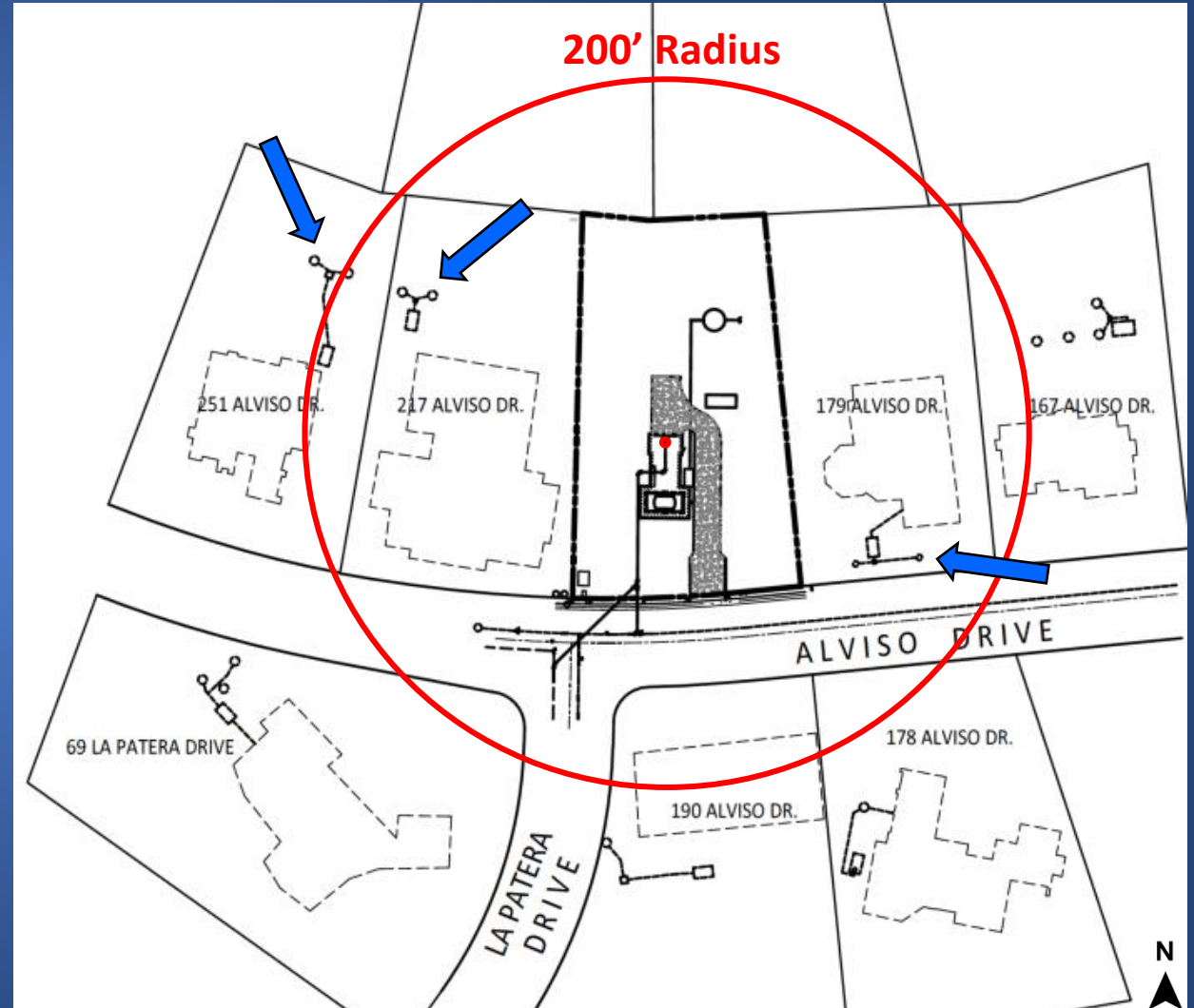


Findings for Denial

- Inconsistent with established CC&Rs of the Las Posas Hills HOA
- Proposed grading activities, volume, truck trips would be a nuisance
- Temporary 24-hour construction would be a nuisance
- Concerns with periodic delivery of chlorine and associated odor
- Adjacent property owners with septic systems within 200 feet would be burdened with preparation of additional technical study

Septic Systems within 200-foot radius

VCBC Appendix H-I calls for 200-foot horizontal separation to seepage pits





Appeal of the PC Decision

Appeal



Ground of Appeal

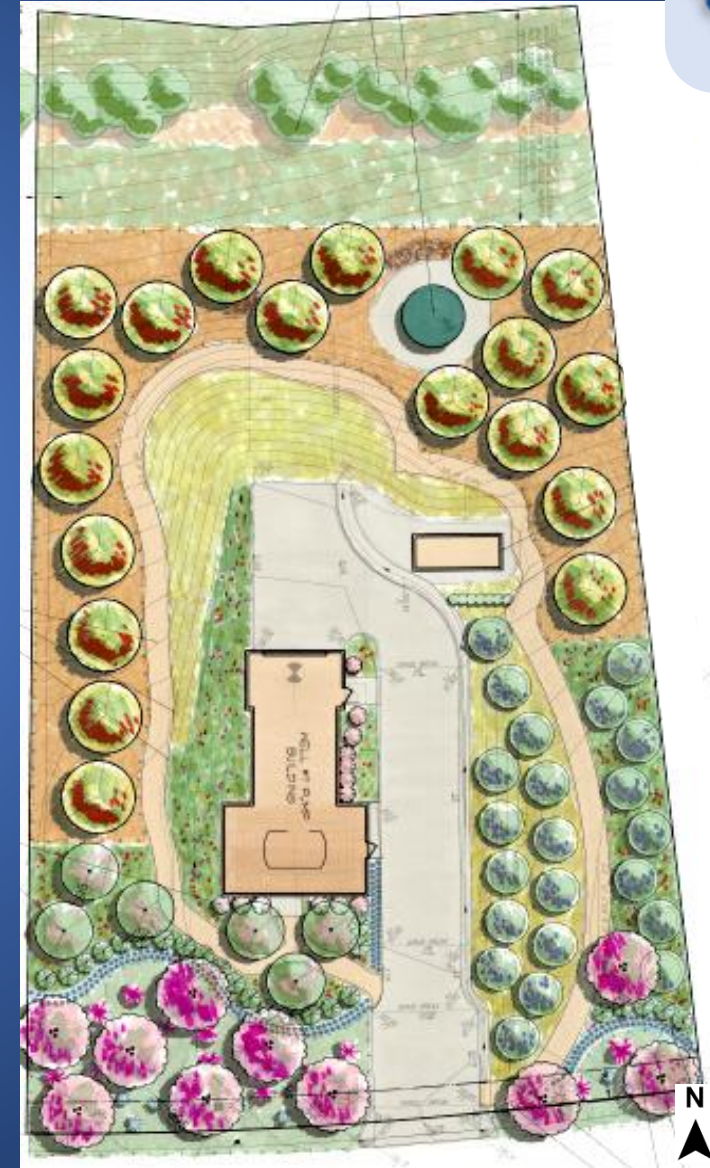
“The action of the Planning Commission was arbitrary, capricious, contrary to law, and not supported by substantial evidence. The action contradicted the expert recommendations and advice of the following County Divisions: Planning, Fire, Public Works, Environmental Health, Building and Safety, and County Counsel, as well as the well approval of the State Water Resources Control Board. The action was based on the personal, non-expert opinions of individual Planning Commissioners, some or all of whom did not correctly understand and apply the applicable State and County laws, nor the critical need for an additional water source to serve the public's health and safety.”

Applicant Proposed Changes (see Exhibit 4)



- Reimbursement of any costs or expenses of septic systems for affected homeowners
- Noise ordinance compliance in construction bid documents
- Temporary lodging for immediate neighbors during construction
- Architectural redesign of pump house building

Proposed Elevations and Landscaping – Well Site 7





Applicable Findings

Applicable CUP Findings (*paraphrased*)



- a. Consistent with the intent and provisions of the General Plan and VC Code;
- b. Compatible with the character of surrounding, legally established development;
- c. Would not be obnoxious, harmful, or impair the utility of neighboring property/uses;
- d. Would not be detrimental to the public interest, health, safety, convenience, or welfare;
- e. Compatible with existing and potential land uses in the general area;
- f. Located on a legal lot; and,
- g. Approved in accordance with CEQA and all other applicable laws.

California Environmental Quality Act (CEQA)



Denied Projects Categorically Exempt pursuant to Sections:

- 15270 and
- 15061(b)(4)



Recommended Actions

Recommended Actions



1. **CERTIFY** that your Board of Supervisors (Board) has reviewed and considered this Board letter and all exhibits hereto, and has considered all comments received during the public hearing process;
2. **DENY** CUP Case No. PL19-0039 due to the inability to make the required findings to grant the requested CUP as set forth in Section 8111-1.2.1.1a., subsections b, c, and d, of the Ventura County Non-Coastal Zoning Ordinance for the reasons stated in Section G below and the Planning Commission's Resolution (Exhibit 2), and based on the evidence and testimony presented to your Board and otherwise contained in the record of proceedings;
3. **DENY** the appeal (Exhibit 3) of the Planning Commission's decision to deny CUP Case No. PL19-0039 in its entirety, and **DENY** any requested refund of the Appellant's appeal fees in accordance with the Board-adopted Planning Division Fee Schedule; and,
4. **SPECIFY** that the Clerk of the Board is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which the decisions are based.



Questions?

Questions?

- Planning Staff Available for Questions
- Other County/Agency Staff Available on Zoom:
 - RMA Environmental Health Division
- Available on Zoom with a Presentation:
 - Applicant/Appellant Team:
 - Robert Eranio, Crestview Mutual Water Company
 - Jane Usher, Counsel
 - John Hecht, Consultant

