



Planning Director Staff Report Hearing on December 1, 2022

County of Ventura • Resource Management Agency

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“HERMITAGE MUTUAL WATER COMPANY” CONDITIONAL USE PERMIT (CUP), CASE NO. PL22-0038

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Conditional Use Permit (CUP) for a water production, storage, transmission, and distribution facility for 5 or more domestic service connections (privately owned) (Case No. PL22-0038).
2. **Applicant:** Hermitage Mutual Water Company C/O Mike Sullivan, 2955 Hermitage Road, Ojai, CA 93023.
3. **Property Owner:** Kathleen and Timothy McHugh Family Trust, 2289 Hermitage Road, Ojai, CA 93023.
4. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested CUP.
5. **Project Site Size, Location, and Parcel Number:** The 39.57-acre property is located at 2289 Hermitage Road, near the intersection of Hermitage Road and Hermitage Lane, in the community of Ojai Valley, in the unincorporated area of Ventura County. The Tax Assessor’s parcel number for the parcel that constitute the project site is 014-0-030-205 (Exhibit 2).
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Open Space
 - b. Ojai Valley Area Plan Land Use Map Designation: Open Space 40-acre min.
 - c. Zoning Designation: AE-40 ac/TRU/DKS (Agricultural Exclusive, 40-acre minimum lot size/Temporary Rental Units Regulation Overlay/ Dark Sky Overlay).
7. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE-40 ac/TRU/DKS	Agriculture and Single-Family Dwelling
East	AE-40 ac/TRU/DKS	Agriculture and Single-Family Dwelling
South	AE-40 ac/SRP/TRU/DKS	Agriculture and Single-Family Dwelling

Location in Relation to the Project Site	Zoning	Land Uses/Development
West	AE-40 ac/TRU/DKS	Agriculture and Single-Family Dwelling

9. History: The Hermitage Mutual Water Company located at 2289 Hermitage Road (APN 014-0-030-205) has been operating as a legal, non-conforming use providing 103 domestic water service connections to the Ojai Valley community. Existing development onsite includes the following components:

- A 6-inch service connection;
- Meter and backflow unit from the Casitas Municipal Water District (CMWD);
- A 9,850-gallon galvanized tank;
- 160 Johns-Mansville Blue Bell Pipes with diameters ranging from 3, 6, and 8 inches; and
- Booster pump station with two (2) pumps each rated at 400 gallons per minute (GPM) to 375-foot Total Dynamic Head (TDH)

Water is supplied to the system by a six-inch meter, six-inch Reduced Pressure (RP) backflow unit, for the portion served by CMWD and from the booster pump station. There are no discretionary permits or violations recorded on the property.

10. Project Description (Exhibit 3): The applicant requests a Conditional Use Permit for the Hermitage Mutual Water Company (HMWC) in order to permit and 'expand' an existing legal nonconforming private water company for a 50-year term. The project entails constructing two (2) new 10,000-gallon water storage tanks that would be tied into the existing water delivery system owned and operated by HMWC. The two proposed tanks are located on APN 014-0-030-205 near the existing 9,850-gallon galvanized tank. There are 103 existing water service connections. At full build out, there would be 110 water service connections. The proposed expansion would allow for the applicant to become compliant with the Ventura County Water Works Manual (VCWWM). The project would authorize upgrades to the HMWC water storage facilities to provide the required VCWWM water storage supply for the existing 103 equivalent water service connections and an additional seven water service connections within the HMWC service area.

Proposed construction activities would include the following components:

- Two (2) 10,000-gallon steel water tanks, approximately 12.5 feet in diameter and four feet from adjacent grade.
- Grading and excavation of approximately 0.07-acre and 290 cubic yards of earth materials to the immediate west of the new tanks.
- Installation of interceptor swale at the top of the slope and edges of the slope.

- Encroachment of three trees that meet the criteria of “protected trees” set forth in Section 8107-25 of the Ventura County Non-Coastal Zoning Ordinance (NCZO). These trees also provide landscape screening to the south and east of the tanks.

The proposed project would ensure continued compliance with the VCWWM requirements for water supply and water storage.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

Pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, Section 15000 et seq.), the proposed project is subject to environmental review.

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. The proposed project would include the permitting and expansion of an existing legal non-conforming private water company. The project qualifies for Categorical Exemptions pursuant to Sections 15301 (Existing Facilities) and 15311 (Accessory Structures) of the CEQA Guidelines. Further, the project will not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2. Therefore, no further environmental review is required.

Therefore, this project is categorically exempt pursuant to Sections 15301 and 15311 of the CEQA Guidelines.

C. CONSISTENCY WITH THE GENERAL PLAN AND OJAI VALLEY AREA PLAN

The proposed project has been analyzed and determined to be consistent with all applicable General Plan and Ojai Valley Area Plan policies. A consistency analysis which evaluates the project’s consistency with the policies of the Ventura County 2040 General Plan and Ojai Valley Area Plan are included as Exhibit 4 of this Staff Report.

D. ZONING ORDINANCE COMPLIANCE

The proposed project is subject to the requirements of the Ventura County NCZO.

Pursuant to the Ventura County NCZO (Section 8105-4), the proposed use is allowed in the AE-40 zone district with the granting of a CUP. Upon the granting of the CUP, the proposed project will comply with this requirement.

The proposed project includes the construction and use of structures that are subject to the development standards of the Ventura County NCZO (Section 8106-1.1). Table 1 lists

the applicable development standards and a description of whether the proposed project complies with the development standards.

Table 1 – Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	40-acre minimum	No, the 39.57-acre lot does not comply with the minimum lot area requirement. Nevertheless, according to General Plan Policy LU-4.4 (Nonconforming Parcel Size), the County shall not prohibit the use or development of a parcel which is a legal lot, but which fails to meet the minimum parcel size requirements of the applicable land use designation. Therefore, the lot may be used and developed as proposed.
Maximum Percentage of Building Coverage	5%	Yes
Front Setback	20 feet	Yes
Side Setback	5 feet	Yes
Rear Setback	15 feet	Yes
Maximum Building Height	25 feet	Yes

The proposed project is located within a Temporary Rental Unit Regulation and Dark Sky Overlay Zone and, therefore, is subject to the standards of the Ventura County NCZO (Section 8104-7.5 and 8104-7.6). Table 2 lists the applicable Temporary Rental Unit Regulation and Dark Sky Overlay Zone standards and a description of whether the proposed project complies with those standards.

Table 2 – Temporary Rental Unit Regulation and Dark Sky Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
<p>Sec. 8104-7.5 – Temporary Rental Unit Regulation (TRU) Overlay Zone</p> <p>The purposes of this zone are to establish standards and requirements for the temporary rental of dwellings as accessory uses thereof within the overlay zone boundaries in order to:</p> <ul style="list-style-type: none"> a. Ensure that the use of dwellings as temporary rental units does not adversely impact long-term housing opportunities in the Ojai Valley. b. Safeguard affordable housing opportunities for individuals working in service and other relatively low-wage sectors in the Ojai Valley so that such individuals can live in close proximity to their places of work. c. Preserve the residential, small-town community character of the Ojai Valley, and ensure that temporary rental units are compatible with surrounding land uses. 	<p>Not applicable; the proposed project does not include the rental of dwellings as an accessory use, therefore, the project would not adversely impact long-term housing opportunities in the Ojai Valley and the special use standards of the NCZO (Section 8109-4.6) would not apply.</p>

Table 2 – Temporary Rental Unit Regulation and Dark Sky Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
d. Protect the health, safety and welfare of the temporary rental units' renters, occupants, neighboring residents, as well as the general public and environment.	
<p>Sec. 8104-7.6 – Dark Sky (DKS) Overlay Zone</p> <p>The purpose of this overlay zone is to protect and promote the public health, safety, welfare, the quality of life and the ability to view the night sky and reduce sky glow, by establishing regulations and a process for review of outdoor lighting. This overlay zone is intended to accomplish the following:</p> <ul style="list-style-type: none"> a. Protect and reclaim the ability to view the night sky and stars, and thereby help preserve the generally rural quality of life; b. Protect against direct glare and excessive lighting, thereby minimizing light pollution caused by inappropriate or misaligned luminaires; c. Minimize light pollution while ensuring that sufficient lighting can be provided where needed to promote safety and security; d. Provide standards for efficient and moderate use of outdoor lighting; and e. Promote energy efficient and cost-effective lighting, while allowing for flexibility in the style of luminaires. 	<p>Yes, the proposed project is for the expansion of a legal non-conforming private water company. The applicant is proposing to install two (2) new 10,000-gallon water tanks that would be tied into the existing water delivery system owned and operated by Hermitage Mutual Water Company. The water tanks would not be illuminated. Lastly, the project does not include the use of lighting for its facilities; and therefore, the subject property is in compliance with § 8109-4.7 of the Ventura County Non-Coastal Zoning Ordinance.</p>

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO. The ability to make the required findings is evaluated below.

1. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [Section 8111-1.2.1.1.a].

Based on the information and analysis presented in Exhibit 4 and Section D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

2. The proposed development is compatible with the character of surrounding, legally established development [Section 8111-1.2.1.1.b].

The proposed project includes the installation of two (2) new 10,000-gallon water tanks that would be tied into the existing water delivery system owned and operated by HMWC. The two new tanks would be similar to and situated near the existing 9,850-gallon galvanized tank currently in operation on the site (APN 014-0-030-205). There are three existing oak trees that would provide screening to the south and east of the tanks. No signage would be installed as part of the project. The proposed two (2) 10,000-gallon water tanks would be an accessory use to the existing legal non-conforming private water company.

Based on the discussion above, this finding can be made.

3. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses [Section 8111-1.2.1.1.c].

The proposed project would not interfere with existing agriculture or with land uses located in the vicinity of the project sites. The facility is unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The facility does not generate substantial noise. The existing project supplies 103 water service connections to neighboring properties. The addition of the two (2) new 10,000-gallon water tanks would allow for seven (7) additional connections, totaling 110 water service connections. The proposed tanks would be located approximately 745 feet from the nearest residence. Conditions of approval have been included to ensure that the proposed project does not create additional noise or light nuisances (Exhibit 5 – Condition No. 3). No aspect of the project has been identified that would be obnoxious or harmful or impair the utility of neighboring properties or uses.

Based on the discussion above, this finding can be made.

4. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [Section 8111-1.2.1.1.d].

As indicated in Section B of this staff report, no significant environmental impacts have been identified that would result from the proposed project. The project would be subject to conditions of approval (Exhibit 5, Condition Nos. 2, 3, and 8) that will ensure that the existing uses and the proposed use would be compatible with the neighboring residential and agricultural uses. These conditions regulate the outdoor lighting and glare, site maintenance, and circulation. The addition of the new water storage tanks would ensure that the HMWC continues to be compliant with the VCWWM's standards for ensuring capability in supplying emergency water supply to the service area and account for future development and water demand within the service area.

Based on the discussion above, this finding can be made.

- 5. The proposed development, if allowed by a Conditional Use Permit, is compatible with existing and potential land uses in the general area where the development is to be located [Section 8111-1.2.1.1.e].**

The proposed project includes the construction of two (2) 10,000-gallon water tanks in order to meet the standards of the VCWWM. The two (2) proposed water tanks would be located near an existing 9,850-gallon galvanized tank currently in operation on the site. The addition of the two (2) water tanks would be compatible with the existing setting and any potential future uses in the area.

Based on the discussion above, this finding can be made.

- 6. The proposed development will occur on a legal lot [Section 8111-1.2.1.1f].**

The proposed project is located on Parcel 4 of Parcel Map 90.

Based on the discussion above, this finding can be made.

- 7. The proposed development is approved in accordance with the California Environmental Quality Act and all other applicable laws.**

As discussed in Section B (above), the proposed project may be found Categorically Exempt pursuant to Sections 15301 (Existing Facilities) and 15311 (Accessory Structures) of the CEQA Guidelines.

Based on the discussion above, this finding can be made.

- 8. The establishment or maintenance of this use will not significantly reduce, restrict or adversely affect agricultural resources or the viability of agricultural operations in the area [Section 8111-1.2.1.2.a].**

The proposed project would not result in the removal of any agricultural lands. The proposed water storage tanks would be unmanned with employees visiting the site for periodic routine maintenance.

Based on the discussion above, this finding can be made.

- 9. The structures will be sited to minimize conflicts with agriculture, and other uses will not significantly reduce, restrict or adversely affect agricultural activities on-site or in the area, where applicable [Section 8111-1.2.1.2.b].**

The proposed project includes the construction of two (2) 10,000-gallon water tanks in order to meet the standards of the VCWWM. The two (2) proposed water tanks would be located near an existing 9,850-gallon galvanized tank currently in

operation on the site. The proposed construction and the continued operation of the existing water distribution facility would not impact existing agricultural areas on-site or in the area.

Based on the discussion above, this finding can be made.

10. The use will be sited to remove as little land from agricultural production (or potential agricultural production) as possible [Section 8111-1.2.1.2.c].

The continued operation of the HMWC's water distribution facility and the proposed construction of two water storage tanks would not result in the conversion of agricultural land to a non-agricultural use. The proposed project would not reduce, restrict, or adversely affect agricultural activities on the site or in the area.

Based on the discussion above, this finding can be made.

11. Development within any overlay zone having specific development standards must comply with such standards [Section 8111-1.2.1.4 and Article 9].

As discussed in Table 2 above, the project is located in a Temporary Rental Units Regulation Overlay and Dark Sky Overlay zone. The proposed CUP would authorize the existing and expanded legal non-conforming water distribution facility. The project would not be illuminated and would not include the rental of dwellings as an accessory use.

Based on the discussion above, this finding can be made.

F. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), Ventura County NCZO (Section 8111-3.1). On November 18, 2022, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On November 18, 2022, the Planning Division placed a legal ad in the *Ventura County Star*.

On October 17, 2022, the Ojai Valley Municipal Advisory Committee (MAC) considered the proposed project and recommended approval (Exhibit 6).

G. RECOMMENDED ACTIONS

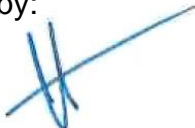
Based upon the analysis and information provided above, Planning Division Staff recommends that the Planning Director take the following actions:

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that this project is categorically exempt from CEQA pursuant to Sections 15301 and 15311 of the CEQA Guidelines;
3. **MAKE** the required findings to grant a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** CUP Case No. PL22-0038, subject to the conditions of approval (Exhibit 5); and
5. **SPECIFY** that the Clerk of the Planning Director 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 this decision is based.

The decision of the Commission is final unless appealed to the Planning Director within 10 calendar days after the permit has been approved, conditionally approved, or denied (or on the following workday if the 10th day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Director to review the matter at the earliest convenient date.

If you have any questions concerning the information presented above, please contact Christopher Alberts at (805) 654-3136 or Christopher.Alberts@ventura.org.

Prepared by:



Christopher Alberts, Case Planner
Commercial/Industrial Permits Section
Ventura County Planning Division

Reviewed by:



Mindy Fogg, Manager
Commercial/Industrial Permits Section
Ventura County Planning Division

EXHIBITS

- Exhibit 2 Maps
- Exhibit 3 Site Plans and Water Purveyor Map
- Exhibit 4 General Plan and Ojai Valley Area Plan Consistency Analysis
- Exhibit 5 Conditions of Approval
- Exhibit 6 Ojai Valley Municipal Advisory Council minutes dated 10-17-22



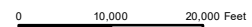
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT-P, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 09-22-2022

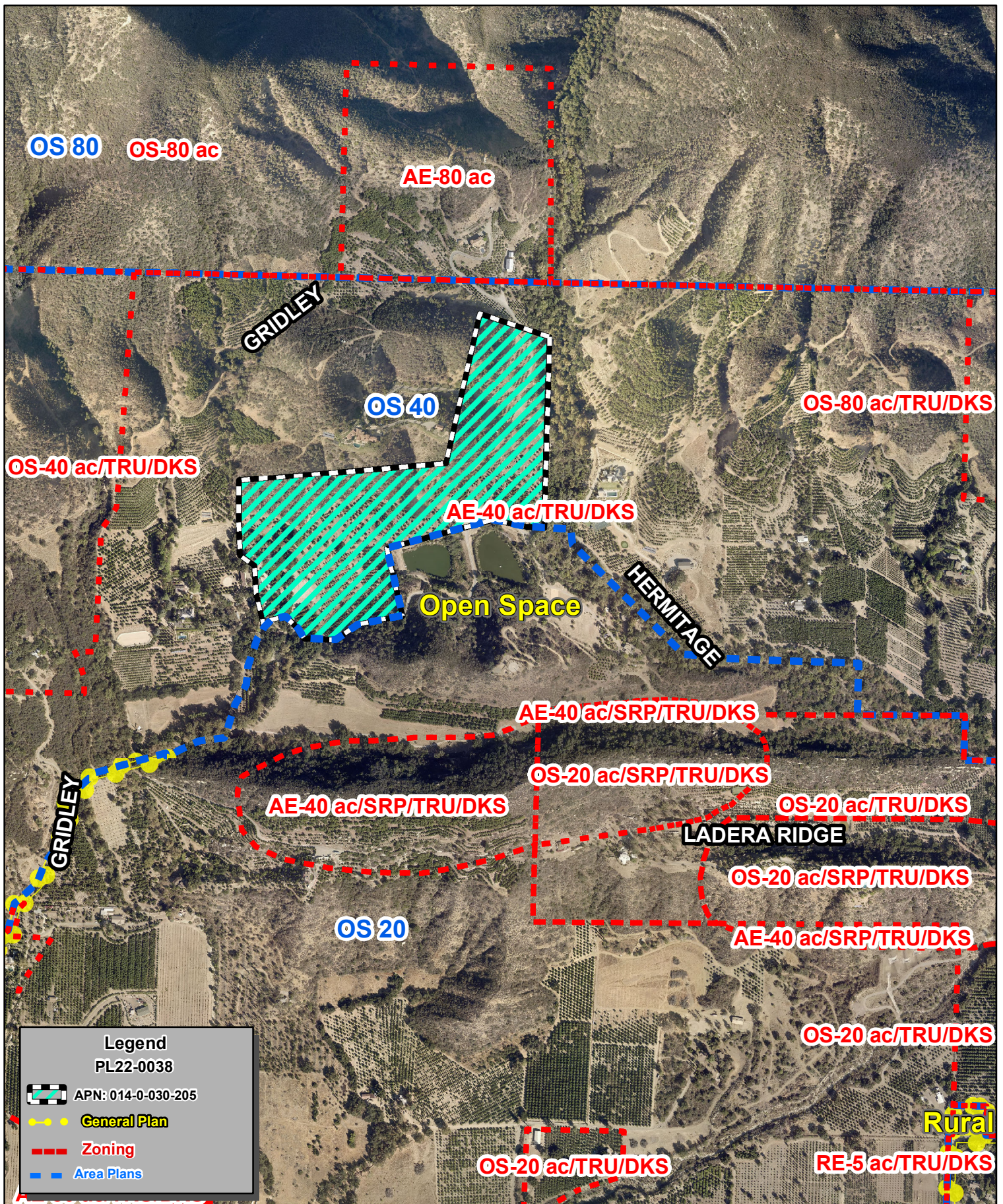


County of Ventura
Planning Director Hearing
Case No. PL22-0038
Exhibit 2 - Maps



Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map nor does it involve a risk of economic loss or physical injury should be made in reliance thereon.





Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
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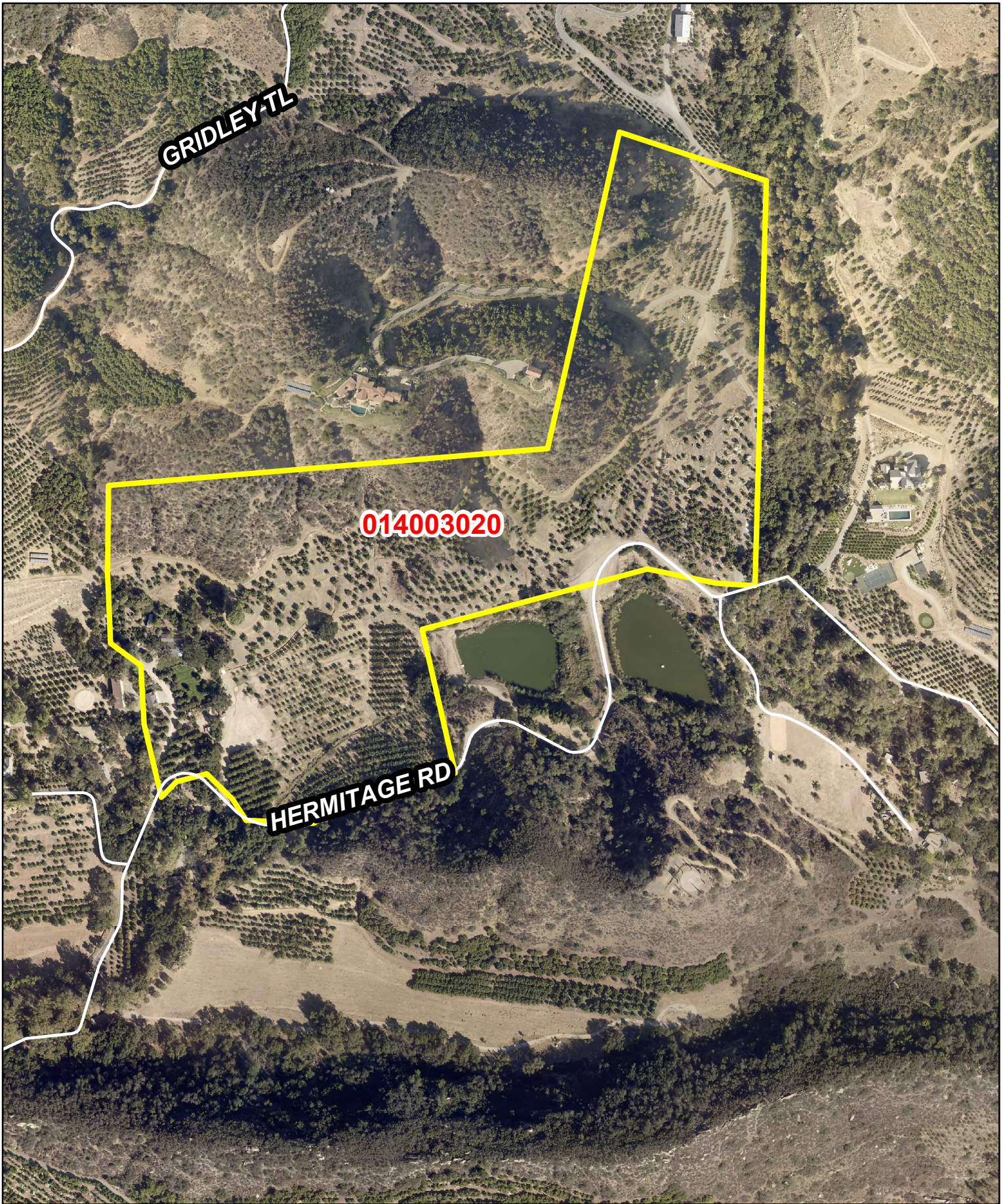


County of Ventura
 Planning Director Hearing
 PL22-0038
 General Plan & Zoning Map



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GRIDLEY TL

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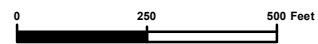
HERMITAGE RD



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 09-22-2022
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County of Ventura
Planning Director Hearing
PL22-0038
Aerial Photography

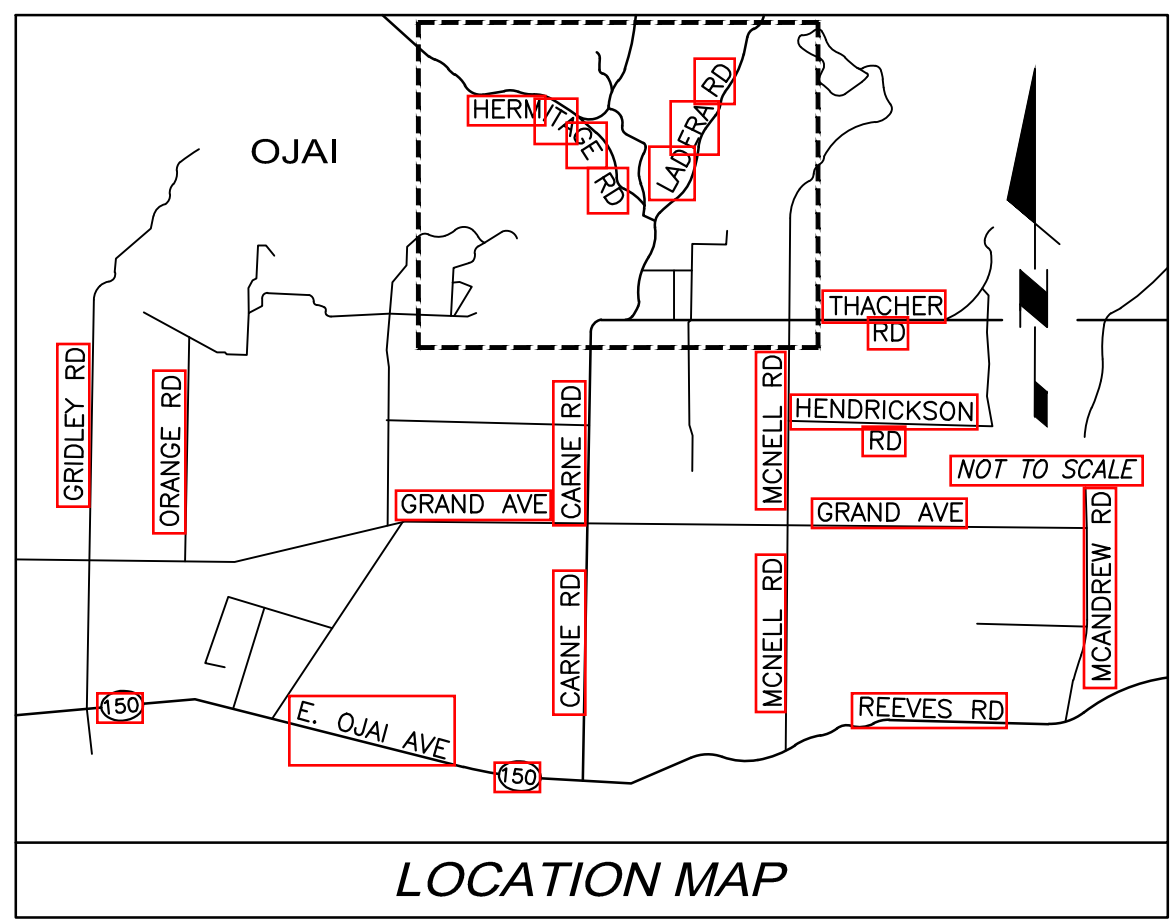


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Plot date: Dec 14, 2021 - 7:55am
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 Plot by: Steve

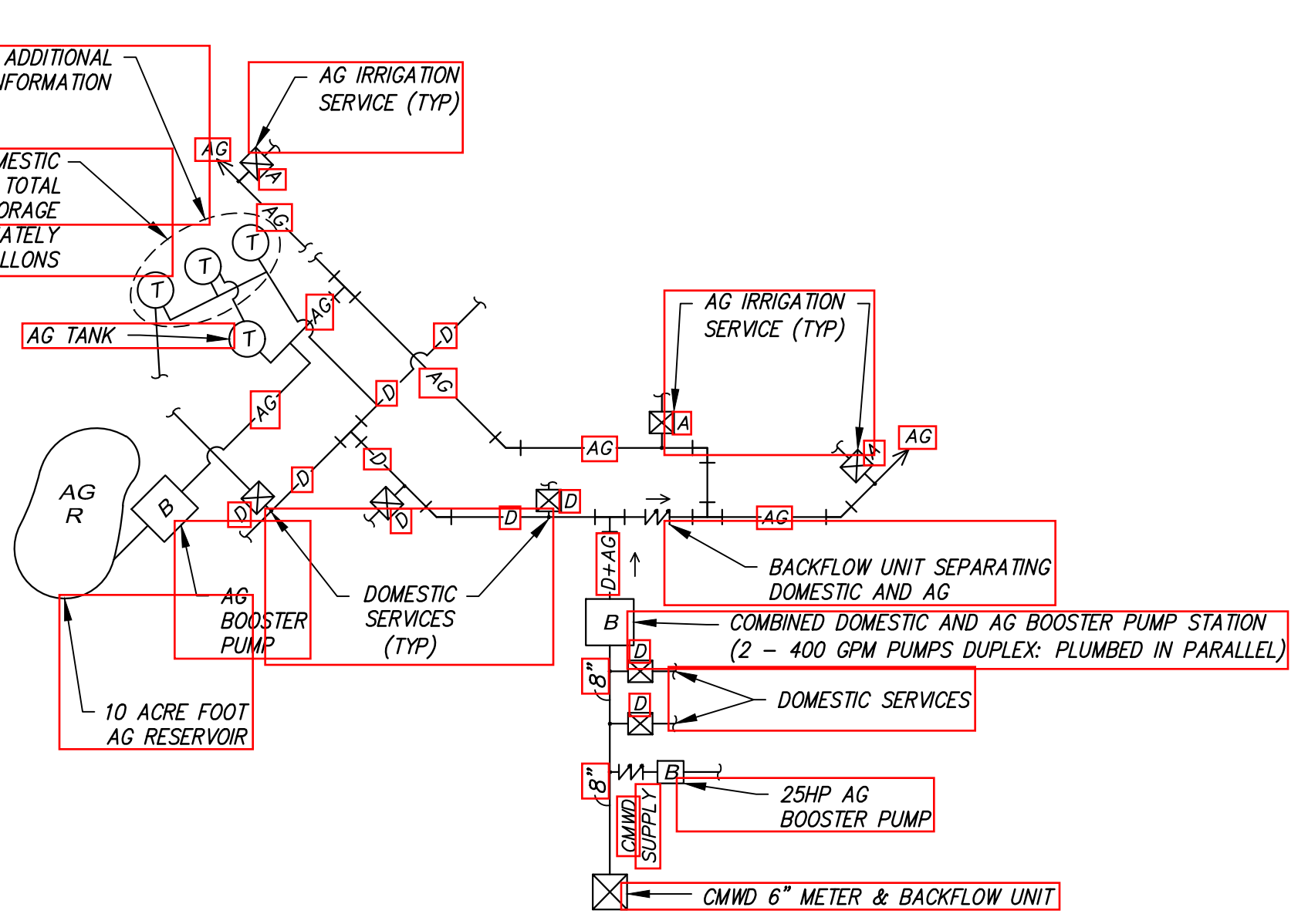
County of Ventura
 Planning Director Hearing
 Case No. PL22-0038
 Exhibit 3 - Site Plans & Water Purveyor
 Map



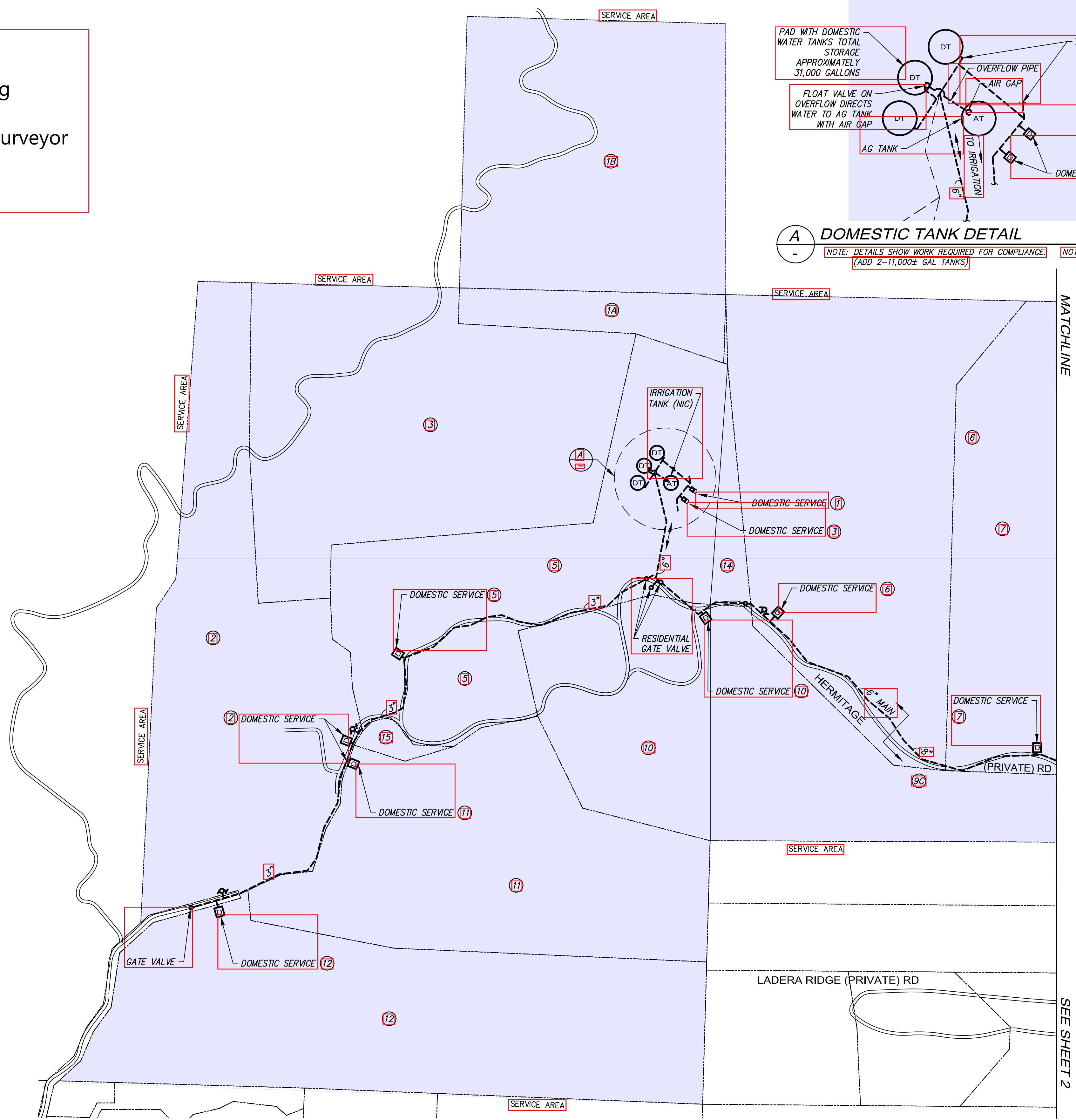
NO.	ASSESSOR PARCEL NUMBERS	OWNER AS OF JANUARY 2021
1A	014-0-030-160	MCHUGH
1B	014-0-010-020	MCHUGH
2	014-0-030-275	LOMBARDO
3	014-0-030-250	JONKER
4	014-0-060-435	HOEKSMAS
4A	014-0-060-440	HOEKSMAS
5	014-0-030-205	MCHUGH
6	014-0-060-100	SHANKS
7	014-0-060-365	ESSICK
8	014-0-060-455	MELTON
9A	014-0-060-465	SYCAMORE
9B	014-0-060-415	SYCAMORE
9C	014-0-060-185	BLOOMER
10	014-0-030-185	BLOOMER
11	014-0-030-140	ADDAL OJAI
12	014-0-030-220	CHAMBERS
13	014-0-060-425	SYCAMORE
14	014-0-060-175	MCHUGH
15	014-0-030-285	ADDAL OJAI

- LEGEND**
- EXISTING DOMESTIC WATER LINE
 - PROPERTY LINE
 - [B] BOOSTER PUMP STATION
 - [FH] FIRE HYDRANT (CMWD)
 - [D] DOMESTIC SERVICE
 - [T] TANK
 - [E] EXISTING
 - [P] PROPOSED
 - [SA] SERVICE AREA
 - [2] PARCEL SERVED
 - [D] DOMESTIC WATER LINE
 - [AG] WATER LINE
 - [D+AG] COMBINED DOMESTIC & AG IRRIGATION WATERLINE
 - [B] BOOSTER PUMP AS NOTED
 - [D] DOMESTIC SERVICE
 - [N] BACKFLOW ASSEMBLY
 - [D] DOMESTIC STORAGE
 - [A] AG IRRIGATION SERVICE
 - [R] AG RESERVOIR
 - [A] BOOSTER PUMP AS NOTED

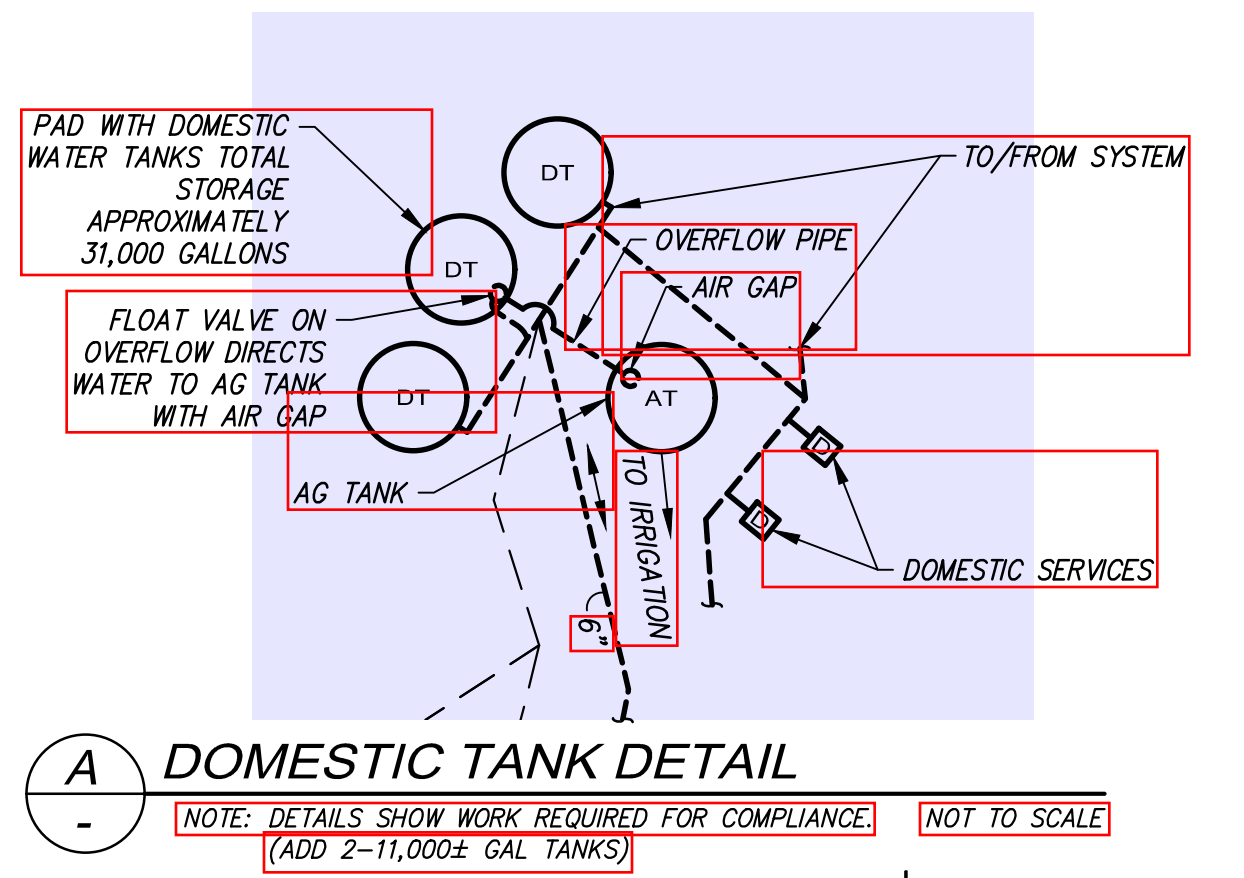
NOTE:
 PIPELINE AND APPURTENANCE LOCATIONS TAKEN FROM ORIGINAL PLAN DONE BY ROBERT MARTIN AND ASSOCIATES AND FIELD KNOWLEDGE BY COMPANY OFFICERS.



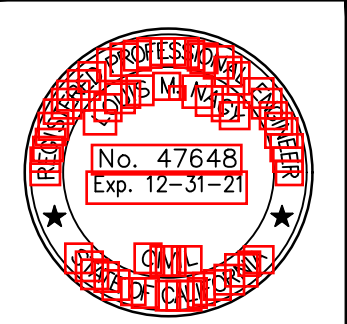
SIMPLIFIED SYSTEM SCHEMATIC
 NOTE: SEE A NOT TO SCALE



WATER PURVEYOR EXHIBIT
 SCALE: 1" = 300'



A DOMESTIC TANK DETAIL
 NOTE: DETAILS SHOW WORK REQUIRED FOR COMPLIANCE (ADD 2-11,000+ GAL TANKS) NOT TO SCALE



REVISIONS	BY	DATE	PROGRESS	BY	DATE
CUP SUBMITTAL	SC	12/14/2021			
PRELIMINARY PLOT	JAK	11/05/2021			
PRELIMINARY PLOT	SC	07/14/21			

WREA
 WATER RESOURCE ENGINEERING ASSOCIATES
 2300 ALESSANDRO DR, SUITE 215, VENTURA, CA 93001 • 805.653.7900 • 800-285-WATER • FAX: 805.653.0610
 LOUIS M. NAGY R.C.E. NO. 047648 EXP. 12-31-21 DATE

OVERALL DOMESTIC WATER SYSTEM PLAN
 SHOWING WATER PURVEYOR EXHIBIT
 SERVICE AREA

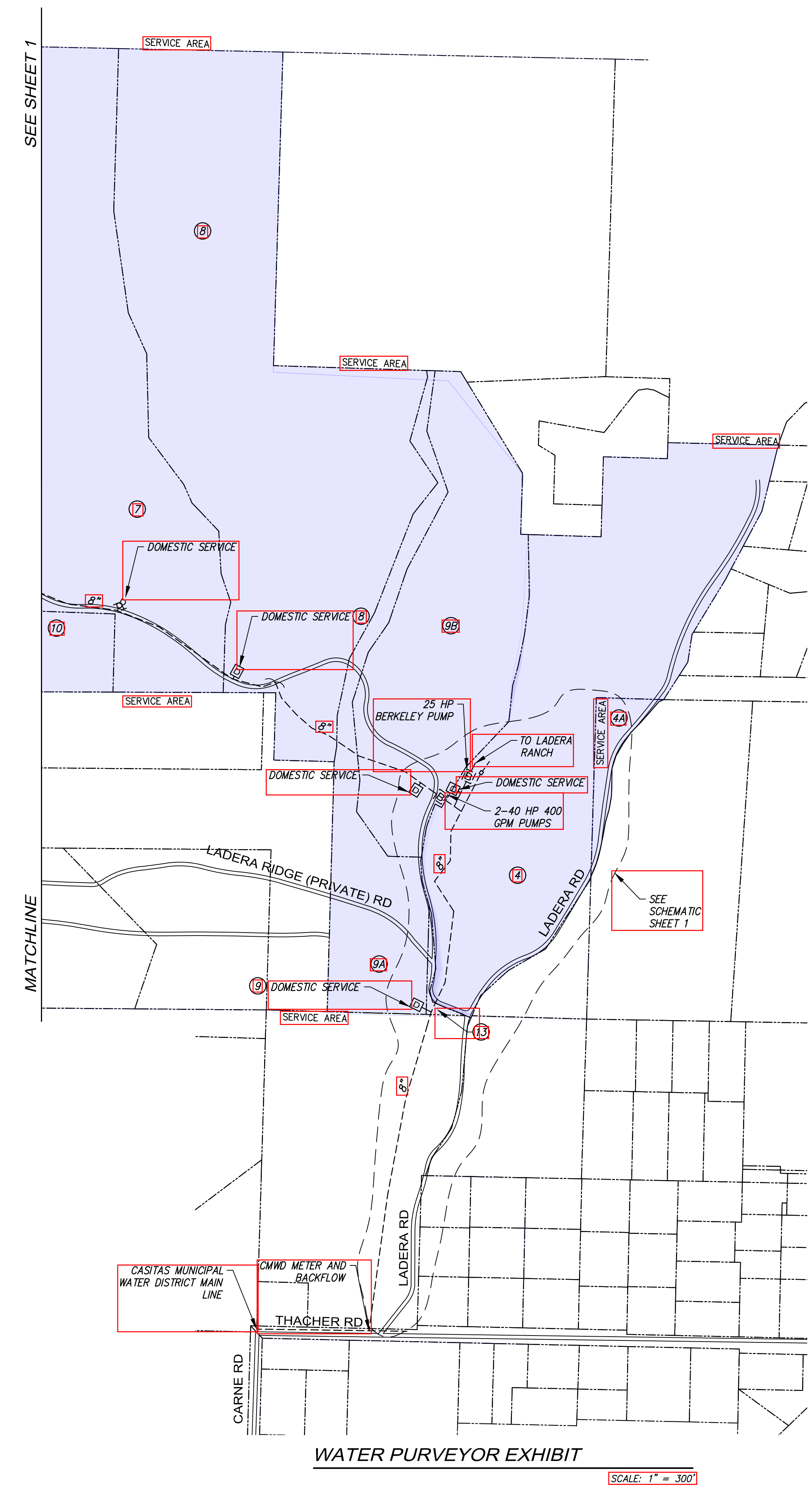
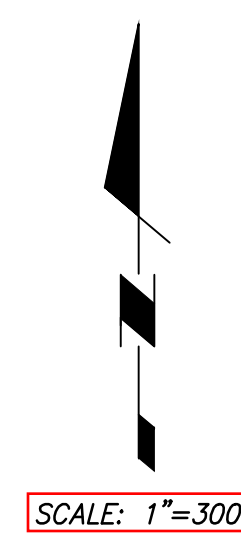
HERMITAGE MUTUAL WATER COMPANY
 2955 HERMITAGE ROAD
 OJAI, CA

SHEET 1
 OF 2
 JOB NO. 2890



Drawing name: N:\Projects\26000\2690-Hermitage Mutual Water Co\04 DWG\03 Exhibits\2690-Water Purveyor Exhibit 2 - Standard\2690 Water Purveyor Esh sht 2.dwg

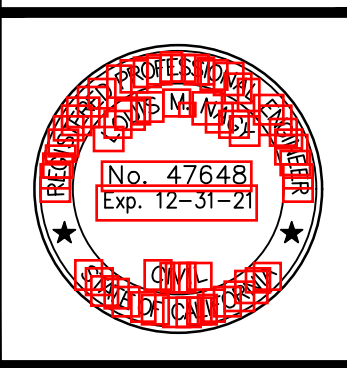
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Plot by: Steve



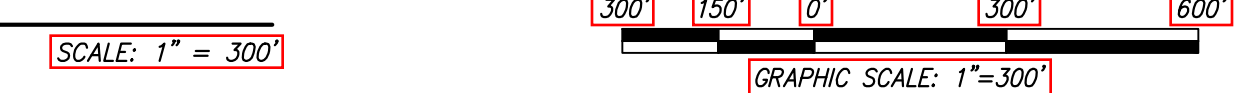
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3	014-0-030-250	JONKER
4	014-0-060-435	HOEKSMAS
4A	014-0-060-440	HOEKSMAS
5	014-0-030-205	MCHUGH
6	014-0-060-100	SHANKS
7	014-0-060-365	ESSICK
8	014-0-060-455	MELTON
9A	014-0-060-465	SYCAMORE
9B	014-0-060-415	SYCAMORE
9C	014-0-060-185	BLOOMER
10	014-0-030-185	BLOOMER
11	014-0-030-140	ADDAL OJAI
12	014-0-030-220	CHAMBERS
13	014-0-060-425	SYCAMORE
14	014-0-060-175	MCHUGH
15	014-0-030-285	ADDAL OJAI

LEGEND

- EXISTING DOMESTIC WATER LINE
- PROPERTY LINE
- [B] BOOSTER PUMP STATION
- [FH] FIRE HYDRANT (CMWD)
- [D] DOMESTIC SERVICE
- [T] TANK
- [E] EXISTING
- [P] PROPOSED
- [SA] SERVICE AREA
- [PS] PARCEL SERVED
- [DWL] DOMESTIC WATER LINE
- [AG] WATER LINE
- [D+AG] COMBINED DOMESTIC & AG IRRIGATION WATERLINE
- [B] BOOSTER PUMP AS NOTED
- [Dx] DOMESTIC SERVICE
- [BA] BACKFLOW ASSEMBLY
- [D] DOMESTIC STORAGE
- [A] AG IRRIGATION SERVICE
- [R] AG RESERVOIR
- [A] BOOSTER PUMP AS NOTED



WATER PURVEYOR EXHIBIT



REVISIONS	BY	DATE	PROGRESS	BY	DATE	PREPARED BY:	OVERALL DOMESTIC WATER SYSTEM PLAN SHOWING WATER PURVEYOR EXHIBIT SERVICE AREA	HERMITAGE MUTUAL WATER COMPANY 2955 HERMITAGE ROAD OJAI, CA	SHEET 2 OF 2 JOB NO. 2890	
			CUP SUBMITTAL	SC	12/14/2021	<p style="text-align: center;">WREA WATER RESOURCE ENGINEERING ASSOCIATES 2300 ALESSANDRO DR, SUITE 215, VENTURA, CA 93001 • 805.653.7900 • 800-25-WATER • FAX: 805.653.0810 LOUIS M. NAGY, R.C.E. NO. 047848 EXP. 12-31-21</p>				
			PRELIMINARY PLOT	JAK	11/02/2021					
			PRELIMINARY PLOT	SC	10/14/21					



Exhibit 4 – General Plan and Ojai Area Plan Consistency Analysis

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • vcrma.org/divisions/planning

CONSISTENCY WITH THE GENERAL PLAN AND OJAI VALLEY AREA PLAN FOR “HERMITAGE MUTUAL WATER COMPANY (HMWC)” WATER DISTRIBUTION COMPANY PL22-0038

The 2040 Ventura County General Plan *Goals, Policies and Programs* (2020, page 1-1) states:

All area plans, specific plans subdivision, public works projects, and zoning decisions must be consistent with the direction provided in the County’s General Plan.

Furthermore, the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8111-1.2.1.1.a) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County General Plan.

The proposed project is a Conditional Use Permit (CUP) for water production, storage, transmission, and distribution facility for five or more domestic service connections (privately owned) (Case No. PL22-0038).

Evaluated below is the consistency of the proposed project with the applicable policies of the General Plan *Goals, Policies and Programs*.

1. AG-2.1 Discretionary Development Adjacent to Agriculturally Designated Lands: *The County shall ensure that discretionary development adjacent to Agriculturally designated lands does not conflict with agricultural use of those lands.*

OV-15.3 Assurance of Agricultural Operations in Open Space: *The County shall prohibit all discretionary development that would have a significant unavoidable impact on agricultural operations in Open Space designated lands unless a statement of overriding considerations is adopted by the decision-making body.*

OV-61.1 Buffers for Agricultural Operations: *The County shall require discretionary, non-agricultural land uses adjacent to agricultural operations to establish appropriate buffers.*

The project is located adjacent to agricultural lands. The requested CUP would encompass the existing operation and would authorize the construction of two (2) 10,000-gallon water tanks. The proposed project would not conflict with the adjacent agricultural designated lands or agricultural uses of those lands since it

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Plan Consistency Analysis

allows for continued water service to the area. No new conflicts would occur with the approval of this permit.

Based on the discussion above, the proposed project is consistent with General Plan Policy AG-2.1, OV-15.3, and OV-61.1.

2. **COS-3.6 Open Space Character:** *The County shall require discretionary development outside of Existing Communities be planned and designed to maintain the scenic open space character of the surrounding area, including view corridors from highways. Discretionary development should integrate design, construction, and maintenance techniques that minimize the visibility of structures from public viewing locations within scenic vistas.*

LU-16.1 Community Character and Quality of Life: *The County shall encourage discretionary development to be designed to maintain the distinctive character of unincorporated communities, to ensure adequate provision of public facilities and services, and to be compatible with neighboring uses.*

LU-16.2 Urban Design Standards for Commercial and Industrial Development: *The County shall require that discretionary commercial and industrial developments maintain high standards of urban design and environmental quality by incorporating compact form, maximizing pedestrian access and safety, and minimizing land use conflicts and traffic congestion.*

The existing water distribution company would continue to maintain the distinctive character of the unincorporated community by designing the two (2) proposed 10,000-gallon tanks to match the existing 9,850-gallon galvanized tank currently in operation on the site. There are three existing oak trees that would provide screening to the south and east of the tanks. No signage would be installed as part of the project. The proposed two (2) 10,000-gallon water tanks would be an accessory use to the existing legal non-conforming private water company.

Based on the discussion above, the proposed project is consistent with General Plan Policy COS-3.6, LU16.1, and LU-16.2.

3. **LU-16.10 Visual Access for Rural Development:** *The County shall encourage discretionary development to be designed to maintain the distinctive character of unincorporated communities, to ensure adequate provision of public facilities and services, and to be compatible with neighboring uses.*

OV-41.1 Scenic Views and Vistas from Public Roads or Publicly-Owned Land: *The County shall prohibit discretionary development/grading which will significantly degrade or destroy a scenic view or vista from public roads or publicly-owned land, unless the development/grading is a public project, or a private project*

for which there is a substantial public benefit, and overriding considerations are adopted by the decision-making body.

The proposed project is an existing water distribution company that would provide 110 water service connections to fifteen (15) parcels. The proposed CUP would also authorize the construction of two (2) 10,000-gallon water tanks. The proposed tanks would be located approximately 745 feet from the nearest residence. The design and color of the water tanks would be compatible with the surrounding area and neighboring uses. The water tanks would not be visible from Hermitage Road due to the existing topography and vegetation. The project would allow for upgrades to the HMWC water storage facilities to provide the required Ventura County Water Works Manual (VCWWM) water storage supply for the existing 103 equivalent water service connections and an additional seven (7) water service connections within the HMWC service area.

Based on the discussion above, the proposed project is consistent with General Plan and Ojai Valley Area Plan Policy LU-16.10 and OV-41.1.

- 4. OV-24.1 Adequate Public Facilities and Services:** *The County shall require discretionary development to demonstrate that there are adequate public facilities and services available to serve the needs of the proposed development.*

PFS-1.1 Equitable Provision of Public Facilities and Services: *The County shall require that facilities and services that are essential for public health and safety shall be equitably provided for all residents and businesses.*

PFS-1.7 Public Facilities, Services, and Infrastructure Availability: *The County shall only approve discretionary development in locations where adequate public facilities, services, and infrastructure are available and functional, under physical construction, or will be available prior to occupancy.*

The proposed project would provide water and adequate water storage for the 110 water service connections. There are fifteen (15) parcels serviced by the HMWC. The proposed project entails constructing two (2) new 10,000-gallon water storage tanks that would be tied into the existing water delivery system owned and operated by HMWC. There are no proposed operational changes. The facility is unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The facility does not generate substantial noise.

Based on the discussion above, the proposed project is consistent with General Plan and Ojai Valley Area Plan Policy OV-24.1, PFS-1.1 and PFS-1.7.

OV-32.1 Adverse Impacts from Discretionary Development: *The County shall condition discretionary development near existing trails to mitigate or avoid adverse impacts to the existing trail system.*

PFS-10.8 Discretionary Development near Trails: *The County shall require discretionary development near existing trails to mitigate or avoid adverse impacts to the existing trail system. Where appropriate, a condition of approval or other means of permanent dedicated trail access shall be provided.*

The proposed project is located near the US Forest Service Trail System. The water company facilities are unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The proposed project would not impact the existing nearby trail system.

Based on the discussion above, the proposed project is consistent with General Plan Policy OV-32.1 and PFS-10.8.

5. **OV-34.1 Compliance with Fire Protection District and Sheriff's Department Requirements:** *The County shall require discretionary development to comply with the requirements of the Fire Protection District and Sheriff's Department by providing adequate access for fire, law enforcement, emergency equipment and personnel, and evacuation.*

OV-47.1 Fire Protection District Road Standards Compliance: *The County shall require all roads to meet or exceed the standards of the Fire Protection District.*

PFS-11.4 Emergency Vehicles Access: *The County shall require all discretionary development to provide, and existing development to maintain, adequate access for emergency vehicles, including two points of access for subdivisions and multifamily developments.*

The proposed project is to permit and 'expand' an existing legal nonconforming private water company. The site has multiple access points including Hermitage Road (privately maintained) and Gridley Canyon Road (County maintained). The facilities are unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. Thus, no road improvements would be necessary.

Based on the discussion above, the proposed project is consistent with General Plan Policy OV-22.3, OV-34.1 and PFS-11.4.

6. **PFS-6.1 Flood Control and Drainage Facilities Required for Discretionary Development:** *The County shall require discretionary development to provide flood control and drainage facilities, as deemed necessary by the County Public Works Agency and Watershed Protection District. The County shall also require discretionary development to fund improvements to existing flood control facilities necessitated by or required by the development.*

The proposed project is to permit and 'expand' an existing legal nonconforming private water company. The project is conditioned to ensure compliance with the Los Angeles Regional Water Quality Control Board NPDES Municipal Stormwater Permit No. CAS004002 (Permit). The project will be subject to the construction requirements for surface water quality and storm water runoff in accordance with Part 4.F., "Development Construction Program" of the Permit (Exhibit 4 – Condition No. 23).

- 7. OV-35.1 Adequate Water for Firefighting:** *The County shall require adequate water supplies and delivery system for firefighting purposes to serve any discretionary development in accordance with the standards of the Fire Protection District.*

OV-48.1 Adequate Water and Access for Firefighting: *The County shall condition discretionary development permits to provide adequate water and access for firefighting purposes as determined by the Fire Protection District. The County shall require adequate access and fire flow improvements to be completed prior to combustible construction.*

WR-1.11 Adequate Water for Discretionary Development: *The County shall require all discretionary development to demonstrate an adequate long-term supply of water.*

The proposed project includes the installation of two (2) new 10,000-gallon water tanks that would be tied into the existing water delivery system owned and operated by Hermitage Mutual Water Company. The two new tanks would be similar and near the existing 9,850-gallon galvanized tank currently in operation on the site. The facility is unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The existing project supplies 103 water service connections to neighboring properties. The addition of the two (2) new 10,000-gallon water tanks would allow for seven (7) additional connections, totaling 110 water service connections. Thus, the project is to provide water supply and would not result in a new demand for water.

Based on the discussion above, the proposed project is consistent with General Plan and Ojai Valley Area Policy OV-35.1, OV-48.1, and WR-1.11.

- 8. OV-48.2 Fuel Modification Zone Requirement:** *The County shall require all roads to meet or exceed the standards of the Fire Protection District.*

OV-49.1 High Fire Hazard Area Requirements: *The County shall require discretionary development within high fire hazard areas to be reviewed with attention to the environmental impact of required brush clearance to biological resources, particularly on moderate to steep slopes. The County shall encourage brush clearance that reduces fuel volumes while allowing the selective retention of*

native shrubs a minimum of 20 feet apart, as permitted by the Ventura County Fire Protection District.

The proposed project is to permit and 'expand' an existing legal nonconforming private water company. No habitable structures are proposed that would necessitate brush clearance; and all existing access roads meet current standards.

Based on the discussion above, the proposed project is consistent with General Plan Policy OV-48.2 and OV-49.1.

**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) CASE NO.
PL22-0038 FOR “HERMITAGE MUTAL WATER COMPANY”**

RESOURCE MANAGEMENT AGENCY (RMA)

Planning Division Conditions

1. Project Description

This Conditional Use Permit is based on and limited to compliance with the project description stated in this condition below, all exhibits of the Planning Director hearing on December 1, 2022, and conditions of approval set forth below. Together, these conditions and documents describe the “Project.” Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

A Conditional Use Permit has been granted for the Hermitage Mutual Water Company for the permitting and 'expansion' of an existing legal nonconforming private water company. The project authorized construction of two (2) new 10,000-gallon water storage tanks that would be tied into the existing water delivery system owned and operated by Hermitage Mutual Water Company. The two new tanks are located on APN 014-0-030-205 near the existing 9,850-gallon galvanized tank currently in operation. There are 103 existing water service connections. At full build out, there would be 110 water service connections. The project allowed for the applicant to become compliant with the Ventura County Water Works Manual. The project authorized upgrades to the HMWC water storage facilities to provide the required Ventura County Water Works Manual water storage supply for the existing 103 equivalent water service connections and an additional 7 water service connections within the Hermitage Mutual Water Company service area.

Proposed Construction activities included the following components:

- Two 10,000-gallon steel water tanks, approximately 12.5 feet in diameter and 4 feet from adjacent grade.
- Grading and excavation of approximately 0.07-acre and 290 cubic yards of earth materials to the immediate west of the new tanks.
- Installation of interceptor swale at the top of the slope and edges of the slope.

- Encroachment of three trees that meet the criteria of “protected trees” set forth in Section 8107-25 of the Ventura County Non-Coastal Zoning Ordinance (NCZO). See Tree Protection Plan (Attachment 7,8) These trees also provide landscape screening to the south and east of the tanks.

The grading, development, use, and maintenance of the property shall conform to the project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below.

2. Required Improvements for CUP

Purpose: To ensure the project site conforms to the plans approved at the Planning Director hearing in support of the project.

Requirement: The Permittee shall ensure that all required off-site and on-site improvements for the Project, including the grading for the proposed development of two (2) steel water storage tanks are completed in conformance with the approved plans stamped as hearing Exhibit 3. The Permittee shall prepare and submit all final building and site plans for the County’s review and approval in accordance with the approved plans.

Documentation: The Permittee shall obtain Planning Division staff’s stamped approval on the project plans and submit them to the County for inclusion in the Project file. The Permittee shall submit additional plans to the Planning Division for review and stamped approval (e.g., tree protection and landscape plans) for inclusion in the Project file, as necessary.

Timing: Prior to the issuance of a Zoning Clearance for construction and use inauguration the Permittee shall submit all final development plans to the Planning Division for review and approval. Unless the Planning Director and/or Public Works Agency Director allow the Permittee to provide financial security and a final executed agreement, approved as to form by the County Counsel, that ensures completion of such improvements, the Permittee shall complete all required improvements prior to final inspection. The Permittee shall maintain the required improvements for the life of the Project.

Monitoring and Reporting: The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee’s ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

3. Site Maintenance

Purpose: To ensure that the Project site is maintained in a neat and orderly manner so as not to create any hazardous conditions or unsightly conditions which are visible from outside of the Project site.

Requirement: The Permittee shall maintain the Project site in a neat and orderly manner, and in compliance with the Project description set forth in Condition No. 1. Only equipment and/or materials which the Planning Director determines to substantially comply with the Project description shall be stored within the Project site during the life of the Project.

Documentation: The Permittee shall maintain the Project site in compliance with Condition No. 1 and the approved plans for the Project.

Timing: The Permittee shall maintain the Project site in a neat and orderly manner and in compliance with Condition No. 1 throughout the life of the Project.

Monitoring and Reporting: The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

4. CUP Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this CUP. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity in order to determine if a CUP modification is required. If a CUP modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and
- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, §§ 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §§ 15000-15387), as amended from time to time.

5. Construction Activities

Prior to any construction, the Permittee shall obtain a Zoning Clearance for construction from the Planning Division, and a Building Permit from the Building and Safety Division. Prior to any grading, the Permittee shall obtain a Grading Permit from the Public Works Agency.

6. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to abide by and comply with any condition of this CUP shall constitute grounds for enforcement action provided in the Ventura County Non-Coastal Zoning Ordinance (Article 14), which shall include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- b. Suspension of the permitted land uses (Condition No. 1);
- c. Modification of the CUP conditions listed herein;
- d. Recordation of a "Notice of Noncompliance" on the deed to the subject property;
- e. The imposition of civil administrative penalties; and/or
- f. Revocation of this CUP.

The Permittee is responsible for being aware of and complying with the CUP conditions and all applicable federal, state, and local laws and regulations.

7. Time Limits

a. Use inauguration:

- (1) The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period following the approval decision/date on which the Planning Director rendered the decision on the Project, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for construction and use inauguration in order to initiate the land uses set forth in Condition No. 1.
- (2) This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for construction and use inauguration within one year (see the Ventura County Non-Coastal Zoning Ordinance (§ 8111-4.7)) from the date the approval decision of this CUP becomes effective. The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for construction and use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director

that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one-year expiration date.

- (3) Prior to the issuance of the Zoning Clearance for construction and use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for construction and use inauguration, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.
- b. Permit Life or Operations Period: This CUP will expire on [insert actual date—do not use 5, 10, etc. years after approval]. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:
 - (1) The Permittee has filed a permit modification application pursuant to § 8111-6 of the Ventura County Non-Coastal Zoning Ordinance prior to [expiration date]; and
 - (2) The County decision-maker grants the requested modification.

The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with § 8111-2.10 of the Ventura County Non-Coastal Zoning Ordinance.

8. Documentation Verifying Compliance with Other Agencies' Requirements Related to this CUP

Purpose: To ensure compliance with, and notification of, federal, state, and/or local government regulatory agencies that have requirements that pertain to the Project (Condition No. 1, above) that is the subject of this CUP.

Requirement: Upon the request of the Planning Director, the Permittee shall provide the Planning Division with documentation (e.g., copies of permits or agreements from other agencies, which are required pursuant to a condition of this CUP) to verify that the Permittee has obtained or satisfied all applicable federal, state, and local entitlements and conditions that pertain to the Project.

Documentation: The Permittee shall provide this documentation to Planning Division staff in the form that is acceptable to the agency issuing the entitlement or clearance, to be included in the Planning Division Project file. The Permittee shall also provide an

approved copy of the Water Availability Letter (WAL) associated with Case No. WAL21-0002.

Timing: The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for construction and use inauguration or as dictated by the respective agency.

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Permittee in the respective Project file. In the event that the federal, state, or local government regulatory agency prepares new documentation due to changes in the Project or the other agency's requirements, the Permittee shall submit the new documentation within 30 days of receipt of the documentation from the other agency.

9. Notice of CUP Requirements and Retention of CUP Conditions On Site

Purpose: To ensure full and proper notice of these CUP conditions affecting the use of the subject property.

Requirement: Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and vendors who regularly conduct activities associated with the Project, of the pertinent conditions of this CUP.

Documentation: The Permittee shall present to the Planning Division staff copies of the conditions, upon Planning Division staff's request.

Timing: Prior to issuance of a Zoning Clearance for use inauguration and construction and throughout the life of the Project.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

10. Recorded Notice of Land Use Entitlement

Purpose: The Permittee shall record a "Notice of Land Use Entitlement" form and the conditions of this CUP with the deed for the subject property that notifies the current and future Property Owner(s) of the conditions of this CUP.

Requirement: The Permittee shall sign, have notarized, and record with the Office of the County Recorder, a "Notice of Land Use Entitlement" form furnished by the Planning Division and the conditions of this CUP, with the deed of the property that is subject to this CUP.

Documentation: Recorded “Notice of Land Use Entitlement” form and conditions of this CUP.

Timing: The Permittee shall record the “Notice of Land use Entitlement” form and conditions of this CUP, prior to issuance of a Zoning Clearance for use inauguration and construction.

Monitoring and Reporting: The Permittee shall return a copy of the recorded “Notice of Land Use Entitlement” form and conditions of this CUP to Planning Division staff to be included in the Project file.

11. Financial Responsibility for Compliance Monitoring and Enforcement

a. **Cost Responsibilities:** The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the Ventura County Non-Coastal Zoning Ordinance (§ 8114-3) related to this CUP. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.

b. **Establishment of Revolving Compliance Account:**

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit the following deposit and reimbursement agreement to the Planning Director:

(1) A payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs associated with condition compliance review, monitoring, and enforcement activities described in 11.a (above), and any duly-imposed civil administrative penalties regarding this. The Permittee shall replenish such account to the above-stated amount within 10 calendar days after receiving notice of the requirement to do so from the Resource Management Agency.

(2) An executed reimbursement agreement, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties,

subject to the Permittee's right to challenge all such charges and penalties prior to payment.

- c. Billing Process: The Permittee shall pay all Planning Division invoices within 30 days of receipt thereof. Failure to timely pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge or penalty prior to payment.

12. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or enforcement of this CUP. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements, or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties.
- c. Except with respect to claims, actions, proceedings, and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County), and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings, and Liabilities arising out of, or in any way related to, the construction, maintenance, land use, or operations conducted pursuant to this CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.
- d. Neither the issuance of this CUP, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

13. Invalidation of Condition(s)

If any of the conditions or limitations of this CUP are held to be invalid in whole or in part by a court of competent jurisdiction, that holding shall not invalidate any of the remaining CUP conditions or limitations. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of competent jurisdiction, or threatened to be filed therein, the Permittee shall be required to fully comply with this CUP, including without limitation, by remitting the fee, exaction, dedication, and/or by otherwise performing all mitigation measures being challenged. This CUP shall continue in full force unless, until, and only to the extent invalidated by a final, binding judgment issued in such action.

If a court of competent jurisdiction invalidates any condition in whole or in part, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, at the discretion of the Planning Director, the Planning Director may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. If the Planning Director cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this CUP may be revoked.

14. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for the Project have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or resources of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work to be contracted, as well as the estimated costs of such work. Whenever feasible, the County will use the lowest responsible bidder or proposer. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 14 above, if the County hires a consultant to review any work undertaken by the Permittee, or hires a consultant to review the work undertaken by

a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

15. Relationship of CUP Conditions, Laws, and Other Entitlements

The Permittee shall implement the Project in compliance with all applicable requirements and enactments of federal, state, and local authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any CUP condition contained herein is in conflict with any other CUP condition contained herein, when principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this CUP for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules, or regulations, or orders of an authorized governmental agency. Neither the approval of this CUP, nor compliance with the conditions of this CUP, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

The Permittee shall obtain a business tax certificate and regulatory licenses for the operation of a water distribution facility.

16. Contact Person

Purpose: To designate a person responsible for responding to complaints.

Requirement: The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this CUP. The designated contact person shall be available, via telecommunication, 24 hours a day.

Documentation: The Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, business and cell phone numbers, and email addresses) of the Permittee's field agent who receives all orders, notices, and communications regarding matters of condition and code compliance at the Project site.

Timing: Prior to the issuance of a Zoning Clearance for use inauguration and construction, the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the Project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide Planning Division staff with the new information in writing within three calendar days of the change in the Permittee's field agent.

Monitoring and Reporting: The Planning Division maintains the contact information provided by the Permittee in the Project file. The Planning Division has the authority to

periodically confirm the contact information consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

17. Change of Permittee

Purpose: To ensure that the Planning Division is properly and promptly notified of any change of Permittee.

Requirement: The Permittee shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). The Permittee shall provide the Planning Director with a final notice once the transfer of ownership and/or operational control has occurred.

Documentation: The initial notice must be submitted with the new Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new Property Owner(s), lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this CUP.

Timing: The Permittee shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

Monitoring and Reporting: The Planning Division maintains notices submitted by the Permittee in the Project file and has the authority to periodically confirm the information consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

Environmental Health Division (EHD) Conditions

18. State Small Water System (Permitted)

Purpose: To demonstrate and maintain compliance with the California Safe Drinking Water Act (California Health and Safety Code, part 12, chapter 4), and the California Code of Regulations Title 22, sections 64211-64217.

Requirement: Maintain permit to operate a State Small Water System (SSWS) from Ventura County Environmental Health Division (EHD) and remain in compliance with SSWS permit. Obtain approval from EHD for any changes or alterations made to the water system, including the installation of new water storage tanks.

Documentation: Permittee shall maintain an active permit to operate a SSWS with EHD and submit water quality results at frequencies specified by EHD. Permittee shall submit

Application for Permit to Purvey Domestic Water and applicable fees for any changes or alterations made to the water system. Application can be found https://vcrma.org/docs/images/pdf/eh/drinking-water/State_Sm_Water_System_EHD_Permit_Ap_8_26_15.pdf.

Timing: Permittee shall submit Application for Permit to Purvey Domestic Water to EHD prior to make any changes or alterations to the water system. Permittee shall remain in compliance with all State requirements applicable to SSWS at all times.

Monitoring: EHD Drinking Water Program staff shall assure compliance with this condition through routine site inspections and by reviewing and tracking water quality results.

Limitations: State law limits a SSWS to water systems which have 5-14 service connections, and do not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year. A public water system permit from the State Division of Drinking Water will be required if the water system has 15 or more service connections, or regularly serves at least 25 individuals daily at least 60 days out of the year.

PUBLIC WORKS AGENCY (PWA)

Development and Inspection Services Conditions

19. Grading Permit

Purpose: In order to ensure the Permittee performs all grading in compliance with Appendix J of the Ventura County Building Code.

Requirement: The Permittee shall submit a grading plan showing existing and proposed elevations to the Public Works Agency's Development and Inspection Services Division for review and approval. If a grading permit is required, a State licensed civil engineer must prepare and submit the grading plans to the Development and Inspection Services Division for review and approval. The Permittee must post sufficient surety in order to ensure proper completion of the proposed grading.

Documentation: If a grading permit is required, all materials, as detailed on Public Works Agency Form DS-37 and/or DS-44, must be submitted to the Development and Inspection Services Division for review and approval.

Timing: All applicable documentation, as specified above, must be approved prior to issuance of a zoning clearance or issuance of a Building Permit.

Monitoring and Reporting: Public Works Agency engineers will review grading plans and reports for compliance with Ventura County codes, ordinances, and standards, as

well as state and federal laws. Public Works Agency inspectors will monitor the grading activities to verify that the work is done in compliance with the approved plans and reports.

Integrated Waste Management Division (IWMD) Conditions

20. Construction and Demolition Debris Recycling Plan (Form B)

Purpose: VCOC Section 4773 et seq. requires the Permittee to divert recyclable construction and demolition (C&D) materials generated by the Project (e.g., wood, metal, green waste, soil, concrete, asphalt, paper, cardboard, etc.) from local landfills through recycling, reuse, or salvage.

Requirement: The Permittee must submit a comprehensive recycling plan (Form B – Recycling Plan) to the IWMD for any proposed construction and/or demolition projects that require a building permit.

Documentation: The Form B – Recycling Plan must ensure a minimum of 65 percent of the recyclable C&D debris generated by the Project will be diverted from the landfill by recycling, reuse, or salvage. A copy of Form B is available at:
<https://www.vcpublishworks.org/wsd/iwmd/construction/#Debris-Management>

A comprehensive list of permitted recyclers, County franchised haulers, and solid waste & recycling facilities in Ventura County is available at:
<https://www.vcpublishworks.org/wsd/iwmd/businessrecycling/#Collectors-Rates-Agreements>

A list of local facilities permitted to recycle soil, wood, and green waste is available at:
<https://www.vcpublishworks.org/wsd/iwmd/construction/#solid-waste-collectors>

Timing: Upon Building and Safety Division's issuance of a building permit for the project, the Permittee must submit a Form B – Recycling Plan to the IWMD for approval.

Monitoring and Reporting: The Permittee is required to keep a copy of their approved

21. Construction and Demolition Debris Reporting Form (Form C)

Purpose: VCOC Section 4773 et seq. requires the Permittee to divert recyclable construction and demolition (C&D) materials generated by their Project (e.g., wood, metal, greenwaste, soil, concrete, paper, cardboard, plastic containers, etc.) from local landfills through recycling, reuse, or salvage.

Requirement: The Permittee must submit a Form C – Reporting Form to the IWMD for approval prior to issuance of their final Building and Safety Division permit. Form C is available at <https://www.vcpublishworks.org/wsd/iwmd/construction/#Debris-Management>

Documentation: The Permittee must submit original recycling facility receipts and/or documentation of reuse with their Form C – Reporting Form to verify a minimum of 65% of the recyclable C&D debris generated by their project was diverted from the landfill.

Timing: A completed Form C – Reporting Form, with required recycling facility receipts and/or documentation or reuse, must be submitted to the IWMD for approval at the time of Building and Safety Division’s issuance of final permit.

Monitoring & Reporting: The Permittee is required to keep a copy of their approved Form C – Reporting Form until Building and Safety Division’s issuance of final permit.

Watershed Protection District (WPD) Conditions

County Stormwater Program Section

22. Compliance with Stormwater Development Construction Program

Purpose: To ensure compliance with the Los Angeles Regional Water Quality Control Board NPDES Municipal Stormwater Permit No. CAS004002 (Permit) the Project will be subject to the construction requirements for surface water quality and storm water runoff in accordance with Part 4.F., “Development Construction Program” of the Permit.

Requirement: The construction of the proposed project shall meet requirements contained in Part 4.F., “Development Construction Program”, of the Permit through the inclusion of an effective combination of construction best management practices (BMPs) during all ground disturbing activities. In addition, Part 4.F requires additional inspections to be conducted by the Qualified Stormwater Pollution Prevention Plan (SWPPP) Developer (QSD), Qualified SWPPP Practitioner (QSP), or a Certified Professional in Erosion and Sediment Control (CPESC).

Documentation: The Permittee shall submit a completed and signed SW-HR form (Best Management Practices for Construction at High-Risk Sites to the Public Works Agency - County Stormwater Program (CSP) for review and approval, a template for which can be found at <https://www.onestoppermits.vcrma.org/departments/stormwater-program>.

Timing: The above listed item shall be submitted to the SWQS for review and approval prior to issuance of a Zoning Clearance for Construction.

Monitoring and Reporting: The CSP will review the submitted materials for consistency with the Permit. Grading permit inspectors will conduct inspections during construction to ensure effective installation of the required BMPs and record keeping of the required inspections by the project proponent’s QSD, QSP, or CPESC.

OTHER VENTURA COUNTY AGENCIES

Ventura County Air Pollution Control District (APCD) Conditions

23. VCAPCD Rules and Regulations for Grading and Construction

Purpose: In order to ensure that fugitive dust and particulate matter related to project development are minimized to prevent impacts on adjacent properties.

Requirement: The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust). The Permittee may be required to prepare and submit an Air Emissions Mitigation Plan for Dust Control to VCAPCD. The Air Emissions Mitigation Plan for Dust Control shall also be part of any construction contract for the site grading.

Documentation: The Plan shall include the following elements:

- i. the area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust;
- ii. pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities;
- iii. fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:
 1. All trucks shall cover their loads as required by California Vehicle Code § 23114.
 2. Fugitive dust throughout the construction site shall be controlled by the use of a watering truck or equivalent means, generally at least three times a day (except during and immediately after rainfall). Water shall be applied to all unpaved roads, unpaved parking areas or staging areas, and active portions of the construction site. Environmentally-safe dust control agents may be used in lieu of watering.
 3. Re-vegetate or apply APCD-approved chemical soil stabilizers to all inactive portions of the construction site that are inactive for four or more days.
 4. Graded and/or excavated inactive areas of the construction site shall be monitored at least weekly for dust stabilization. Soil stabilization methods, such as water and roll compaction, and environmentally safe dust control

materials, shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area should be hydro-seeded and watered until growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.

5. Signs shall be posted onsite limiting traffic to 15 miles per hour or less.
6. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 15 miles per hour averaged over one hour.) During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by onsite activities and operations from being a nuisance or hazard, either offsite or onsite. The site superintendent or supervisor shall use their discretion in determining when winds are excessive. Based on their independent judgment and as part of their regular site inspection responsibilities, Public Works and/or APCD inspectors will require that the site superintendent and/or supervisor shall halt all such activities if it they determine the fugitive dust is impacting adjacent properties;
 - iv. signs displaying the APCD Complaint Line Telephone number for public complaints shall be posted on the site: (805) 645-1400 during business hours and (805) 654-2797 after hours.

Timing: The Permittee shall submit an Air Emissions Mitigation Plan for Dust Control as part of and on the grading plans to be reviewed and approved by the APCD and Public Works Agency. The Plan shall be approved prior to the issuance of grading permits.

Monitoring and Reporting: Public Works Agency inspectors shall field-monitor all dust control measures during grading activities. The approved grading plans, including the Air Emissions Mitigation Plan for Dust Control, shall be kept onsite in an easily accessible location until final grading inspections are complete.



OJAI VALLEY MUNICIPAL ADVISORY COUNCIL

REGULAR MEETING **DRAFT MEETING MINUTES**

18 Valley Road, Oak View
Monday, October 17, 2022 -
7:00PM

Chair: Chris Cohen, **Vice Chair:** Joseph Westbury
Council Members: Barbara Kennedy, Grace Malloy, Terry Wright

Public Comments FOR IN PERSON MEETINGS may be provided using the following TWO options:

Option 1: E-MAIL PUBLIC COMMENT- If you wish to make a comment on a specific agenda item, please submit your comment to the Executive Officer at ovmac@ventura.org for that item via email by 3:30 p.m. the day of the meeting to ensure your letter is received and entered into the record. PLEASE INCLUDE THE FOLLOWING INFORMATION IN YOUR EMAIL: (A) MEETING DATE, (B) AGENDA ITEM NUMBER, (C) SUBJECT OR TITLE OF THE ITEM, (D) YOUR FULL NAME. DURING PUBLIC COMMENT ON THE AGENDA ITEM SPECIFIED IN YOUR EMAIL, YOUR COMMENT WILL BE SUBMITTED FOR THE RECORD. Please limit your written correspondence to 300 words or less.

Option 2 – IN PERSON PUBLIC COMMENT - If you wish to make a comment in-person, you must be present at the meeting location and provide your comment prior to the close of the public comment period for the item you wish to speak on. Each meeting will have sign-in sheets to participate in Public Comment at the meeting location for in-person comments.

1. **Call to Order of the Meeting**

Chair Cohen called the meeting was called to order at 7:02 PM

2. **Flag Salute**

3. **Roll Call** - All members were present.

4. **Adoption of the Agenda** - Agenda was adopted unanimously by the OVMAC as drafted.

County of Ventura
Planning Director Hearing
Case No. PL22-0038
Exhibit 6 - Ojai Valley Municipal
Advisory Council minutes dated
10-17-22

****SPECIAL GUEST** - U.S. Congressman Salud Carbajal (CA-24) – Meet & Greet**

Congressman Carbajal gave an informative presentation of what he has accomplished thus far during his tenure in Congress. Attendees were appreciative of him taking the time to attend the OVMAC meeting and engage with local constituents.

5. **Public Comments by Citizens on Matters Not Appearing on the Agenda**

Public Comment No. 1: [ANONYMOUS PRIVATE CITIZEN] – Wanted to bring to the attention of the OVMAC that there is a large rooster operation adjacent to Sunset School on the drive for the past 6 months. The noise from the roosters is constant, and the citizen has experienced being woken up at 3:30 AM by the animals' noises. The citizen has expressed frustration with the lack of progress on this case with Code Compliance and looked for help in any capacity from the OVMAC. A video and photos

were shared with the OVMAC members.

Supervisor LaVere was in attendance at the meeting and advised the private citizen to contact his office and his staff would coordinate with Code Compliance to get more information on this situation and see what his office could do to assist.

Public Comment No. 2: Ron Solorzano – Regional library for Ojai Valley – Announced that the Oak View Library is now operational for after school help; Looking for a part time position for tutoring kids at the library. At the Ojai Library there is a Youth Librarian position opening up – story time, other youth centered programming, etc. The position is for an Adult, but leading the Youth Library program at Ojai Library.

6. Approval of the Meeting Minutes of September 19, 2022 - Draft Minutes attached

Member Wright requested an edit on page 8 of the minutes; Executive Officer Clensay indicated she would go back to the tape to confirm the statement made and recirculate the draft minutes at our November 21, 2022 meeting.

Motion moved by Member Wright, seconded by Chair Cohen to have minutes revised and reviewed at the November OVMAC Meeting. Approved unanimously 5/0.

7. City of Ojai Planning Commission Update

Commissioner Starkweather was in attendance and provided an update from the City of Ojai Planning Commission.

The City of Ojai is working on their General Plan and Housing Element. Their codes are pretty outdated and contain a number of subjective standards. They've created two ad hoc committees due to staff overloads. These are Parking Committee and Housing Committee. If any people are interested in joining, please let me know. City of Ojai did not identify a single parcel for affordable housing. Also discussed how its incumbent on the County to amend the Housing Element to allocate infill housing sites in the unincorporated Ojai Valley. Discussions were had between the OVMAC and Mr. Starkweather regarding what is "affordable housing" and what does he envision? Mr. Starkweather commented that we have lost half of our local student population over the years, and that is inherently tied to housing. If we lose affordable housing, we will lose our local school populations.

Formal Items:

8. Review of a Conditional Use Permit application for Hermitage Mutual Water Company (Case No. PL22-0038)

Request for a Conditional Use Permit for the Hermitage Mutual Water Company (HMWC) to permit and expand an existing legal nonconforming private water company. The project entails constructing two (2) new 11,000-gallon water storage tanks that would be tied into the existing water delivery system owned and operated by Hermitage Mutual Water Company. The two new tanks are located on APN 014-0-030-205 near the existing 9,850-gallon galvanized tank. There are 103 existing water service connections. At full build out, there would be 110 water service connections. The proposed project would allow for the applicant to become compliant with the Ventura County Water Works Manual (VCWWM). The project would authorize upgrades to the HMWC water storage facilities to provide the required VCWWM water storage supply for the existing 103 equivalent water service connections and an additional 7 water service connections within the HMWC service area.

The project site is located at 2289 Hermitage Road on a 39.57 acre site, zoned AE-40 (Agricultural Exclusive, 40 acre minimum lot size) with a Land Use Designation of Open Space.

Staff Presentation:

Staff provided an overview of the project specifics - two 10,000 water tanks and a required Conditional Use Permit for the existing distribution company. This permit would bring the operation into compliance by providing adequate water storage. 15 parcels are going to be served by this company. December 1st will be the Planning Director Hearing via ZOOM.

Public Comment No. 1 - Mike Sullivan, Applicant: This project comes before you because we need clearance for this type of project as required by our WAL "Water Availability Letter". There isn't any new entitlements, just two new tanks to satisfy the requirements of the WAL. No New construction is proposed.

Planning Staff: There are 103 existing service connections. But at full build out there is 110. This is a retroactive permit for the facility and captures land use that is in effect at this time.

Public Comment No. 1 - Mike Sullivan, Applicant: County needs to update its WAL process. This is not a planning process, but should be Public Works.

Planning Staff: Anything over 10 connections requires a Conditional Use Permit.

Public Comment period closed.

OVMAC deliberations:

Chair Cohen: Appreciated staff's background. This isn't to approve any NEW connections, but capturing what is there.

Member Kennedy: What about Fire Protection?

Planning Staff: Not needed at this time.

Motion was made by Member Malloy and seconded by Member Kennedy to approve the project as presented. Motion passed unanimously 5/0.

9. Review of a Conditional Use Permit application for Proposed Bed-and-Breakfast Inn within Existing Dwelling (PL22-0126)

Request for a Conditional Use Permit to operate a bed-and-breakfast (B&B) inn within one existing three-bedroom, 1,607 square-foot dwelling for no more than seven consecutive days at a time. A maximum of six guests would rent the dwelling in its entirety by a customer and the customer's associated persons (family or friends) and not by separate customers. The proposed B&B Inn would be operated by the property owner who would occasionally occupy the B&B dwelling when not occupied by paying guests. Guests would be served breakfast by a family who lives in the on-site accessory dwelling unit and who service the property as employed caretakers on an ongoing basis. The B&B inn would not involve any new, additional employees. Guest parking would occur within the existing two-car garage (attached to the principal dwelling) and on the two existing uncovered designated parking spaces near the dwelling. Two short-term bicycle parking spaces or bike racks would be located on the property. No grading, no new construction, nor changes to the existing lighting are proposed. Existing, mature landscape vegetation along the street-side property line and side property lines largely screens the existing dwelling and on-site vehicles from Villanova Road. Events such as weddings, bar mitzvahs, and similar gatherings would be prohibited. No new signage is proposed or permitted. Quiet hours would be observed from 10:00 p.m. to 7:00 a.m.

The project site is located at 335 East Villanova Road on a portion of a 1.02-acre site, zoned RE-1 AC (Residential- Exclusive: 1 acre minimum size), with a Land Use Designation of Very Low Density

Residential.

Planner: Charles Anthony

805-654-3683 charles.anthony@ventura.org

Staff Presentation:

Staff provided an overview of the project specifics – a bed and breakfast within an existing dwelling. There is a Agricultural Zoned property across the street. There will be a max of 6 guests, no new construction proposed; no signage, no large/big events. All customers must be part of the same family/group i.e. no separate room rentals to different parties. The smaller house at the rear of the property would house the property caretakers and would be the primary contact for guests and neighbor concerns.

No members of the public were signed up to speak to this item. Public comment period closed.

OVMAC deliberations:

Member Kennedy: Is there a limit to the days that they can do that?

Planning Staff: There is nothing in the Conditional Use Permit (CUP) ordinance that prevents that. If she wanted to turn it around daily, she could; she has a maximum guest limit of 6 people and they must be part of the same party. The CUP ordinance allows up to 15 FYI, but that is not the case here.

Member Kennedy: How is this different from an Air BnB or a Temporary Rental Unit (TRU)? What's the difference between TRUs and CUPs with entitlement?

Planning Staff: This has to go to the Planning Commission. The CUP term is limited to 10 years. Similar to the other bed and breakfast that the OVMAC reviewed earlier this year.

Member Kennedy: Why would someone do a CUP versus having a TRU?

Planning Staff: TRUs need to be renewed yearly; this CUP wouldn't have to be renewed until it's close to expiration in 10 years. Applicant felt it was more tenuous to have the TRU as the owner has to remain on site.

Member Malloy: I think it would be beneficial to have a presentation from staff regarding the difference between TRUs and CUPs for Bed and Breakfasts. Just to make sure there aren't any unintended consequences with approving one over the other.

Planning Staff: Agreed this would be a good information presentation in the future. Also noted that the property would be inspected by a Building and Safety inspector prior to issuance as it's a commercial use in a residential area, but reminded that this is not like a hotel use in that they are rented to different individual parties; there is a max of 6 attendees and they all need to be together in the same group.

Member Malloy: What if the caretaker goes on vacation? Who would be the contact for the tenants?

Planning Staff: Onsite management is required; so if the caretakers go on vacation, they could not be any use of the Bed and Breakfast.

Member Malloy: Is there a limit on the number of cars? I recall with the last B&B we reviewed that we asked to prohibit any parking on the street.

Planning Staff: There isn't a prescribed limit on the amount of cars, but being 6 people max of all the same group, that there will be fewer cars and with that could be accommodated on the property.

Member Westbury: I echo the need for a presentation from staff regarding the difference between Temporary Rental Units and Bed and Breakfasts that require a Conditional Use Permit.

Planning Staff: Yes, we can do that and will arrange to have that informational item at a future OVMAC meeting date.

Member Kennedy: My concern is about how many people are out there that are in similar situations and need to make a mortgage payment, and this type of business is a way to do that.

Motion made by Member Kennedy to approve, with the addition of No Parking on the Street. Vice Chair Westbury seconded the motion. Motion passed unanimously 5/0.

- 10. Consider Cancellation of December 19, 2022 OVMAC Meeting -** As titled, consider cancelling the December OVMAC Meeting due to prior special meeting and scheduled site visit, and lack of discretionary projects to review at said meeting.

OVMAC discussed and decided to assess if any projects are waiting for review come the November 21, 2022 OVMAC Meeting, and decide at that time.

Motion made by Chair Cohen to approve and seconded by Vice Chair Westbury. Motion passed unanimously 5/0.

- 11. Announcements and Updates - Hwy 33 Intermodal Study – Cal Trans Update – January 23, 2023**

12. Councilmember Comments

- 13. Adjournment:** Next Meeting will be held on **Monday, November 21st at 7:00PM IN PERSON at the Oak View Community Center**

FOR FURTHER INFORMATION, and for persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Municipal Advisory Council per the American Disabilities Act (ADA), may obtain information or assistance by Supervisor Matt LaVere's Office at 805-654-2703 or e-mail ovmac@ventura.org. Any such request for disability accommodation must be received at least 48 hours prior to the scheduled meeting for which assistance is requested. Additional Ojai Valley MAC information is available online at: <https://www.ventura.org/board-of-supervisors/district-1/ovmac>