



**OJAI VALLEY
MUNICIPAL
ADVISORY
COUNCIL**

**FINAL MEETING MINUTES
Monday, July 19, 2021 at 7:00 PM
Meeting via ZOOM
Ojai Valley, CA**

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

1. Call to Order of the Meeting

Executive Officer Clensay called the meeting to order at 7:10 PM.

2. Flag Salute

3. Roll Call

PRESENT: Chair Cohen, Council Member Grace Malloy (joined at 7:13 PM), Vice Chair Joe Westbury joined mid-meeting.

ABSENT: Vice Chair Westbury, Council Member Barbara Kennedy, Council Member Terry Wright

STAFF: Maruja Clensay, Executive Officer

Announcement by Chair Cohen: Fire Safe Council Grazing presentation postponed to next in-person MAC meeting, date still to be determined.

4. Adoption of the Agenda

Chair Cohen suggested to move ahead of this item until more members are able to join meeting.

- a. Item #9 postponed to subsequent meeting date still to be determined.

Upon call of the roll the vote was as follows:

AYES: Chair Cohen, Vice Chair Westbury, Member Malloy

NOES: N/A

ABSENT: Council Members Kennedy and Wright

5. Public Comments by Citizens on matters Not Appearing on the Agenda (Time limit per item – three minutes).

No members of the public desired to speak on matters not appearing on the agenda.

6. City of Ojai Planning Commission Update – N/A as no member was present.

7. Approval of the Meeting Minutes of June 21, 2021 – Approved as presented

Upon call of the roll the vote was as follows:

AYES: Chair Cohen, Vice Chair Westbury, Member Malloy

NOES: N/A

ABSENT: Council Members Kennedy and Wright

8. Review of Tentative Parcel Map (TPM) No. 6011; Application Case No. PL18-0137.

Ventura County Senior Planner Kristina Boero presented the plans for the Portenstein Tentative Parcel Map *Case No. PL18-0137* located on Burnham Road in the unincorporated area of Oak View. Project application proposes to subdivide an approximately 3.29 acre undeveloped lot into 3 separate lots ranging from 0.75 – 1.78 acres in size. Residential development could occur on each of the new lots via a ministerial Zoning Clearance application following recordation of the map and restricted to recorded building sites as shown on the proposed map. The project site is located in the R-1 Single Family Zone, 20,000 square foot minimum size, with a Temporary Rental Unit Regulation overlay, Dark Sky Overlay, and Habitat Connectivity Wildlife Corridor Overlay. The site has a general plan designation of Very Low Density residential and is located in the Ojai Valley Area Plan.

Council Discussion/Comments:

Member Malloy asked for background information on choice to subdivide the property, how long have you had the property.

Pam Portenstein – Purchased the property in the fall of 2018, we are a small building company, wildlife urban interface in San Bernardino County for 35 years, build one house at a time, custom homes all title 24 efficient. We purchased home to be closer to family, hoping to retire here. Will be keeping the larger parcel to live on.

Mr. Portenstein – Would like to make this our future, we love this community, both grew up in Woodland Hills, have been in big bear for last 35. Into solar aspects, graywater systems, sustainable building practices, would like to improve this property and provide more housing for families.

Member Malloy – Would the full parcel as zoned now, currently only allow for a main house and guest house?

Mr. Portenstein – Not looking to build huge, my prospect is about 2,200 sq. ft., the other lots would be up to the buyers.

Chair Cohen – Why two proposed pads for one parcel for but not for the others?

Mr. Portenstein – When designing this project willing to forfeit the second building pads in lots one and two because of the trees, which now unfortunately where they were proposed there are now no trees, it's been two years and nine months since the project was originally submitted. Several trees have died since then. The oak woodland runs through the middle of the third lot, opted to keep front one, can't maximize with trees in the middle of the lot. If able to do something small in the background with a barn/garage in the front, that can preserve the woodland. In lot three the driveway is existing, a permeable dirt drive way, part of the property in the back. It's pre-existing so not big encroachment.

Chair Cohen – Lot 3 where dotted line of driveway - is there already a driveway, providing access to the back building.

Kristina Boero – Added clarification that there is direct access available from Burnham Road to each proposed lot.

Chair Cohen – What is the current use of the lot behind that surrounds the two sides?

Pam Portenstein – Right now is open space, there is a mustang refuge, there are horses grazing, non-profit status.

Chair Cohen – Question for Kristina, regarding mitigation measures, when are those kicking in, do they only kick-in if and when there is development to occur on the lot? Is there anything kicking as soon as subdivision happens or only when there is development activity?

Kristina Boero – Yes and no. First mitigation measure (Tree Protection Plan) this project does not propose any removal of trees only encroachment of two Oak trees on third lot. The subdivider submitted a Tree Protection Plan, prepared by an arborist that is approved by the County. The Tree Health Monitoring occurs during the construction phase, and five years after. The avoidance of nesting birds is at the construction phase, the landscaping is at the construction phase and the two-wildlife mitigation is at the construction phase. The map is recorded with the County, does go through review with the surveyor, but as required by the ordinance with the county and state, the local jurisdiction which is the county planning division is required to review the project for the map and the for the future development of the lot.

Chair Cohen – So many of things are going to be major improvements for that area, there's the chain-link fence, there's all the trees that are dying, report mentioned removal of some will help others. Those things will be great to see, the simple approval by the next body after us, won't necessarily result in those things, but once it is subdivided, once construction and development begins, that's when the lot will see the benefit of all those things. I hope they do happen but will be contingent on it being developed which may or may not happen.

Member Malloy – Is this in Casitas Municipal Water District, are they issuing new meters? That won't be a problem for the other two parcels?

Kristina Boero – For every subdivision the subdivider is required to show septic or sewer, water and access to the site. The applicant is required to provide information about their water usage with this project, the future development, whoever the property owners are when the lots are subdivided, Casitas is going to be providing the water to them. There in the mitigated negative declaration, which is the environmental document that was prepared for the project, it evaluates the water demand. The larger parcel is going to take more water and the two smaller parcels will take approximately .85-acre ft. per year of water, which is below the threshold of the count for water demand. Before the parcels are developed the property owner is required to show proof from the water purveyor that the water connection and demand meet the requirements. The other issue is because it is in the Ojai Valley as the rest of California there is water drought issue. There is a policy in the Ojai Valley area plan, regarding water offset. So, the subdivider and property owner are required to do a water offset plan. Usually, it requires installing water fixtures that conserve water. It's not a mitigation measure but it is a requirement as a condition of approval.

Member Malloy – Wondering about mitigation plans, heard a few projects that were a little “murky” as to where and how they are happening and if they're happening in the same water district. Would like to know a bit more about the mitigation plan.

Kristina Boero – Well it's not a mitigation plan, because the applicant had provided their water demand and it's a policy in the general plan that the property owner is to submit a plan prior to the construction to show water demand, this is what is proposed, this is what they are doing to offset the water. The way the planning division has been applying this in regard to the area plan, is to submit information on how going to offset, with regard to the connection of the water the property owner has to submit their water availability letter to the county and to the public work agency before the building permit is issued. Then the public works agency will issue their final water letter.

Member Malloy – So Casitas Municipal Water District does not have a moratorium on new water meters? This is requiring two new water meters?

Kristina Boero – Correct, Casitas said that they can provide the water and the applicant and the property owner need to show how they're going to meet that and not meet the one acre foot per threshold.

Chair Cohen – Does that happen only when there is proposed development on the new lots?

Kristina Boero – It's required for every discretionary permit, requires an initial study that comes to the planning division. Requires to show their water allocation, how they're going to meet it, what the demand is, what their existing and what their proposed estimate is.

Chair Cohen – Do we know anything about the history of the lot, what the prior uses?

Kristina Boero – The lot has been undeveloped, parcel map done and recorded in 2004, that created the legal lot that is out there, it was part of a larger lot. In 2012 there was a subdivision that was proposed that include the subject parcel and a few other parcels surrounding the area.

That subdivision was approved by the planning division but did not record. There was a mitigated negative declaration that was prepared.

Member Malloy – Are there any letters submitted, how do the neighbors feel about this?

Executive Officer Clensay – We sent a letter notifying of this OVMAC hearing to all same parties that will be notified of the future hearing, did not receive any public comment or correspondence for this or any item on this meeting's agenda.

Kristina Boero – Planning division sends a notice to property owner within 300 ft. or 16 residences, whichever is greater, giving time to comment. Two comments were received, one in regard to the lot legality and the other about the biological resources, concerned with the excessive biological resources that are out here and how this project when developed is going to be impacted. So planning will respond to that and include in the staff report when the hearing is scheduled and document goes on the website. These mitigation measures will reduce the impact from the future development.

Chair Cohen – Mr. Portenstein you had a physical reaction to the question about the history of the property, I'm curious as to why.

Pam Portenstein – The person that the property was purchased from lives behind us, they have owned Parker Ranch for many years. They recently cleared the back pasture and pushed all the rocks onto our property absorbing a lot of sunlight that is stressing the trees out. We are anxious to get them moved to try and preserve what's left.

Mr. Portenstein – We've had many arborists come out many times. The rocks around the trees generating heat and once this gets approved, we want to pull the rocks out and begin watering the oak trees using graywater to try and save them. A lot of the trees are dying not only because of the drought but also because of the history of the property.

Chair Cohen – I'm in support of this, seem there's been a lot of work done over years, seems all the mitigation measures have been really well thought through, seems appropriate for the space. I'm generally in support.

Member Malloy – I feel the same way, do find it a bit mind blowing that Casitas Municipal Water District does not have a moratorium on new permits considering the drought conditions. Noticing the maximum allowable square footage on those parcels, as a note those would be very large homes, I hope appropriately sized, and what was mentioned as compatible with the neighborhood type structures with solar and graywater would go in.

Vice Chair Westbury – no comments, generally in favor of it.

Chair Cohen – Made a motion that acts in support of this application as presented to us.

Seconded by Vice Chair Westbury

Upon call of the roll the vote was as follows:

AYES: Members Cohen, Westbury, Malloy

NOES: None

ABSENT: Member Wright, Kennedy

Motion carries 3-0 with Members Wright and Kennedy absent.

9. County Fire Informational Presentation – Regarding wildfire prevention, fuel management, Fire Hazard reduction Program and current endeavors that County Fire is undertaking along with other jurisdictions.

- a. Executive Officer Clensay suggested to postponed to subsequent meeting to allow for co-presenter Larry Williams and public participation. Meeting date yet to be determined.

10. Councilmember Comments

Executive Officer Clensay provided feedback on redistricting efforts that the Board of Supervisors is undergoing, briefly discussed at the June/May meeting in regard to what the outreach was going to look like. There will be a series of meetings in September, total of five one in each district of the county. All will be available via zoom, some of those dates may happen before our September meeting so what I will do when the closest one to OV is confirmed will do a flyer blast to the OVMAC distribution list, will share to Supervisor LaVere's Facebook and website. Time frame is very tight, data will be released September 30th and have until December 15th to finalize all meetings and maps. As information is made available, we will share with the MAC. We don't anticipate much change with the Ojai Valley area, as noted prior we anticipate some changes with our border with district 5 and the Oxnard area.

As noted earlier we pushed (to September) the county fire informational presentation, one of the presenters had a last-minute conflict, and for the benefit of the entire council and one of the planning commissioner Quilici of the city of Ojai, he was the one who really spearheaded those sessions. Want to make sure he is also able to engage.

At June meeting discussed general plan screening for the commercial use and traffic policy, he reviewed our draft minutes and wanted me to underscore to you all today, "Thank you so much for your comments", reviewing them over the weekend, helping him formulate his questions. That screening application goes before the Board of Supervisors meeting tomorrow, item# 56 time certain at 1:30 pm on Board agenda. Appreciate very insightful comments, I will reiterate those comment in an email to the other members that could not join tonight's meeting.

Member Malloy – Will fire presentation be in September? Do meetings have to be in doors? Can we have a meeting out in the baseball field spread out.

County fire presentation, fire safe council want to have grazing demonstration phase 2 once we're in-person, grazing demonstration is more conducive to being in person. We can bring this to the September 20th agenda to bring back in-person meetings in October, meeting at the Oak View Community Center, outside weather permitting.

11. Adjournment – Meeting adjourned at 8:08 PM

Next OVMAC Meeting will be September 20, 2021 via ZOOM.