

CRESTVIEW MUTUAL WATER COMPANY

328 Valley Vista Drive
Camarillo, CA 93010
(805) 482-2001 - (805) 388-8281 Fax
www.crestviewwater.org

September 21, 2021

Dear Shareholders –

We are disappointed to report to you that our application to install Well #7 at 191 Alviso Drive was rejected by the Ventura County Board of Supervisors at their hearing on September 14. This was despite our several letters and reports, including our letter of September 10, 2021 (attached) that offered solutions and answers to all issues of concern. Our letter also included your 92 letters and emails in support of Well #7, for which we express our profound thanks.

We are now working to identify the best alternatives for continuing to provide you with a reliable supply of water at a reasonable cost. This is in fact our mission. We have some, but not all, of the updated technical and cost information regarding those alternatives. We are collecting that additional information as expeditiously as possible. However, we do not expect that the path will be easy or swift. Unfortunately, we may find ourselves choosing and implementing alternatives that are not wholly satisfactory to you or to us. We will keep you informed as we move forward.

Please know how much we appreciated your efforts to obtain the County's approval of Well #7. We cannot hope to continue to achieve our shared mission without your constant support, for which we remain grateful.



Sol Chooljian
Crestview Board President

Attachment – Letter of September 10, 2021 to Board of Supervisors

CRESTVIEW MUTUAL WATER COMPANY

328 Valley Vista Drive
Camarillo, CA 93010
(805) 482-2001 - (805) 388-8281 Fax
www.crestviewwater.org

VIA EMAIL TO THE CLERK OF THE BOARD

ClerkoftheBoard@ventura.org

September 10, 2021

The Honorable Linda Parks, Chair, Ventura County Board of Supervisors
The Honorable Carmen Ramirez, Vice Chair, Ventura County Board of Supervisors
The Honorable Matt LaVere, Ventura County Board of Supervisors
The Honorable Kelly Long, Ventura County Board of Supervisors
The Honorable Robert O. Huber, Ventura County Board of Supervisors

**Re: Crestview Mutual Water Company Additional Responses /
PL19-0039, Minor Modification of Conditional Use Permit 4858**

Dear Honorable Supervisors:

Over the past month, we have submitted a comprehensive series of studies and reports to the Planning Director and staff for our appeal, which is scheduled to come before you on Tuesday, September 14, 2021. Our intention in writing again is to highlight from our materials for you, to respond to the unsubstantiated allegations made by project opponents over the last few days, and to reiterate the urgency and strong community support for our appeal.

1. Our Well #7 Project. Our project will decommission an unusable well, Well #5, and install a new well, numbered Well #7. This project is **essential** to the ability of Crestview Mutual Water Company (Crestview) to supply its ratepayers with affordable, safe, and reliable water. Our existing Wells #4 and #6 are unable to supply this water due to the ongoing drought and the historically low water levels. Our ratepayers look to us for their drinking water, as well as for their irrigation and fire suppression water. We must either pump a newly drilled well, or put our customers at the mercy of the dramatically higher costs and uncertain availability of purchased water. Our water rights are at risk too – if we do not pump our allocation, we may forever lose the right to pump in the future. A desire to seize our water allocation may be an unspoken driver of some project opposition.

2. The Planning Commission Appeal. Our application was heard by the Planning Commission in June 2020, at the height of the pandemic. The opponents raised last-minute questions about the scientific feasibility of our Well #7 site, 191 Alviso Drive, and recommended a preferred golf course location. Our experts had no time to investigate. The Planning Commission denied our project. They based the denial on this summarized fact-finding: (1) our project is not allowed by

the CC&R's of the Las Posas Hills Homeowners Association (HOA); (2) the temporary construction noise, the operational noise, and the grading and its truck trips would constitute a nuisance; (3) septic system owners within 200 feet of the project would face future costs at the time of repair or replacement of their systems; and (4) technical data was not provided to confirm that chlorine storage would be compatible with the surrounding residences.

3. Short Planning Commission Answers: Crestview has commissioned nearly a dozen new studies to support Well #7, and to respond to the Planning Commission. These have been delivered to the Planning Department. Most succinctly stated, Crestview affirms:

- **HOA CC&Rs.** As you know, the HOA CC&Rs are not a proper basis for action on Well #7. Case law tells us that private agreements, like CC&Rs, cannot supplant the obligation of decision-makers to evaluate a project on the merits of the jurisdiction's rules and regulations, which Well #7 emphatically meets. What's more, Well #4, which is waning, was built within the HOA boundaries – the HOA developer anticipated the need for a water well and reserved a lot for this purpose, never expecting our prolonged drought and the current need for a supplemental well. Precedent has been set. Perhaps most importantly, we believe, based on our survey, that the vast majority of our customers, including the 80 of our 620 who live within the HOA, support Well #7. We urge the Board of Supervisors to condition the project to require us to obtain their formal approval, which the HOA board would not let us do.
- **Construction Nuisance.** The time and truck trips to install Well #7, together with their neighborhood impacts, are materially shorter than would be required to build a single-family home at the Well #7 site. Crestview will meet all Camarillo and County noise requirements. Crestview has also committed to pay neighbors a \$500 per diem for lodging during the two 10-14 periods of well installation if they are bothered by the project's noise. This per diem commitment can be a condition of project approval.
- **Septic System Burdens.** Two studies have been commissioned to evaluate the likelihood of septic system impact. Their results are that pathogens travel only 10 feet in 1000 days before they die. The distances to neighboring septic systems are far greater. Regardless, Crestview has committed to reimburse neighbors for any regulatory cost they face in the unlikely event that Well #7 causes a problem for the repair or replacement of their septic systems. This too can be a condition of the project approval.
- **Chlorine Safety.** Crestview has now had the opportunity to supplement this record with chlorine safety information. In addition to its indoor storage of these required materials within a secondary containment vault, and the absence of any exposure of these materials to air and thus no odor, Crestview's safety record since 1953 contains NO notices of violation for chemical use or storage spills or failures. This includes the most recent inspection of late August 2021 by the County's Environmental Health Division.

4. Current Opponent Allegations. Within the past three days, we have received new (and old) claims from the handful of neighbors who oppose Well #7. Our widely-respected experts will be present at the upcoming hearing to respond to the opposition's inaccurate and misleading contentions. Here is a quick recitation of some of our experts' responses:

Allegation: Crestview Should Just Re-drill Well #4.

Summary Response. Our hydrogeologist will be on hand to provide you with the actual science of why this suggestion is infeasible. The short answer is that Well #4 is pumping water from a different part of the aquifer than will the 600-foot deeper proposed Well #7. Nothing that we could do to Well #4 will alter its limitations, and anything we might try can be expected to reduce (not increase) the pumping from Well #4 and to introduce contaminants into Well #4 that will destroy the water's ability to meet drinking water standards. This also leaves Crestview with no system redundancy, which is the same dilemma that faces Crestview today.

Allegation: The Neighboring Septic Systems Will Require Costly New Sewer Connections.

Summary Response. The sewer policy that is cited by the project opponents does not apply. That policy is triggered by an application to repair or replace a septic system, not by our water well application. More significantly, that policy does not apply to the septic system application of a single-family home. It pertains to a community project seeking to repair or replace many septic systems, as you might find with approval of a new subdivision.

Allegation: A Blue Line Stream, Heritage Trees and a Wildlife Corridor Will Be Impacted.

Summary Response. These contentions from the project's opposition are not new. But, as the County's experts confirmed, and as bears brief repeating: there is no blue line stream, there are no heritage tree driplines within the project's area of potential impact, and there is no wildlife corridor present. These claimed environmental issues are more red herrings.

Allegation: The Preferred Well Site Is at the Las Posas Golf Course.

Summary Response. This claim was first raised at the June 2020 Planning Commission hearing. We have now had time to investigate it. The facts are that the golf course is home to known nitrates, which are the benchmark evidence of potential water contamination. What's more, the golf course site would require \$1.3 to \$1.4 million just to construct the water pipeline connection, not to mention the damages that such an extensive pipeline is expected to entail.

Allegation: The Flowage System Cannot Support the Project's Development Water.

Summary Response. The opponents are correct that water will be removed from the Well #7 site during project construction and development. The amount of water has been quantified and determined by your experts and ours to be ably supported by the existing flowage system and catchment basin. The development water will be less than a storm for which these existing systems are designed. Further, the Regional Water Quality Control Board, with jurisdiction over all water issues, has reviewed Crestview's project and has issued an NPDES permit in approval.

Allegation: Crestview's Well #7 Project Cannot Fit on the Site.

Summary Response. This contention is refuted by the other projects that have installed wells on sites of the same size, including the City of Ventura's Saticoy Well #3. What's more, two responsive bidders to Crestview's project specifications have confirmed that they can accomplish the project on the Well #7 site.

Allegation: Crestview's Excavated Well Soil Will Smell As It Dries.

Summary Response. As with the other allegations, this one is unsubstantiated by science. Drying soil might create an odor if the soil from which it was excavated were a swamp. In this case, the excavated soil is clay-like. It is not expected to have any offending smell, and there is no documentation of any smell from this type of drying soil.

5. Project Support. We have conducted an anonymous survey of Crestview ratepayers. Their support for Well #7 is overwhelming. Ninety-five percent (95%) of the homeowners who do not live inside the HOA support the project. Eighty-five percent (85%) of those that do live inside the HOA support the project. We believe that they are motivated by the merits of our request, and by their urgent need for reliable, affordable water. At the time of this letter, we have received more than 80 letters from Crestview shareholders to your Board, all supporting the project. They are attached. We will continue to receive and provide support letters.

The project opponents challenge the validity of this support for Well #7. We wonder why the HOA did not commission its own survey and why the HOA board and the opposing neighbors refused to allow us to present our project and new studies to their members or, in the case of the opposing neighbors, to meet with us. But you need not wonder. Instead, please condition the project on our seeking HOA member support for a revision of the CC&Rs to allow this project. We firmly believe that we will obtain this support.

The daily benefits of Crestview's Well #7 project will be realized by the hundreds of residents that are members of our mutual water company. We thank you for your time and attention to this urgent matter. We are available to you at your convenience to answer any questions.

Respectfully,



Robert Eranio
Consulting General Manager
Crestview Mutual Water Company

cc: Dave Ward, Ventura County Planning Director
Mindy Fogg, Ventura County Planning Department
John Kessler, Ventura County Planning Department

Attachments: Letters in Support of Well #7 = 92