Upper Foothill Road Property Owners Association

1417 Foothill Road, Ojai, CA 93023

RECEIVED

MAR 09 2005

Ventura LAFCO

Date: March 6, 2005
To: Property Association Membership
From: Upper Foothill Road Property Owners Association Board of Directors
Subject: Approved Bylaws and Mr. Rennacker's Sewer

The bylaws amendment we recently proposed has passed. Balloting closed at midnight March 4, 2005. The results were as follows: Yes = 33, No = 2, Ballots not returned = 8. Our bylaws state that any change requires a two-thirds majority vote of the total membership (43 properties), or 29 votes minimum. Attached to this letter or e-mail is your copy of the revised bylaws.

We have sent an e-mail to Mr. Lee Rennaker asking him to confirm by Monday at 5:00 p.m. whether he intends to pursue his proposal to build a private sewer line down our road. If he does intend to do so, we have asked for the third time whether he would like a meeting of all members to discuss and vote on it. Although we urge his cooperation in moving forward with this, should he elect again not to respond, a meeting will be set by the Board with details to be provided by Tuesday.

Thank you all for responding so quickly to this important matter.

Bob Tallyn, President
Katrina Frape, Vice President
George Berg, Pres. pro tempore (646-5782)
Dave Ashrow (646-1979)

Joyce Blackstone (640-9458)
Bill Hinely (640-7411)
Chuck Mileham (646-1581)
Dave Silva (646-5561)

BYLAWS OF THE UPPER FOOTHILL ROAD PROPERTY OWNERS ASSOCIATION

ARTICLE I—Name

Section 1—The name of this organization shall be the Upper Foothill Road Property Owners Association, a nonprofit organization. The boundaries of this organization shall comprise all the properties with access to Upper Foothill Road beginning directly north of Farnham Road.

ARTICLE II—Objectives and Purposes

Section 1—The purpose of this organization shall be

1) To repair and maintain the private main roadway on Upper Foothill Road from directly north of Farnham Road up to and including the four-way intersection at 1566 Foothill Road.

2) To do any lawful acts which the membership of the organization at any time or from time to time shall deem to be in the best interest of the owners and residents of real property situated therein, said acts to include the inquiry, as the need is indicated, into such matters affecting its members as taxation, fire and police protection and roads, defend against any encroachment by an owner of a non-exclusive easement into the private main roadway that impairs the non-exclusive easements of the other owners over the private main roadway without the consent of all the owners, and all other matters pertaining to the peace, health, comfort and general welfare of its members.

   a) No owner of a non-exclusive easement to the private main roadway shall take any action or permit any action to be taken that will impair the structural soundness or integrity or safety of the private main roadway, or convert for his or her exclusive use the private main roadway or any portion thereof, in a manner that privately and singularly benefits the owner of the non-exclusive easement, without the written consent of all the owners of a non-exclusive easement to the private main roadway. Each owner of a non-exclusive easement to the private main roadway may use the private main roadway in accordance with the use for which it is intended—ingress and egress, and utility purposes so long as they continue to benefit each and every owner of a non-exclusive easement. Use by each owner of a non-exclusive easement must not hinder or encroach upon the lawful rights of the others.

RELEVANT TEXT

3) To emphasize that this area shall remain favorable to good family living conditions, with stress on privacy.

Article III—Officers and Directors

Section 1—The officers of this organization shall consist of a president, a vice-president, a secretary and a treasurer.

Section 2—The term of office of all officers shall be two years.

Section 3—The officers shall be elected by the directors from the membership of the board of directors at the first meeting following the general meeting. Officers thus elected shall take office without further delay and their terms shall be considered to have commenced on that date and at that time.

Section 4—The governing powers of the organization shall be vested in a board of directors consisting of eight members.

Section 5—The term of office of all directors shall be for four years. Directors shall serve staggered terms with four directors to be elected every two years.

Section 6—Any director who becomes a nonresident of Foothill Road thereupon forfeits his office.

Section 7—In the event of the resignation of a director, his unexpired term shall be filled by election by the remaining members of the board of directors, said election to take place not later than the next meeting of the board.

Section 8—The presence of six directors shall constitute a quorum. the president shall cast the deciding vote in the event of a tie.

Section 9—The board of directors shall have power to call special meetings of the organization. Notice of such meetings shall be given in the same manner as the notice of the general meetings and the notice shall specify the purpose of the meeting.

Section 10—The board of directors shall have the power to conduct, manage and control the affairs and business of this organization. It shall have the power to construe the bylaws of this organization and its construction thereof shall be final, unless rescinded by a majority vote of the property owners.

Section 11—The board of directors shall meet quarterly at such time and place as it may determine.

Section 12—The president shall preside over all meetings of the members and of the directors and shall sign as president all written instruments which have been first approved by the board of directors. The president or any two directors may call a special meeting of the directors at any time.

Section 13—The vice-president, in the absence or inability of the president, shall exercise and perform each and all of the powers and duties of the president. In the absence of both president and vice-president, the board of directors shall appoint one of its members president pro tempore, who shall have and perform all the powers and duties of the president and vice-president.

Section 14—The secretary shall record the minutes of the proceedings of all meetings of the board of directors and all meetings of the general membership. He shall have custody of all records and papers of this organization, shall have charge of all of this organization's correspondence and shall serve all notices required by the bylaws. In the event of his absence or disability, a secretary pro tempore shall be appointed by the president.

Section 15—The treasurer shall have charge of all this organization's funds, shall make payment of all bills authorized by the board of directors and shall report the financial standing of the organization at all business meetings. He shall deposit in the name of the Upper Foothill Road Property Owners Association, all funds in such bank as the board of directors shall designate. In the event of his absence or disability, a treasurer pro tempore shall be appointed by the president. All disbursements in excess of $200 shall be made by check signed by any two of the following: the treasurer, president or vice-president.

Section 16—Committees may be appointed by the president from among directors and the general membership for such terms of service as may be deemed necessary.

ARTICLE IV—Membership and Dues

Section 1—Membership shall be composed of property owners of the Upper Foothill Road area described in Article I, Section 1.

Section 2—The membership dues shall be payable March 1 of each year in an amount previously approved by a two-thirds majority vote of property owners. Any increase in dues or any special assessment deemed necessary by the board of directors must be presented to the general membership for a two-thirds majority vote of property owners with each property counted as one vote. At its discretion the board of directors may impose a penalty for late payment.

Section 3—All members shall be responsible for reporting to the association president any observation of damage to the road by a man-made factor or by a force of nature.

ARTICLE V—General Meetings

Section 1—There shall be one general meeting of the membership each year to be held at such time and place as the board of directors may determine. Written notice of such meeting shall be sent to each member at least thirty days in advance.

Section 2—Minutes of the general meeting shall be mailed to all members.

Section 3—Special meetings may be called at any time in accordance with Article III, Section 9.

Upper Foothill Road Property Owners Association

1417 Foothill Road, Ojai, CA 93023

Date: February 28, 2005
To: Ojai Valley Sanitary District
From: Upper Foothill Road Property Owners Association Board of Directors

As you are aware, for nearly two years one member of our association, Mr. Lee Rennacker, has been involved in efforts to solve his sanitation problems at 1797 North Foothill Road.

On August 19, 2003, the association wrote a letter to the Ojai Valley Sanitary District (OVSD) notifying that entity that the board had *"voted unanimously to oppose any proposal to extend sewer service to the upper Foothill area, including the proposal by Lee Rennacker for a private line." "It is clear from your recent poll,"* we went on to note, *"that there is strong opposition to sewering by our membership."*

Despite that formal notification of our opposition, the OVSD board approved Mr. Rennacker's application for annexation at your January 24, 2005 meeting without our participation.

It is the position of our board of directors that Mr. Rennacker's proposed private lateral sewer line is an **excessive use of his non-exclusive easement**, that it encroaches upon and impairs the rights of the other owners of a non-exclusive easement, that it would grant him an exclusive use to our private main roadway, and that this board has the authority to legally oppose it and we have hired legal counsel to assist us in this.

In his letter of rejection to Mr. Rennacker dated July 23, 2003, Mr. Correa stated, *"There are many easements required for your proposal. Most of the affected property owners voted "no" in the last sewer poll. It would seem unlikely that they would grant the Sanitary District an easement across that property."* We believe it is equally unlikely that they will grant Mr. Rennacker an exclusive easement for the same purpose. As Mr. Correa also noted in the same letter, *"It is an unacceptable situation to plan for 50 separate sewer laterals,"* or in our case 43 separate laterals.

We believe the annexation action at your last meeting was premature since Mr. Rennacker has failed to obtain the necessary permissions to build his lateral through the various private properties involved. We request your cooperation in pulling back the annexation request from LAFCO until Mr. Rennacker can demonstrate agreement from his neighbors to encroach on their properties.

Thank you,
Upper Foothill Road Property Owners Association Board of Directors

Bob Tallyn, President
Katrina Frape, Vice President
George Berg, Pres. pro tempore (646-5782)
Dave Ashrow (646-1979)

Joyce Blackstone (640-9458)
Bill Hinely (640-7411)
Chuck Mileham (646-1581)
Dave Silva (646-5561)

September 4, 2003

John Correa
General Manager
Ojai Valley Sanitary District
1072 Tico Road
Ojai., California 93023

Dear Mr. Correa,

It has come to my attention that Mr. Lee Rennaker is preparing another proposal to construct a sewer line down upper Foothill Road despite his earlier proposal being turned down by your Board of Directors.

I recently received a call from Mr. and Mrs. Peterson, who live at 1781 Foothill Road, informing me that they had offered Mr. Rennaker an easement on the lower part their large property to conduct perc tests and construction of a leach field. From what the Petersons told me their land is situated just to the west of Mr. Rennaker's lot, and they feel confident that he would be able to find a suitable place for a leach field.

While many of us sympathize with Mr. Rennaker's inability to obtain a positive perc test on his property, he did purchase the land knowing full well that over the years others had tried and failed to obtain satisfactory perc tests on the property. Now, even though he has been offered a seemingly simple and relatively inexpensive alternative, we hear that he continues to push for a sewer line down Foothill Road against the wishes of the majority of homeowners.

Again, I urge you to recommend to your Board that they turn down any future proposals to run a sewer down upper Foothill Road. Mr. Rennaker has been offered an excellent and relatively inexpensive alternative.

Sincerely,

Robert B. Tallyn,
President, Upper Foothill Road Property Owners Association

cc: OVSD Board, UFRPOA Board, J. Peterson, L. Rennaker

Upper Foothill Road Property Owners Association
1404 Foothill Road, Ojai, CA 930023

August 19, 2003

Board of Directors
Ojai Valley Sanitary District
1072 Tico Road
Ojai, California 93023

Dear Sirs:

The board of the Upper Foothill Road Property Owners Association would like to inform you that we have voted unanimously to oppose any proposal to extend sewer service to the upper Foothill area, including the proposal by Lee Rennaker for a private line. It is clear from your recent poll that there is strong opposition to sewering by our membership.

Upper Foothill Road is a private road and provides the only access for our 43 property owners. It is the responsibility of our Association to maintain and care for this road which was repaved only four years ago at a cost of $50,000 and is currently in good condition. We believe that tearing up the road for Mr. Rennaker's proposed sewer line would have a substantial negative impact on Upper Foothill Road and our members. A major concern is maintaining access along this very narrow road for residents and emergency vehicles, especially fire fighting equipment, during construction.

Furthermore, it seems to us that the published cost and time estimates to construct such an adequate sewer lateral may be woefully underestimated; contractors we have contacted estimate a cost closer to $500,000 than $100,000. This raises concerns as to whether the project will be completed and the road restored to its current condition. The contractors also question whether four inches is adequate for such a long lateral. We also have concerns regarding the environmental impact of the construction on the numerous mature oak trees along both upper and lower Foothill. Furthermore, most of our members share the same economic concerns about being forced to connect to a sewer line once it exists that were expressed by property owners regarding the larger project proposed by OVSD.

While we appreciate Mr. Rennaker's difficulty regarding a conventional septic system, the poor percolation of his and the other two undeveloped lot on Upper Foothill was common knowledge long before Mr. Rennaker's recent purchase of his lot. Although Mr. Rennaker has yet to put his ideas before our board, there has been so much public concern about his proposal and the negative impact it would have on our road we think it prudent for us to take a stand at this time.

Sincerely,

Robert B. Tallyn

President, Upper Foothill Road Property Owners Association

cc: John Correa, UFRPOA membership, Lee Rennaker

California Regional Water Quality Control Board

Los Angeles Region

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Dr. Alan Lloyd
Secretary for Environmental Protection

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: http://www.waterboards.ca.gov/losangeles

Arnold Schwarzenegger
Governor

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MAR 08 2005
Ventura LAFCO

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MAR 03 2005
OJAI VALLEY SANITARY DIST.

March 4, 2005

Ms. Kathy Couturie
1000 Foothill Road
Ojai, California 93023

Dear Ms. Couturie:

Thank you for your letter, dated February 7, 2005, submitted on behalf of the Neighborhood Alliance to Protect Historic Arbolada-Foothill (NAPHAF). From this letter, we understand that NAPHAF objects to a proposal to install a sewer within the Ojai Valley Sanitation District (District), and further objects to the way in which the District intends to comply with requirements under the California Environmental Quality Act (CEQA).

As you may already know, our agency was unable to process an application for a proposed septic system on the Rennacker site, as that system failed to meet Ventura County basic siting criteria designed to protect public health and water quality. Should the property owner and Ojai Valley Sanitation District decide to provide sewer services to this area, the Sanitation District – as lead agency – must comply with the California Environmental Quality Control Act (CEQA) by preparing environmental analyses. However, please note that state law provides a statutory exemption for pipeline installation "of less than one mile in length" in public rights of way (Public Resources Code section 21080.210). If the project does not meet the statutory exemption, our agency – as a responsible agency under CEQA – will become involved in reviewing the Sanitation District's analysis of environmental impacts related to water quality.

We commend you for your involvement in the planning process, and encourage you to continue to communicate your comments to the Ojai Valley Sanitation District and, as land use authority in unincorporated areas, the County of Ventura. Should you have questions about the Water Board, please contact Wendy Phillips at 213-576-6618.

Sincerely,

for David A. Bachowski, AEO
Jonathan S. Bishop
Executive Officer

cc: Christopher Stephens, Director, Planning Division, County of Ventura
John K. Correa, General Manager, Ojai Valley Sanitation District

JONES & BRIGGS, L.L.P.

ATTORNEYS AT LAW

March 7, 2005

RECEIVED

MAR 08 2005

Ventura LAFCO

Everett Millais, Executive Officer
Ventura LAFCO
800 South Victoria Avenue
Ventura, California 93009-1850

Re: *Rennaker Annexation Request*

Dear Mr. Millais:

Please be advised that this office represents the Board of Directors of the Upper Foothill Road Property Owners Association, a nonprofit organization, in the proposed annexation by the Ojai Valley Sanitary District of the undeveloped lot owned by Lee Rennaker at 1797 North Foothill Road.

As you are aware, Mr. Rennaker's request is an unusual one in that it involves annexation of a property located nearly a mile from the nearest sewer main. More currently problematic is that the proposed annexation must also traverse nearly a half-mile of private road, a common area for which 43 properties – including Mr. Rennaker – hold a non-exclusive easement for *road and utility purposes only.*

Specifically, Mr. Rennaker intends to run a four-inch private sewer lateral from his undeveloped lot down the length of the private road until it joins with the public portion of Foothill Road. It is the position of the Board of Directors that such is tantamount to an excessive use of Mr. Rennaker's non-exclusive easement, that it encroaches upon and impairs the rights of the other 42 owners of a non-exclusive easement, and would grant Mr. Rennaker an exclusive use to the private main roadway, a use that would be unavailable to the other 42 members.

California courts have consistently held the scope of an easement to be fixed by the location, character and use in existence at the time the land became subject to easement. *(Krieger v. Pacific Gas & Electric,* 119 Cal.App.3d 137, 173 Cal. Rprtr. 75 (1981)*)*. Further, an owner of a non-exclusive easement cannot claim an exclusive use of a general common area, or otherwise encroach upon or impair the easements of the other owners over the common area, without the consent of all the homeowners. *(Posey v. Leavitt,* 229 Cal.App.3d 1236, 280 Cal.Rprtr. 568 (1991)*)*.

P.O. Box 59, Ojai, California 93024
307 East Matilija Street, Suite G

Office 805 646.4099
Fax 805 646.4675

In addition, the Ventura County Guide for Environmental Reports defines "utilities" as "electrical, gas and communication facilities" only. There is no mention of "sewers," and especially not a private sewer lateral that, in Mr. Rennaker's own words in an e-mail to his neighbors dated March 6, 2005, "can only be used by one property."

Pursuant to their by-laws, the Board of Directors has offered three times to facilitate a meeting among all the members to discuss Mr. Rennaker's proposal and vote on whether they will agree to allow him an exclusive use of their common area. His latest response – again, by e-mail dated March 6, 2005 – was to threaten to "get legal teams involved"; sue "every person in the membership . . . and every person would have to retain their own attorney"; and sue for "damages recoverable under tort liability."

That last threat is of special concern because such a lawsuit would take this case out of the purview of the Davis Stirling Act, which requires an association or owner to submit their dispute to alternative dispute resolution prior to filing an enforcement action and so long as there is not a claim for monetary damages in excess of $5,000.00. *(Civil Code*, section 1369.520.*)*

A decision by LAFCO to rubber-stamp at this time OVSD's hasty and ill-conceived recommendation to annex Mr. Rennaker – done with full knowledge that he did not have the consent of his homeowners association – would be premature and will, I fear, inflame this situation to such an extent that everyone may end up getting severely burned.

It is not my intention at present to challenge OVSD's decision to exempt Mr. Rennaker's proposal from CEQA's requirement of an environmental impact report although, should such become necessary, it will be difficult to justify an exemption from CEQA given OVSD's own admission at a meeting on February 28, 2005, that Mr. Rennaker's annexation is "highly unusual." At the very least, an exploration of whether it qualifies as an exception to a categorical exemption due to its "unusual circumstances" is warranted.

Mr. Rennaker's percolation problems – although well known to him at the time he purchased the lot in question at a greatly reduced price – engender sympathy. However, "it is well settled that both parties have the right to insist that so long as the easement is enjoyed it shall remain substantially the same as it was at the time the right accrued, *entirely regardless of the question as to the relative benefit and damage that would ensue to the parties by reason of a change in the mode and manner of its enjoyment." (Wall v. Rudolph*, 198 Cal.App.2d 684, 694, 18 Cal.Rprtr. 123 (1961); *emphasis added.)*

It is respectfully requested that LAFCO deny Mr. Rennaker's request for annexation until such time that he can demonstrate his ability to connect his undeveloped lot across the private road to the public portion of Foothill Road.

I will be present at the LAFCO meeting on March 16, 2005, to answer any questions you might

have. In the interim, I appreciate your attention to this very important matter and hope for a peaceful resolution to this dispute.

Very truly yours,

Cathy Elliott Jones

CEJ/m

cc: Mr. Lee Rennaker
John Correa

March 7, 2005

RECEIVED

MAR 08 2005

Ventura LAFCO

TO: LAFCO
Executive Officer and Board Members

From: Lee Rennacker

Regarding: Proposed Annexation to OVSD for March 16, 2005 agenda item.

It is unfortunate that even though my annexation application into the OVSD is fully in accordance with all requirements for approval, I must go to the extra effort to respond to many misleading and false claims. This will undoubtedly be a heated public meeting, based upon emotion and misrepresentation, which is why I am so concerned about getting the facts on the table. I would like to first herein list the errors/myths and then the associated facts, and then close this letter with the legitimate justification for approving the annexation.

MYTH; I never really tried to explore fully the on-site septic alternative, and that adjoining property owners even offered to sell off some of their land to accommodate septic use. **FACT**: I have tried for nearly 2 years with great effort and cost to explore every possible use of on-site systems, appearing many times before the Board of Supervisors to solicit their support for new technology such that I could use an on-site septic system. FACT: My neighbor did ever so generously offer to sell me some of their land, but the US Forest is between that property and mine, and the VEHD requires the entire septic system be on the fee property of the applicant, and the US Forest would not even consider selling off a part of the forest for my personal use. Further I also tried to get an individual WDR from the Region 4 State Water Quality People (who delegate septic authority to the local agency) and after 9 months of trying with resubmittals and many meetings, Region 4 finally deferred all permitting to the county, thus denying my Individual WDR request.
ATTACHMENT: Exhibit 1A/BLetter dated Feb 9, 2004 applying to Regional Water Quality Control Board for an individual Waste Discharge Permit (WDR) and letter dated Nov 12, 2004 from the Regional Water Quality Control Board deferring to Ventura County. Exhibit 2A/B letter attached to application to VEHD for septic approval dated April 23, 2004, and letter dated Jan 26, 2005 indicating denial of application.

MYTH; The easement in my deed for road and utility purposes has been modified by recent Homeowner Association By-Law amendments such that the HOA will not allow the use of my easement for the sewer lateral. **FACT**: Although both my deed and title report both contain explicit and comprehensive metes and bounds legal descriptions defining my easement for road and utility purposes, neither the deed nor the title report have any reference to any Homeowner Association or CC&R's in any manner. Legal opinion illustrates the by-law revision has no standing, and does not diminish my easement.

MYTH; Residents have voted repeatedly against sewers and do not want sewers, and the annexation is contrary to public opposition. And there is vibrant belief that in so approving the annexation, (all) the adjacent properties will in short order be forced to hook up and the initial costs will be $50,000 with potentially another $2,000/yr in fees. **FACT**: First, along the private road there will only be a single service lateral, and by code cannot be used by anyone other than the dedicated single property (no other property can ever hook into this lateral by desire or mandate). There is great opposition to sewers, based largely on false information. The cost figures purported by the opposition are based largely on worst-case scenarios from the old assessment alternative, which is required to prevailing wage rates and other costly elements of getting the work done. My proposal because I am doing all the engineering and administration myself, as well as the construction, this will keep all costs to only a fraction of the original assessment alternative.

MYTH; The residents' fear that work may start and then be abandoned because of lack of funds, or other problems. **FACT**: I am willing and will be required to produce performance bonds for the work in the public road, and I am willing to provide performance bonds for the work in the private road as well.

MYTH; The work quality may be poor, and the road way will suffer damage from the proposed sewer work. **FACT**; plans are approved that require adherence to quality standards, as well as inspection requirements from the County, the City, and OVSD.

MYTH; That the simple existence of a sewer in the street will trigger widespread requirements for homeowners to 'hook up'. **FACT**; Having a sewer in the road in itself will not cause anyone to hook up who does not want to. For example, along Creek Road between Oak View and Ojai, there has been a sewer in the street for over 30 years without any forced hook ups, and overriding majority remain on septic today.

MYTH; The existence of sewer in the street will cause oak trees to die. **FACT**; From 'Two Trees" in the hills above Ventura, to the hillsides all over Ventura County there are abundant healthy oak trees where no septic systems exist. Further, the proposed alignment will not impact the root system of a single oak tree. And for the record, as stated in the previous fact, the pure existence of a sewer in the street will not cause anyone to suspend use of their septic systems, and as history indicated via the Creek Road example over the course of time very few people will ever hook up.

MYTH; Sewer in the street will forever alter the historic character of the neighborhood. **FACT**; the historic character is more affected by frequent home improvements and upgrades that will ever occur as a result of the sewer in the street. Any development restrictions are more appropriately dealt through planning process, and even with the sewer very little build out is possible in the area. Of the 43 parcels in the Upper Foothill Road area (Private Road) the are only 3 vacant parcels.

MYTH; Sewers are more damaging to the environment. **FACT**: It may be the soils, or the approved technology for Ventura County or both, but according to a commissioned study of failing septic systems statewide in 2003 by Cal State University Chico, Ventura County has the 4th highest failure rate in California. ATTACHEMENT; Exhibit 3, Chico report title page with excerpt illustrating Ventura County has 4th highest septic failure rate.

It should also be noted that Ventura County Building Code, Article 6 (Amendments to the California Plumbing Code), Section 713.4.1 states that if a property is within ½ mile of the public sewer, then the public sewer is considered as being available in relation to the use of alternative septic technology. As such my easement extends to within ½mile of the public sewer, and my lateral will extend to this point, which should make the connection to the public sewer necessary to be in compliance with the County Code. ATTACHMENT; Exhibit 4; Ventura County Building Code Title page with excepts of Article 6, highlighting stipulation that sewer is considered as being available if within ½ mile.

I can imagine sitting on the LAFCO board is not easy, and the meeting of March 16th will be very stressful, with high emotions. But the facts are true, the application is fully in compliance with all regulation and requirement, and although there will be many in the audience in opposition, I can only hope for the approval of this generally typical application. If you would like to call me to ask any questions, or need additional information please call me anytime. This application means the world to me.

Regards,

Lee Rennacker
(805) 650-7179 wk
(805) 649-5573 hm
(805) 405-7344 cell

EX-1A

From: Lee Rennacker
10578 Almond Ave
Oak View, CA 93022

February 9, 2004

To: State of California, Regional Water Quality Control Board
320 W 4th Street, Suite 200
Los Angeles, CA 90013

Regarding: Request for Residential Single Family Individual Wastewater Discharge

Dear Board and Staff:

I have enclosed for your review and evaluation an application for an individual permit for residential wastewater disposal through pretreatment and subsurface drip irrigation. The 1.1 acre property is in the unincorporated area of Ventura County just outside the city of Ojai.

The property is a southeasterly sloping hillside lot. The county of Ventura has indicated they will not consider anything beyond traditional leech line disposal systems, and further do not have the capacity to review nor accept any system that utilizes pretreatment. Due to the geography and soil character of my property, the traditional systems the County of Ventura limits their permits to are not suitable, but the pretreatment system using subsurface drip irrigation is precisely the engineered system that would work wonderfully on my property. I believe it is in the best environmental interests to design the system that is best suited for a given piece of property.

This technology is proven in many states, and counties within California, but to ensure acceptable practices and principles I offer to:

- Provide thorough peer review as deemed necessary
- Provide recorded easement for county and SWQCB access to monitor and test
- Bonded self monitoring program acceptable to county and SWQCB
- Contract with any Sanitary District for Monitors in addition to self monitoring

I have attached the following:

ATTACHMENT	ITEM
A	SWQCB Application Form 200
B	Septic/Disposal Site Plan (200 Scale)
C	Site Design Specifics, Percolation Test Data
D	Advantex Pretreatment Design Criteria
E	GeoFlow Subsurface Disposal Design Criteria
F	Interim Standards/Guidance from the State of Washington for Pretreatment Subsurface Drip Disposal
G	Comments from Geotechnical Soils Firm (Earth Systems, Todd Tranby), who are helping me perform and evaluate septic alternatives and issues

I know the SWQCB is in the process of reworking a new MOU with Ventura County, but regrettably this bright future may not proceed in a timely manner, and from some sources I talk to this could take many months, even into next year. Please give my request for pretreatment and subsurface disposal worthy consideration. This option is available in the surrounding counties with excellent results.

Sincerely, Lee Rennacker
Copies; Steve Braband, Todd Tranby

California Regional Water Quality Control Board

Los Angeles Region

Over 51 Years Serving Coastal Los Angeles and Ventura Counties

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Terry Tamminen
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: http://www.swrcb.ca.gov/rwqcb4

November 12, 2004

Mr. Lee Rennacker
10578 Almond Avenue
Oak View, California 93022

Dear Mr. Rennacker:

APPLICATION FOR PROPOSED SEWAGE TREATMENT AND DISPOSAL SYSTEM FOR RESIDENTIAL SINGLE FAMILY HOME ON A LOT LOCATED AT 1797 N. FOOTHILL ROAD, OJAI, CALIFORNIA 93023 (FILE NO. 04-036)

Your letter of October 7, 2004 requested a formal response regarding your proposed wastewater treatment/dispersal system at the above site. As you know, Regional Board staff have been working with you and Ventura County Environmental Health Division (VCEHD) staff to resolve issues related to your case.

This Regional Board has delegated the responsibility for the permitting of private residential sewage treatment and disposal systems to Ventura County. We recently completed a new Memorandum of Understanding (MOU) with VCEHD. According to the adopted MOU, Ventura County is now the appropriate local permitting authority for approval of domestic wastewater disposal systems for single family homes. Consequently, we have determined that we will not continue the review of your Waste Discharge Requirements application. Questions regarding the County of Ventura permitting requirements and compliance should be directed to Mr. Darrell Siegrist of VCEHD at (805) 654-2813.

If you should have any questions, please contact me at (213) 576-6605, or Dr. Kwangil Lee (213) 620-2269.

Sincerely,

Jonathan Bishop
Executive Officer

cc: Mr. Michael Lauffer, Office of Chief Counsel, State Water Resources Control Board
Mr. Robert Sams, Office of Chief Counsel, State Water Resources Control Board
Mr. Todd Thompson, Division of Water Quality, State Water Resources Control Board
Mr. Kurt Souza, Cal. DHS, Region 5 - So. Cal. Branch, Drinking Water Field Operations
Mr. Darrell Siegrist, Ventura County, Environmental Health Division
Ms. Melinda Talent, Ventura County, Environmental Health Division

EX-2A

April 23, 2004

Ventura County Environmental Health
Liquid Waste/Residential On-Site Wastewater Disposal

Location:
1797 N. Foothill Road
Ojai, CA 93023

APN: 010-210-210,230

I am proposing a new 2500 square foot residence on the 1.1 vacant lot at 1797 N. Foothill Road, Ojai Ca.
The new house will be comprised of 3 bedrooms, 2 ½ baths, and core rooms consisting of, Kitchen, Dining, and Living rooms.

Due to the sloping characteristic of the property, further constrained by difficulties complying with fire department turn around regulations, fitting a traditional on-site septic system in compliance with you current codes presents a significant practical difficulty, and an unnecessary hardship. However, the site is well suited to use subsurface drip disposal technology.

Subsurface drip disposal requires pretreatment. This technology has been in practice for nearly 20 years, is approved for use widely in the United States, as well as many counties in California, and in all the surrounding communities in Ventura County. Additionally, this technology is approved and encouraged by the State Water Quality Control Board as the higher standard. This higher standard is currently included in the proposed new MOU from the State Board that delegates permitting of waste discharges to the county.

This package contains the following:
1. County application forms
2. Site Plan (2 pages)
3. Percolation Test Data
4. Slope stability report
5. Design Calculations
6. Technical Information on Orenco Pretreatment System
7. Technical information on Geo-Flow disposal
8. Area 32 Form
9. Maintenance/monitoring Checklist and information
10. Sample easement dedication form

I am requesting an exception to the Ventura Code to include this as an acceptable alternative system based upon the difficulty and hardship associated with compliance with code approved traditional systems. If you need additional information, or if I can be of any assistance, please call me at 650-7179 (wk), 649-5573 (hm)

Sincerely,
Lee Rennacker

REGISTERED PROFESSIONAL ENGINEER
LEE A. RENNACKER
LIC C51125
EXP. 7/05
CIVIL
STATE OF CALIFORNIA

EX-2B

RESOURCE MANAGEMENT AGENCY
county of ventura

Environmental Health Division
Robert Gallagher
Director

January 26, 2005

Lee Rennacker
10578 Almond Ave.
Oak View, CA 93022

DENIAL OF APPLICATION FOR PROPOSED ONSITE WASTEWATER TREATMENT AND DISPERSAL SYSTEM (OWTS) FOR 1797 N. FOOTHILL ROAD, OJAI

In response to the recent intense rainfall and flooding emergency, Environmental Health Division (EHD) staff inspected and observed sites in several of the impacted areas, including flooding and erosion damaged locations in La Conchita, Casitas Springs, and the greater Ojai Valley area. EHD staff visited the site of your proposed OWTS at 1797 N. Foothill Road, Ojai to observe any storm-related impact to the site on Tuesday, January 18, 2005, approximately one week after the cessation of rainfall.

EHD staff documented the following conditions relative to the site of the proposed shallow drip field dispersal component of your proposed OWTS:

1. Three shallow wet weather monitoring wells covered with plastic and tape (two of which were also covered with a plastic tarp (apparently to prevent rain water intrusion) were observed. All three of these monitoring wells had standing water at 1½ to 2 feet from the ground surface.

2. Storm water runoff through the proposed primary dispersal area (southeast corner of the lot) caused substantial erosion in the dispersal area. Erosion of 6-10 inches in depth was observed adjacent to an area covered by a plastic tarp.

3. The pattern of the erosion indicates that an existing ephemeral channel located above and below the primary dispersal area are parts of a common drainage system apparently interrupted by the dispersal area, possibly due to earlier grading of the area.

Based upon the foregoing observations, your proposal to install a shallow drip dispersal system at the proposed location is infeasible due to high seasonal groundwater (approximately ½ -1 foot below proposed drip system) and erosive surface flow at the proposed dispersal system site. These conditions demonstrate that the proposed dispersal system area is not in conformance with provisions of the Ventura County

800 South Victoria Avenue, Ventura, CA 93009-1730 (805) 654-2813 FAX (805) 654-2480
Internet Web Site Address: www.ventura.org/envhealth

Building Code (VCBC) relative to dispersal system/groundwater separation requirements (VCBC Appendix Section K-3.4), and relative to site suitability requirements (VCBC Section K-1[f]). **Your application for the proposed OWTS is therefore denied.**

Should you desire to file an application for another OWTS at this site, the application must be accompanied by the appropriate fee based upon the type of system proposed. In addition to the customary application requirements, the application must address any of the issues appearing in my letter of October 19, 2004 (copy enclosed) that remain germane to the type of OWTS and dispersal area location proposed. Any future proposal to utilize the previously proposed primary dispersal area for effluent dispersal purposes must address the high groundwater observed at this location, and must include a drainage plan, prepared by a Registered Civil Engineer, designed to prevent erosion and excessive sheet flow in this portion of the site. Wet weather testing of other portions of the lot will be required. As stated in the enclosed letter, EHD staff must be present at the time of percolation and/or pit performance testing (including presaturation), and at the time the soils investigation excavation is conducted.

This terminates review of your project by EHD. Please contact Darrell Siegrist at 648-8248 or Gary Hails at 654-5008 if you have any questions concerning this matter.

Robert Gallagher

ROBERT GALLAGHER, DIRECTOR
ENVIRONMENTAL HEALTH DIVISION

Enclosure

c: John Johnston, CEO (w/ enclosure)
Thomas Berg, Director, Resource Management Agency (w/ enclosure)
Jonathon Bishop, LARWQCB (w/ enclosure)
Gary Haden, VRSD (w/ enclosure)
William Stratton, EHD (w/ enclosure)
Gary Hails, EHD (w/ enclosure)
Peter Bozek, EHD (w/ enclosure)
Darrell Siegrist, EHD (w/ enclosure)

Ex-3

Onsite Wastewater Treatment System Repair of Failure/Malfunction Survey

Prepared for: the California State Water Resources Control Board

Prepared by: the California Wastewater Training & Research Center, California State University, Chico

January 2003

Table D-2 Repair Rates Compared to the Number of Systems

Jurisdiction	Housing units with individual sewage systems*	Systems requiring repair (2001)	Repair rate in percent	Notes
Alameda	4,489	20	0.4%	
Amador	9,600	50	0.5%	
Butte	44,314	273	0.6%	
Calaveras	15,378	20	0.1%	
City of Vernon	?	1	?	
Contra Costa	11,222	75	0.7%	
El Dorado	32,609	150	0.5%	
Fresno	42,861	?	0.5%	**
Georgetown Divide	893	50	5.6%	***
Glenn	4,686	38	0.8%	
Inyo	2,191	4	0.2%	
Kern	46,939	275	0.6%	
Lake	13,452	97	0.7%	
Lassen	5,854	15	0.3%	
Los Angeles	80,135	219	0.3%	
Marin	9,276	38	0.4%	
Mariposa	6,347	3	0.0%	
Mendocino	20,520	87	0.4%	
Modoc	3,275	19	0.6%	
Mono	2,400	6	0.3%	
Orange	6,708	6	0.1%	
Placer	23,315	40	0.2%	
Plumas	9,286	192	2.1%	
Riverside	113,238	?	0.4%	**
San Benito	4,993	55	1.1%	
San Bernardino****	132,000	?	?	
San Diego	71,930	500	0.7%	
San Francisco	0	0		
San Joaquin	28,033	286	1.0%	
San Luis Obispo	26,700	200	0.7%	
San Mateo	6,360	76	1.2%	
Santa Barbara	11,434	245	2.1%	
Santa Clara	19,000	63	0.3%	
Santa Cruz	26,693	409	1.5%	
Shasta	28,516	125	0.4%	
Sierra	1,521	10	0.7%	
Solano	5,938	20	0.3%	
Sonoma	43,360	346	0.8%	
Stanislaus	26,360	372	1.4%	
Stinson Beach	700	5	0.7%	
Sutter	11,671	30	0.3%	
Tehama	13,669	51	0.4%	
Trinity	5,790	15	0.3%	
Tulare	34,238	58	0.2%	
Ventura	16,701	258	1.5%	4th highest
Yuba	6,585	29	0.4%	
Totals	912,949	4,831	0.6%	

Notes:

* System figures from Status Report: Onsite Wastewater Systems in California (2000)

** Repair figures from Status Report: Onsite Wastewater Systems in California (2000)

*** Figures from On-site Treatment Technology for Preservation of Agricultural Land in California's Central Valley (2002)

**** San Bernardino was not included in the repair rate calculation

EX-4

VENTURA COUNTY

BUILDING CODE

2001 EDITION

Ventura County Ordinance

Compiled by

THE RESOURCE MANAGEMENT AGENCY
DIVISION OF BUILDING AND SAFETY

Ventura

800 South Victoria Avenue, Ventura, CA 93009
(805) 654-2771

East County

3855-F Alamo, Rm. 2019-A
Simi Valley, CA 93065
(805) 582-8064

713.4.1 ALTERNATE PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) When the applicant seeks to install an alternate private sewage disposal system and the public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer, the public sewer may be considered as not being available when it has been adequately demonstrated to the satisfaction of the Administrative Authority that the total cost of connecting to the public sewer would be at least twice the total cost of the alternate private sewage disposal system.

(b) In all other cases when the applicant seeks to install an alternate private sewage disposal system, the public sewer may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than one-half mile (2,640 feet) from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

713.7 For the purpose of administering those requirements of Chapter 7 and Appendix K of this Code, pertaining to the approval, permitting and inspection of private sewage disposal systems, the Administrative Authority shall mean the Environmental Health Officer. All other requirements of this Code shall be regulated and enforced by the Building Official.

Section 714.0 - DAMAGE TO PUBLIC SEWER OR PRIVATE SEWAGE DISPOSAL SYSTEM.

714.6 HOLDING TANKS. A holding tank for industrial/commercial waste shall be installed only when it is permitted by and is in conformance with standards and safeguards established by the Administrative Authority and the Health Officer to prevent anticipated surface or subsurface contamination or pollution, damage to the public sewer, or other hazardous or nuisance condition. (Holding tanks for all domestic or residential waste shall be prohibited.)

Section 721.0 - LOCATION

721.1 LOCATION OF SEWAGE DISPOSAL SYSTEMS. Except as provided in subsection 721.2 in the UPC, no building sewer or private sewage disposal system, or parts thereof, shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private sewage disposal system; nor shall any building sewer or private sewage disposal system or part thereof be located at any point having less than the minimum distances indicated in Table UPC Appendix K-1 in this ordinance. Table 7-7 and Table K-1 in the UPC are hereby deleted in their entirety.