



OJAI VALLEY SANITARY DISTRICT

A Public Agency

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www.ojaisan.org

March 30, 2022

Via Certified, First-Class Mail, Return Receipt Requested

Richard Vane, Trustee
The Vane Family Trust
30 La Cumbra Street
Oak View, CA 93022

Subject: Notice of Determination; Appeal to the Board of Directors of Ojai Valley Sanitary District ("OVSD") Notice of Violation ("NOV") No. 2021-0410; 30 La Cumbra Street, Oak View, CA 93022 (APN 033-0-190-075); Richard Vane ("Appellant")

Dear Mr. Vane:

This letter constitutes the Notice of Determination of the OVSD Board of Directors pursuant to OVSD Code of Regulations § 917.5 and OVSD Resolution No. 2013-10¹, §5 (Basis of Ruling) following the March 28, 2022, public hearing before the OVSD Board of Directors on the above-referenced appeal.

Public Hearing Summary

At the duly noticed March 28, 2022, public hearing, the OVSD Board of Directors held an administrative appeal hearing of your December 8, 2021, appeal of the OVSD General Manager's November 22, 2021, decision to uphold the NOV issued to you for failure to pay sanitary sewer connection and capacity fees for a standalone or free-standing Accessory Dwelling Unit ("ADU") you constructed on the subject property. OVSD Board of Directors was heard in accordance with OVSD Code of Regulations § 917.3 and OVSD Resolution No. 2013-10, §3 (Conduct of Hearing).

Specifically, the OVSD GM briefly described the alleged violation and reviewed OVSD Code of Regulation §301.4 and OVSD Ordinance No. 82 which formed the regulatory basis for the subject NOV. The OVSD GM also discussed the Board letter and attached exhibits for this appeal hearing and Government Code §65852.2, subdivisions (e)

¹ Ojai Valley Sanitary District Administrative Hearing Procedures and Rules Governing Property Owner "Requests For Reconsideration of Ruling on Notice of Violation" Pursuant to Chapter 10, Section 1008 of the District Code of Regulations

and (f), which are most relevant to this matter. The Appellant's written testimony and arguments in favor of its appeal were included in the Board letter and attachments.

Next, you and your legal representative, Nicolas D'Amico, were provided an opportunity to present oral and written testimony, argument, and evidence to support your various grounds of appeal and your request to rescind the subject NOV. You were given an opportunity to rebut any arguments or statements made by the OVSD General Manager. You and Mr. D'Amico presented your case given these opportunities to do so. The OVSD Board did not place any time limits on your appellate presentation, nor did they limit your ability to respond to questions they had for you and Mr. D'Amico.

Both you and Mr. D'Amico as well as the OVSD General Manager were asked questions by the members of the Board of Directors. Both you and Mr. D'Amico were permitted to make final comments/arguments as was the OVSD General Manager before the public hearing was closed and the Board of Directors began their deliberations.

Basis for Ruling

Having received and considered such written evidence and oral testimony at the public hearing, the OVSD Board of Directors makes the following findings, affirmations, and determinations:

1. Affirms the General Manager's November 29, 2021 ruling that the subject NOV was justified on the basis of applicable OVSD Code of Regulation section (§301.4), the facts presented and received, and the applicable state law (Gov. Code §65852.2).
2. Does not find the Appellant's arguments or grounds for appeal valid or controlling because they are based on an illogical reading and interpretation of Government Code §65852.2(f)(5) that made no sense in light of the entire code section on ADUs and the corresponding provisions in the OVSD Code of Regulations, namely §301.4.
3. Finds that Appellant's arguments against the assessment of OVSD sewer system connection fees on his free-standing ADU lack factual and legal merit.
4. Affirms the accuracy of the drainage fixture count on the Appellant's ADU for purposes of proportionality in sanitary sewer system fees charged.
5. Finds that the Appellant's ADU places a new and additional burden on the OVSD sanitary sewer collection and treatment system while at the same time receiving the benefit of such sanitary sewer services.
6. Finds that Appellant's free-standing ADU is not eligible for the exemption from OVSD sewer system connection fees as set forth in OVSD Code of Regulations section 301.4(b) and Government Code section 65852.2(f).
7. Affirms the General Manager's decision to enforce collection of all applicable sanitary sewer capacity and service fees owed by the Appellant to OVSD as outlined in the General Manager's ruling in the amount of \$12,653.08.

8. Finds that Appellant is in arrears for the payment of OVSD connection fees in the amount of \$12,653.08 and are now due and payable within 60 calendar days from the date of this letter (May 28, 2022).²

Notice of Decision

Based on the foregoing findings, affirmations, and determinations, the OVSD Board of Directors voted 6 to 1 (Ulrich) in favor of Option 1 as stated in the March 28, 2022, Agenda Packet at page 89. More specifically, the Board adopted Option 1 to: "(a) affirm the General Manager's November 29, 2021 ruling that the subject NOV was justified on the basis of applicable law and the facts; (b) affirm the General Manager's decision to enforce collection of all applicable fees owed by the property owners to pay to the District capacity and sewer service fees as outlined in the General Manager's ruling in the amount of \$12,653.08; and (c) authorize General Manager to enforce the NOV and collection of overdue sewer service fees."

Further Notice

Appellant is hereby notified that the Board's ruling on this matter is final in accordance with OVSD Code of Regulations §917.3.7. And in accordance with OVSD Code of Regulations §917.6.1, Appellant may seek judicial review of this Board decision as set forth in California Code of Civil Procedure §1094.6.

On behalf of the OVSD Board of Directors,



Stephen L. Quilici
Chairman, Board of Directors

CC: Nicolas D'Amico via certified mail return receipt

² The District offers several payment options for the balance due. Please contact the District to discuss the options available if you want to pursue this accommodation. Your payment option will need to be finalized, including execution of any financing documents, if elected, no later than May 28, 2022.