



## **Compliance Agreement, CA22-0010**

### **County of Ventura • Resource Management Agency**

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

This Compliance Agreement (Compliance Agreement) is entered into by and between the PROPERTY OWNER identified below and the County of Ventura (COUNTY) and shall become effective upon the date it is executed by the last of the parties hereto (Effective Date).

**Property Owner:** Billiwhack Ranch LLC

**Property Address:** 2275 Aliso Canyon Road, unincorporated area of Ventura County

**Assessor's Parcel Nos.:** 064-0-130-145

**Violation Case No.:** CV19-0100 (replaced by Accela Record Case No. CV22-0472)

**Appeal Case No.:** PL20-0032

COUNTY issued Notice of Violation CV19-0100 (NOV) to PROPERTY OWNER on June 25, 2019, citing the following violations of the Ventura County Non-Coastal Zoning Ordinance (NCZO) and the Ventura County Building Code (VCBC) with respect to the Property. The violations are more particularly described in the NOV which is attached as Exhibit A hereto and summarized below:

Violation 1. Non-permitted modifications to the following structures:

- a) "Caretaker dwelling unit (Building H2)." The modifications include the removal of the attached carport, removal of the exterior and interior walls, removal of the plumbing, electrical, and mechanical systems, removal of the floor and slab. The amount of work completed has exceeded the threshold of 50% of the walls and 50% of the floors. The legal nonconforming use of the structure as a caretaker dwelling unit has been lost.
- b) "Creamery building (Building 4)." The modifications include the removal of interior walls, removal of plumbing, electrical, and mechanical systems. The structure has deteriorated ceiling, floor, wall and supports on all levels under the original location of the brine tank(s).
- c) "Cow stable (Building 2)." The modifications include the non-permitted conversion of storage building to a caretaker dwelling unit and office.
- d) The large concrete pool structure is empty and does not have the required barrier.

PROPERTY OWNER is the liable and responsible party for such violations pursuant to the NCZO and VCBC. County provided sufficient notice and information about each violation, including information about appeal rights under the NCZO and VCBC. PROPERTY OWNER did not submit an appeal in response to the NOV. On September 24, 2019, a Notice of Noncompliance was recorded against the Property for the unabated violations stated in the NOV.

COUNTY has determined that sufficient grounds exist, and specific abatement actions can be taken by PROPERTY OWNER, such that suspension of further enforcement actions is justifiable based on PROPERTY OWNER's commitment to abate the violations in accordance with the terms and conditions of this Compliance Agreement.

NOW, THEREFORE, the parties agree as follows:

1. PROPERTY OWNER shall abate, in full, all violations cited in the NOV, except for Violation 1(a) (Building H2) (see Section 2 below for abatement procedures for Building H2), in a diligent manner, to the satisfaction of the Planning Director and the Code Compliance Director or their designee, in accordance with the following milestones:

- a. Zoning Clearance Application: Within 14 calendar days of the Effective Date of this Compliance Agreement, PROPERTY OWNER shall submit a complete application online through Citizen Access at: <https://vcrma.org/en/remote-zoning-clearance-permit-processing> to the Planning Division for a Zoning Clearance that includes a scope of work to abate all violations cited in the NOV, except for Violation 1(a) (Building H2). During the processing of the Zoning Clearance application, PROPERTY OWNER shall provide additional requested information, if necessary, within 30 days of an issued Correction Notice.

COUNTY'S Obligation: Within 14 calendar days of submittal of the Zoning Clearance application to the Planning Division, COUNTY shall review the application and issue a Correction Notice, if the application does not meet the minimum submittal requirements and/or the project is inconsistent with the regulations of the NCZO, or confirm that the proposed scope of work is consistent with the regulations of the NCZO and sufficient to abate the violations (except for Violation 1(a)). The Cultural Heritage Planner shall also advise PROPERTY OWNER, based on the proposed scope of work, which type of Cultural Heritage review application<sup>1</sup> will be required, if any.

- b. Cultural Heritage Application: Within 30 calendar days of confirmation from the Planning Division that the scope of work is consistent with the regulations of the NCZO and sufficient to abate the violations (except for Violation 1(a)) pursuant to Section 1b. above, PROPERTY OWNER shall submit a complete Cultural Heritage review application to the Cultural Heritage Planner for the scope of work that is subject of the Zoning Clearance application. During the processing of the Cultural Heritage review application, PROPERTY OWNER shall provide additional requested information, if necessary, within 30 days of the request.

COUNTY'S Obligation: The Cultural Heritage process shall take approximately 60 days. If the Cultural Heritage review application is required to be heard and decided by the Cultural Heritage Board (CHB), this 60-day period may be extended to 90 days, pursuant to the Cultural Heritage Ordinance section 1371-6, if necessary to schedule any CHB hearings. These deadlines do not include the Cultural Heritage Ordinance timelines, appeal deadlines and administrative appeals of the subject Cultural Heritage review application, which may cause the process to be extended. Once these Cultural Heritage processes are complete, the Planning Division shall, within 7 calendar days, issue the Zoning Clearance.

- c. Building Permit Application: Within 90 calendar days of the issuance of the Zoning Clearance application pursuant to Section 1(a) above, PROPERTY OWNER shall submit a complete Building Permit application online through Citizen Access at: <https://vcrma.org/en/citizen-access> to the Ventura County Building and Safety Division that includes a scope of work to abate all violations cited in the NOV, with the exception of Violation 1(a) (Building H2). Building plan reviews expire 360 days after submittal of construction drawings and payment of plan check to the Building and Safety Division in accordance with VCBC section 105.3.2.

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<sup>1</sup> The Cultural Heritage Planner or Cultural Heritage Board (CHB) (depending on the scope of work) will review only those aspects of the project that were not previously evaluated and denied by the CHB under Certificate of Appropriateness application CH19-0021.

**COUNTY'S Obligation:** COUNTY shall review the Building Permit application and plans in accordance with the timelines specified by the Building and Safety Division and the VCBC section 105.3.2 (Expiration of Application).

- d. **Additional Approvals:** Within the specified time limits allowed by the most current VCBC section 105.5 (Expiration of Permit), PROPERTY OWNER shall obtain all final, necessary permits and approvals from the applicable regulatory agencies for the scope of work subject of the approved Zoning Clearance, including but not limited to applicable permits or approvals from the Ventura County Environmental Health Division and the Ventura County Fire Protection District. PROPERTY OWNER shall notify COUNTY Building and Safety staff and Code Compliance Division staff for required inspections in order to obtain a final clearance on the subject Building Permit(s).

**COUNTY'S Obligation:** COUNTY Building and Safety staff and Code Compliance Division staff shall perform inspections, as expeditiously as possible, upon notification by PROPERTY OWNER, to determine whether the applicable violations have been fully abated.

## **Building H2**

2. COUNTY Planning Division staff shall coordinate with PROPERTY OWNER on an agreed upon date for the rescheduled Board of Supervisors *de novo* public hearing to consider PROPERTY OWNER's **appeal regarding** the status of Building H2 (Appeal Case No. PL20-0032) (Appeal), which coordination shall occur no later than 30 days after issuance of the Building Permit to abate all other violations of the NOV. If PROPERTY OWNER withdraws the Appeal, within 30 days of the withdrawn Appeal PROPERTY OWNER shall pay COUNTY all outstanding COUNTY staff costs incurred, including all Appeal fees in accordance with the County's adopted Fee Schedule and procedures.
3. To the extent necessary based on the Board of Supervisor's decision on the Appeal, PROPERTY OWNER shall fully abate Violation 1(a) (Building H2) to the satisfaction of the COUNTY Planning Director or designee, in consultation with the COUNTY Code Compliance Director in accordance with the following milestones:
  - a. **Payment of Outstanding Costs:** Within 30 days of the Board's decision PROPERTY OWNER shall pay COUNTY all outstanding COUNTY staff costs incurred, including incurred Appeal fees if required, in accordance with the County's adopted Fee Schedule and procedures.
  - b. **Zoning Clearance Application:** Within 30 days of the Board's decision on the Appeal, PROPERTY OWNER shall submit a complete application (Zoning Clearance or Planned Development Permit, as required under the NCZO) to the Planning Division that includes a scope of work to abate Violation 1(a) (Building H2) and shall thereafter complete the Cultural Heritage review process and the Building and Safety Division permit process for the scope of work.

**COUNTY'S Obligation:** COUNTY shall process the application in accordance with the application review timelines specified in the NCZO, Cultural Heritage Ordinance, and/or Permit Streamlining Act depending on the type of permit required to abate the violation.

- c. **Additional Approvals:** Within the specified time limits allowed by the most current VCBC section 105.5 (Expiration of Permit), PROPERTY OWNER shall obtain all other final, necessary permits and approvals from the applicable regulatory agencies for the subject

scope of work, including but not limited to applicable permits or approvals from the Ventura County Environmental Health Division and the Ventura County Fire Protection District and completing the Cultural Heritage review process. PROPERTY OWNER shall notify COUNTY Building and Safety staff and COUNTY Code Compliance Division staff for required inspections in order to obtain a final clearance on the subject Building Permit(s).

COUNTY'S Obligation: COUNTY Building and Safety staff and COUNTY Code Compliance Division staff shall perform inspections, as expeditiously as possible, upon notification by PROPERTY OWNER, to determine whether the violation has been fully abated.

#### 4. ADDITIONAL COUNTY OBLIGATIONS

- a. COUNTY shall suspend further code enforcement action against PROPERTY OWNER for the violations cited in the NOV while PROPERTY OWNER remains in full compliance with the terms and conditions of this Compliance Agreement. COUNTY, however, may take code enforcement action against PROPERTY OWNER pursuant to the NCZO for any violations not the subject of this Compliance Agreement.
  - b. COUNTY shall perform a final inspection, as expeditiously as possible, upon notification by PROPERTY OWNER, to determine whether the violations have been fully abated.
  - c. Upon PROPERTY OWNER's full abatement of the violations in accordance with the terms and conditions of this Compliance Agreement, COUNTY shall: (i) close NOV CV22-0472 (previously referred to as CV19-0100) following PROPERTY OWNER's payment of the final bill; and, (ii) release all Notices of Non-Compliance recorded against the PROPERTY regarding the Violations following PROPERTY OWNER's payment of the required release fees (per the County's adopted Fee Schedule and procedures) .
5. This Compliance Agreement constitutes the entire agreement and understanding between the parties regarding the subject matter hereof and fully supersedes and replaces any and all prior negotiations and agreements of any kind or nature, whether written or oral. A party's failure to exercise or delay in exercising any right, power or privilege under this Compliance Agreement shall not operate as a waiver thereof; nor shall any single or partial exercise of any right, power or privilege preclude any other or further exercise thereof.
  6. This Compliance Agreement is entered into by the parties pursuant to Section 8114-4 of the NCZO in an attempt to informally resolve the matter in lieu of the County's pursuit of formal enforcement action. As such, this Compliance Agreement does not constitute a contract that is enforceable in a court of law or any other forum, and no decision or action taken by the Planning Director to administer or terminate this Compliance Agreement is appealable under Section 8111-7.1 of the NCZO, although this Compliance Agreement may be used and presented to the extent relevant in any proceeding before a County decision-maker.
  7. This Compliance Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Executed signature pages to this Compliance Agreement may be delivered via facsimile or as a .pdf in electronic mail, and such delivery shall be fully effective as if the original had been delivered.

The parties have caused this Compliance Agreement to be duly executed by their respective duly authorized officials, officers, or representatives as of the dates set forth below.

PROPERTY OWNER

 DATE: 11/30/2022  
Billiwhack Ranch, LLC  
Richard Cortez, Member

 DATE: 11/30/2022  
Billiwhack Ranch, LLC  
Tracy Cortez, Member

COUNTY Staff

 DATE: 12/1/22  
Dave Ward, Director, AICP  
Planning Division

 DATE: 12.01.2022  
Doug Leeper, Director  
Code Compliance Division

Exhibit:  
Exhibit A – Notice of Violation CV19-0100

