



NOTICE OF VIOLATION **CONDITIONAL USE PERMIT (CUP) No. 186 - CalNRG**

Please Reply to: Mindy Fogg
(805) 654-5192
Mindy.Fogg@ventura.org

February 17, 2023

Blain Meith
EVP Land & Business Development
CalNRG
1746-F South Victoria Ave., #245
Ventura, CA 93003

And via email to blain.meith@calnrg.com

SUBJECT: **Violation Case No.:** PV23-0002, Unpermitted operation of a Kennel and Cattery by Paw Works
Assessor's Parcel No.: 218-0-011-025
Address: 595 Wolff Road, Oxnard CA, 93033
Oil Field: Oxnard
CUP No.: 186

Dear Mr. Meith:

Ventura County Planning Division staff has confirmed that violations of Conditional Use Permit (CUP) No. 186 and applicable provisions of the Ventura County Non-Coastal Zoning Ordinance (NCZO) exist on the above property. This violation must be abated within 60 days, by **April 18, 2023**, if the building is deemed to be habitable as confirmed by the Planning Division and Building and Safety. Failure to abate the violation by the deadline, may result in additional enforcement action, as stated below.

CONFIRMED VIOLATION

California Natural Resources Group, LLC ("CalNRG") is currently listed as the operator of record by the California Geologic and Energy Management Division for the subject CUP site. Both oil and gas development operations and kennels/catteries within the Agricultural Exclusive (AE) Zone in the unincorporated portions of the County of Ventura

are required to have a CUP from the County Planning Division pursuant to the County of Ventura Non-Coastal Zoning Ordinance (NCZO) Sections 8105-4 (Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones) and 8107-5.4 (Required Permits).

Based on a review of records made by County of Ventura (County) staff, through phone interviews on December 2, 2022 and February 7, 2023, and multiple site inspections by County staff, it has been determined that the kennel and cattery operated by Paw Works on the site of CUP 186 in a building at the southeast corner of Wolff Road and 5th Street does not have a CUP to operate and is in violation of the NCZO.

1) Paw Works does not have a CUP for operation of a kennel and cattery.

This is in violation of:

NCZO Section 8105-4 (Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones):

Kennels and catteries must have a CUP issued by the Planning Director to operate within the AE Zone. The subject facility does not have a CUP and is in violation of the NCZO.

2) CUP 186 does not authorize the operation of a kennel or cattery.

This is in violation of:

The conditions of approval for CUP 186:

The conditions of approval authorized the “[d]rilling for and extraction of oil, gas, and other hydrocarbon substances and installing, and using, buildings, equipment, and other appurtenances accessory thereto, including pipe lines, but specifically excluding processing, refining, packaging, bulk storage or any other use specified in Ordinance 412, as amended, as requiring review and special use permit.” The conditions of approval are in service of the above project description, and therefore, do not authorize the operation of a kennel or cattery.

BACKGROUND HISTORY

On January 22, 1953, the Board of Supervisors approved CUP 186 for the drilling and extraction of oil and gas in the Oxnard oil field on an approximately 320.5-acre site adjacent to the City of Oxnard, south of 5th street between Rice Avenue and Wolff Road. The site contains both agriculture production, oil and gas extraction wells, support

structures for agriculture and oil and gas extraction, and a decommissioned oil refinery subject to a separate violation case (CV22-0861).

APPEAL OF VIOLATION DETERMINATION

You have the right to appeal the Planning Division's determination that the above-stated violations exist by submitting a completed appeal form to the Planning Division along with a \$1,000 deposit by **February 27, 2023**¹. Appeals are heard by the County Planning Commission at a public hearing. If the violations are confirmed on appeal, you are responsible for all County costs incurred to process the appeal. If the violations are not confirmed on appeal (i.e., the Planning Commission finds that no violation exists), you are not responsible for any County costs and your appeal deposit will be refunded.

ABATEMENT OF VIOLATIONS

Abatement of the above violations can be achieved by:

- (1) Ceasing operation of the existing kennel and cattery operated by Paw Works, and removal of all animals from the subject site.
- (2) Issuance of a CUP by the Planning Director to operate a kennel and cattery. *(Note that such a CUP would also include conditions requiring the necessary building, electrical, mechanical, and plumbing permits for work that was already completed as well as any future proposed work.)*

Please be advised that a separate violation exists on the same legal lot for the demolition of a decommissioned oil refinery under case CV22-0861. Per NCZO Section 8111-2.2(f), an application for a CUP for kennel and cattery cannot be accepted for consideration while a violation exists on the same legal lot. Therefore, violation CV22-0861 must be abated, in addition to the cessation of operation of Paw Work's kennel and cattery, before an application for a new CUP can be accepted.

It is your responsibility to inform the Condition Compliance Officer when your violations have been corrected. Until the Condition Compliance Officer hears from you that the violations are corrected and this can be confirmed to their satisfaction, the violations are presumed to remain, and enforcement actions against you will continue.

The full costs for staff time spent abating the violations will be charged to you and any subsequent operators and/or property owners of the mineral rights (and surface rights, as

¹ When the 10th calendar day lands on a weekend, the date is extended to the close of the next business day.

applicable). This includes all time spent for meetings, site visits, telephone calls, correspondence, etc. that relate to this violation case.

ENFORCEMENT ACTIONS

If the violations are not abated by April 18, 2023, the following enforcement actions set forth below may be instituted. Such actions will remain in effect until the violations are abated to the satisfaction of the Planning Division:

- No new Planning Division permits (including but not limited to Zoning Clearances, Film Permits, Conditional Use Permits, Planned Development Permits) and/or Building and Safety Division permits will be issued for the subject parcel(s) except to correct the violations.
- Each day counts as a new violation for purposes of fines, and penalties that may be assessed if Civil Administrative Penalties are imposed.
- A Notice of Noncompliance may be recorded on the property that gives record notice of the violation. This notice will not be removed until the violation is corrected, and all fees and charges are paid. These notices may effectively stop the sale of the property/leases or securing re-financing of mortgages. The Planning Division's minimum fee for confirming abatement of the violations and removing this notice is \$500. All accumulated County costs for staff time spent abating the violations, and any accrued late charges and interest, must also be paid before the recorded notice is released.
- You will be formally billed on a monthly basis for staff costs incurred and assessed 2% interest for unpaid bills compounded monthly.
- An administrative nuisance abatement proceeding may be initiated by the County involving the property. If the presence of a public nuisance is substantiated, the violator can be ordered to abate the violations, pay the County all costs incurred in seeking abatement of the violations, pay all hearing officer costs (currently over \$168/hour), and pay fines and penalties. The County can also file a tax lien on the property if the fines, penalties and costs are not timely paid.
- Criminal charges may be filed against you. If you are convicted of a misdemeanor violation, it would result in a criminal record, probation, fines, and Court penalties equal to 220% of total fines charged (e.g., a \$100 fine becomes a \$320 fine).

- The applicable CUP(s) may be suspended, modified or revoked for cause by the County following a public hearing. The violator is responsible for all County costs associated with this process.

County Planning staff want to work with you to abate the violations as quickly and efficiently as possible. Please contact me at your earliest convenience at (805) 654-5192 Mindy.Fogg@ventura.org to discuss with you how this issue can be resolved. Please reference **Case No. PV23-0002** in all inquiries or replies.

Thank you for your cooperation.

Sincerely,



Mindy Fogg, Manager
Commercial and Industrial Permits Section
County of Ventura Planning Division

c: Western AG Group LLC, Property Owner
Marco Perez, Code Compliance