



FERGUSON CASE
ORR PATERSON LLP
ATTORNEYS AT LAW

Writer's Email:
nmauire@fcoplaw.com

Reply to: Ventura Office

July 19, 2023

Via Email

Chair Scott Boydston
Planning Commission
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93009-1740
Email: luz.juachon@ventura.org
dean.phaneuf@ventura.org

Re: *July 20, 2023, Agenda Item No. 6A (Appeal of Notice of Violation No. CV22-0832)*

Dear Chair Boydston, Vice-Chair Garcia, and Fellow Commissioners:

On behalf of Western AG Group, LLC, the owner of the property being utilized by Paw Works for its animal rescue facility, we provide these comments to supplement and respond to the information provided by County staff in its report to the Commission. Representatives from the Western AG Group and Paw Works will be present at the Commission hearing to further address this appeal and the substantial public interest issues encompassed by it.

A. Introduction And Requested Findings

As discussed in more detail below, the crux of this appeal concerns the fact that County staff has declined to allow Paw Works to even submit an application for a CUP to allow the animal rescue facility on a permanent basis. County staff contends that it cannot accept such an application, which was prepared and ready over two months ago, because there are existing violations associated with an unrelated (and now former) refinery on nearby property. The former refinery is not on the same Assessor Parcel Number (APN) as the Paw Works facility, the

VENTURA OFFICE
1050 SOUTH KIMBALL ROAD
VENTURA, CALIFORNIA 93004
PHONE: (805) 659-6800 FACSIMILE: (805) 659-6818

WESTLAKE VILLAGE OFFICE
4550 E. THOUSAND OAKS BLVD., SUITE 250
WESTLAKE VILLAGE, CALIFORNIA 91362
PHONE: (805) 659-6800 FACSIMILE: (805) 379-1744

County of Ventura
Planning Commission Hearing
Case No.: PL23-0023 / CV22-0832
Exhibit 12 - Letter Received from Appellant dated July 19, 2023

County's Notice of Violation does not encompass the refinery APN, and there is no reason to further hold up Paw Works' efforts to obtain a CUP for its rescue facility.

Consequently, Western AG Group requests that the Commission find:

1. That the appeal is upheld and Paw Works shall be allowed to submit an application for a conditional use permit for its animal rescue facility.
2. That Paw Works be allowed to continue to operate its facility subject to a compliance agreement with the County that provides for the on-going operation of the facility during Paw Works' diligent pursuit of a CUP.
3. That the uses under Special Use Permit 186 do not impact the Paw Works facility.
4. That the March 2, 2023, Notice of Violation issued by the County only applies to APN 218-0-011-025 and does not encompass APN 218-0-011-485.

B. Paw Works Has Sought Compliance From The County

Throughout this process, Paw Works has diligently sought compliance from the County. First, Paw Works sought and received a temporary kennel permit from the County to allow it to operate. (See Attachment A.) Second, Paw Works resolved outstanding building and safety violation issues with the County. The rescue facility is safe to operate.

Third, Paw Works prepared an application for a conditional use permit. Paw Works attempted to submit the CUP application, including at a May 9, 2023, meeting with County staff. County staff refused to accept the application because:

After careful review of the permit records of the subject property, Planning Division staff found an open Condition Compliance violation (PV23-0003/CV19-01771CV22-0861) against the property. The violation involves the use of an unpermitted oil refinery. (Attachment B.)

The former refinery has no operational connection to Paw Works. It exists on a separate APN from the Paw Works facility and relates to the historical operations of the California Resources Corporation (CRC). CalNRG (not Western AG Group or Paw Works) now controls the refinery. Any permit violations associated with the former refinery existed before CalNRG assumed control of the refinery from CRC in 2021, and CalNRG has diligently pursued the removal of the refinery since then. In fact, CalNRG has completed approximately ninety-five percent of the required infrastructure removal. CalNRG expects to complete the remaining work (involving the

removal of one more tank for approximately two weeks) this fall. Progress is currently being inhibited by federal regulations that restrict activities during swallow nesting season.

C. Paw Works Should Be Allowed To Submit An Application For A CUP

As noted above, Paw Works attempted to submit an application for a CUP for its rescue facility on May 9, 2023. County staff refused to accept the application. In order to frustrate Paw Works' ability to pursue its CUP, or to use Paw Works as leverage against the former refinery, the County cites existing violations associated with the former refinery on the adjacent APN as a reason to reject Paw Works' CUP application. As discussed below, the County cannot use the refinery as an excuse to reject Paw Works' attempts to obtain a CUP.

1. The County's NOV Applies Only To The Portion Of The Property With The Paw Works Facility, Not The Former Refinery Site.

As discussed above, the property at issue includes two APNs. Please see Tab 2 of your packet for a map of the property that shows the APNs. Paw Works is included on APN 218-0-011-025 (in the northeast corner). The CalNRG refinery is located on APN 218-0-011-485.

Notably, when the County issued its NOV, it did not consider the property to be one, singular lot. The NOV references and only applies to APN 218-0-011-025, which has the Paw Works facility. The NOV does not apply to the APN with the former refinery.

In fact, the County rescinded its original February 17, 2023, NOV because it treated the property as two separate parcels. The staff report (p. 3) itself acknowledges that the Paw Works facility was not "identified as being under SUP 186 and thereby were not under the purview of Planning Condition Compliance." Again, when the County re-issued the NOV in March, it only referenced APN 218-0-011-025.

County staff now engages in revisionist history to stop Paw Works from even submitting a CUP application. Now, the County contends that there is only a single piece of property and that permit violations associated with the refinery apply to Paw Works as well (staff report, p. 6). The County already discarded this approach last February. Because the NOV is limited to APN 218-0-011-025, the County cannot rely on off-site violations to prevent Paw Works from submitting its CUP application.

2. The Public Interest Favors Allowing Paw Works to Continue Operating While It Diligently Pursues Its CUP.

County staff routinely states that the goal of its code enforcement program is to get landowners into compliance. Paw Works has demonstrated an intent to comply by trying to submit an application to the County for a CUP. It undermines the County's overall goals, and

July 19, 2023

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results in poor policy, when County staff then ties together the unrelated refinery, controlled by a separate legal entity and on a separate APN, to the Paw Works facility.

Those policy concerns are exacerbated by the unique circumstances of this appeal, where Paw Works provides a critical and necessary public service – a shelter for animals that otherwise lack homes. The County’s own shelters admirably address many of the same needs as Paw Works, but they simply do not have the capacity to handle the County’s animal rescue needs on their own.

In a similar situation, involving a facility for tigers, wild birds, and other animals, the County entered into a compliance agreement (Attachment C) that allowed the facility to continue operating while it pursued a CUP from the County. The same policy reasons that justified that approach there, primarily an inability to find replacement shelter for the animals (not just “inherently dangerous” ones), applies to the numerous animals currently sheltered at Paw Works.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Neal Maguire', with a stylized, cursive script.

Neal Maguire

Attachments

**Permit
Expires:**

6/9/2023

Ventura County Animal Services
Certificate of Inspection

This Certifies that

Paw Works Rescue

Name of Business

Is in possession of a Temporary Kennel License from Ventura County Animal Services.

License Number - R23-426828

March 9, 2023

Date


VCAS Inspector/Officer



May 9, 2023

Clif Simonson
1746 F South Victoria Avenue #245
Ventura, CA 93003

SUBJECT: Discretionary Permit Application – Not Meeting Non-Coastal Zoning Ordinance Requirements to Accept Application
595 N. Wolff Road, unincorporated area of Oxnard
Assessor's Parcel Numbers (APN): 218-0-011-025

Dear Mr. Simonson:

Planning Division staff met with Mr. Larry Graves and Ms. Krystine De Grande on May 9, 2023, to review the discretionary application materials for a Conditional Use Permit (CUP) to authorize a kennel and cattery on property located at 595 N. Wolff Road, in the unincorporated area of Oxnard (APN 218-0-011-025). After careful review of the permit records of the subject property, Planning Division staff found an open Condition Compliance violation (PV23-0003/CV19-0177/CV22-0861) against the property. The violation involves the use of an unpermitted oil refinery. Based on this information, the Planning Director has determined that the proposed CUP application cannot be accepted because there is an open violation case on the subject property, pursuant to Section 8111-2.2(f) of the Non-Coastal Zoning Ordinance (NCZO), which states:

Processing Applications Where Violations Occur – No application request for a new entitlement or time extension of an existing entitlement whose initial term has expired shall be accepted if a violation of Chapter 1 or Chapter 2 exists on the lot, unless the acceptance of the application is necessary to abate the existing violation.

For this reason, your application cannot be accepted. Before the Planning Division can accept this CUP application or any other application for development, the violation case shall be closed, and all related fees paid. An Appeal, case no. PL23-0023, related to the abandoned refinery (Condition Compliance violation case PV23-0003) and Code Violation CV22-0832, related to the operation of a animal kennel without the benefit of a Conditional Use Permit, is pending before the Planning Commission.



COUNTY OF VENTURA

Resource Management Agency

Code Compliance Division

800 South Victoria Avenue

Ventura, CA 93009

(805) 654-2463, 654-5177 FAX

STAY OF CIVIL ADMINISTRATIVE PENALTIES COMPLIANCE AGREEMENT CA14-0007

April 3, 2014

This Compliance Agreement ("Agreement") is entered into by and between the ("Property Owner") and the Ventura County Code Compliance Division ("County") (collectively referred to as "Parties") as a condition of the County Staying imposed Civil Administrative Penalties and for the purpose of abating Non-Coastal Zoning Ordinance violations associated with:

Property Owner 1: Wildlife & Environmental Conservation Incorporated

Property Owner 2:

Property Address: 11952 Broadway Road, P.O. Box 2359, Moorpark, CA 93020-2359

Assessor's Parcel NO: 500-0-210-165

Violation Case #: CV12-0051

The successful completion of this Agreement resolves and settles, in their entirety, those allegations that are found in the County Notice of Violation issued on 4/10/2012 ("Notice of Violation"). The Parties agree that abatement of the violations through this Agreement, without litigation, is fair, reasonable and in their best interests.

RECITALS:

WHEREAS, the County confirmed the following violations exist on the Property:

Operation of an animal rehabilitation/educational facility for inherently dangerous animals to include tigers, wild birds, and miscellaneous animals without the required permitting and clearances from the Planning Department in violation of the VCNCZO section(s) 8101 3 general prohibitions, 8105 1.3 7 81-5 4 Permitted Uses, 8107 2.3 Additional Standards, 8107 2.3.5 Wild Animals.

Keeping of wild animals and inherently dangerous wild animals, as defined in the County Non-Coastal Zoning Ordinance without a conditional use permit ("Violation").

WHEREAS, the County Notice of Violation states that Property Owner is maintaining fences in excess of eight (8) feet in height and is keeping wild animals and inherently dangerous animals with the required state and federal regulatory permits. On April 26, 2012 the County informed Property Owner that the Property Owner may have fences over 8 feet tall for the enclosure of the animals if the Property Owner can demonstrate that the fences are required by the California Department of Fish and Wildlife and that the fences are necessary for the described animal keeping use. The County has further informed Property Owner that (i) the County Planning Division will consider the fences in connection with the Conditional Use Permit and the determination regarding whether those fences comply with the code will take place during the Conditional Use Permit process and (ii) the same would be true for the Notice of Violation based on compliance with other regulatory agencies.

WHEREAS, the County Notice of Violation states that a violation exists on the Property with respect to the unlawful construction, use and occupancy of a double wide mobile home structure without benefit of building permit(s) for foundation and utilities or inspections thereof.

WHEREAS, the Property Owner is the liable and responsible party for the Violation pursuant to the County Non-Coastal Zoning Ordinance § 814-3.6 et seq.;

WHEREAS, County provided sufficient notice and information about the Violation, including information about possible appeal rights under the County Non-Coastal Zoning Ordinance;

WHEREAS, County imposed civil administrative penalties against the Property Owner for violations pursuant to County Non-Coastal Zoning Ordinance § 8114-3.7 et seq. on a per day violation basis;

WHEREAS, the County's Notice of Imposition of Civil Administrative Penalties dated September 6, 2013 ("Notice of Imposition") states a total daily Civil Administrative Penalty for CV12-0051 to be \$725.00 based on County Non-Coastal Zoning Ordinance § 8114-3.7 et seq. and County Board of Supervisor Resolution (No. 222 dated 11/21/06) Adopting Civil Administrative Penalty Guidelines for Violations of the Ventura County Non-Coastal Zoning Ordinance;

WHEREAS, Property Owner submitted an appeal of the imposition of the civil administrative penalties ("appeal"), which the County was prohibited from accepting on the grounds that the appeal was not timely filed;

WHEREAS, Property Owner submitted a written request on 10/10/2013 to the County seeking a stay of all civil administrative penalties for the violations in questions;

WHEREAS, the County Code Compliance Director or his/her designee has read and reviewed the Property Owner's request for a stay of the accrual of the civil administrative penalties; and

WHEREAS, the County Code Compliance Director or his/her designee has determined that sufficient grounds exist and specific remediation actions can be taken by Property Owner, as stated below, such that a stay can be granted in light of this Agreement is warranted.

NOW, THEREFORE, for good and valuable consideration set forth herein, the PARTIES agree to abide by the following terms and conditions to abate the subject violation(s).

TERMS AND CONDITIONS:

1. Property Owner agrees to do the following on or before April 10, 2014.
 - a. Submit a complete application for a Conditional Use Permit to keep wild animals and inherently dangerous wild animals on the Property ("CUP"). If not completed by the deadline, \$250.00 of the surety deposit will be forfeited.
 - b. Provide evidence that the Property Owner has all required state and federal regulatory approval for the keeping of wild animals and inherently dangerous wild animal on the Property,
 - c. Provide evidence that all fence heights in excess of eight (8) feet are required by the Federal USDA and the California Department of Fish and Wildlife and that the fences are necessary for the described animal keeping use.

- d. Obtain a building permit for installation of a seismic foundation for the double wide mobile home structure on the Property and complete the work within 90-days following the issuance of such building permit
 - e. Pay all outstanding fees & Staff time.
 - f. Submit to the County Code Compliance Division a refundable Surety Deposit in the amount of \$3000.00.
2. Until such time as the County takes final action to approve or deny the CUP, Property owner shall:
- a. If the Conditional Use Permit application is deemed incomplete, submit information and documentation as requested within 30 days. If not completed by the deadline, \$250.00 of surety deposit will be forfeited.
 - b. Promptly provide all information reasonably required by County for consideration of the CUP or as specified in the Notice of Violation.
 - c. Continue to keep all wild animals, as defined in the Ventura County Non-Coastal Zoning Ordinance and listed on Exhibit "A" to this Agreement, titled "Wildlife & Environmental Conservation, Inc. List of Animals & Permitting Agencies". Property Owner may not take in and keep additional wild animals during the term of this Agreement. It is understood that local, state and federal agencies all deliver raptors to the Property for care and rehabilitation. Until the CUP is approved, Property owner may not accept new individual raptors from private parties, and will contact the County Animal Services Department at 388-4341 and receive approval prior to accepting deliveries of injured raptors from local, state and federal agencies.
 - d. Within 30 days, cooperate fully, including the payment of all costs, with the conduct of two independent third party reviewers and a California Department of Fish and Wildlife representative that are expert in the field of care and handling of inherently dangerous animals and are acceptable to both parties. The review will focus on the proper care of inherently dangerous animals to determine whether the animals currently on the property can be moved safely (per FGC Title 14) from the subject property to a properly permitted facility capable of caring for the animals. Property owner agrees to abide by the findings and conclusions of the third party reviewers.
 - 1. Should the third party reviewers conclude that the animals can be safely moved from the property (per FGC Title 14) during the processing of the Conditional use Permit, and the permitting agencies (USDA, CSDFW, etc.) have authorized the movement of the animal to an approved, sufficient and properly permitted facility, property owner shall remove all inherently dangerous animals, as defined in the Ventura County Non-Coastal Zoning Ordinance and listed on page 3 of Exhibit "A" to this Agreement, titled "Wildlife & Environmental Conservation, Inc. List of Animals & Permitting Agencies", within ninety (90) days of the issuance of the results of the third party reviews.
 - 2. Should the third party reviewer conclude that the animals should not be moved from the property during the processing of the Conditional Use Permit, property owner shall maintain those animals listed on page 3 of Exhibit "A" in compliance with all state and federal regulatory permits and shall bring no additional inherently dangerous animals on the property.

- e. Maintain all wild animals on the property, as described in paragraph 2.c, in compliance with all state and federal regulatory permits issued to Property Owner and will promptly comply with any requirements of such regulatory authority for compliance with such authority's permit condition.
 - f. Not conduct any public tours, visitations, events, exhibitions or programs on the property while in the process of obtaining the Conditional Use Permit.
 - g. If animals are removed from the site under the terms of paragraph 2.d.1, promptly notify Code Compliance staff when inherently dangerous animals have been removed and allow a site inspection to verify their removal.
3. Until such time as the County takes final action to approve or deny the CUP, County Agrees to do the following:
- a. Promptly process the CUP application and render a decision thereon in a manner consistent with the requirements of the Ventura County Non-Coastal Zoning Ordinance. In the event of an appeal, the appeal shall be heard and a decision rendered thereon within 60-days of the date the appeal is filed:
 - b. Withhold further code enforcement action against Property Owner for the violations set forth in the Notice of Violation. However, nothing in this Agreement shall prohibit the County from taking code enforcement action against the Property Owner for any new violations of the Non-Coastal Zoning Ordinance; and
 - c. Stay the per day per violation accrual of Civil Administrative Penalties for CV12-0051 from the date such Civil Administrative Penalties first began to accrue.
4. In the event that the CUP is approved, the Property Owner shall:
- a. Submit plot plan and construction plans to the Planning Department for zoning clearance within 30 days of approval and hearing. If not completed by deadline \$250.00 of surety deposit will be forfeited.
 - b. Obtain the building permit within six months of plan review approval for all structures within CUP boundaries to be legalized or demolished. If not completed by the deadline, \$250.00 of the surety deposit will be forfeited.
 - c. Obtain Use Inauguration Zoning Clearance from the Planning Department within one year of approval at hearing, if not completed by the deadline, \$250.00 of the surety deposit will be forfeited.
5. In the event that the CUP is approved, the County shall:
- a. Continue to withhold further code enforcement action against Property Owner for the violations set forth in the Notice of Violation.
 - b. Conduct all inspections as required by the CUP, building permits or other County permits required up to and including the Use Inauguration Zoning Clearance.
 - c. Following issuance of the Use Inauguration Zoning Clearance and payment of all outstanding fees by the Property Owner, County shall: (i) close CV12-0051, (ii) release all

notices - recorded against the Property in connection with CV12-0051, and (iii) fully and forever waive all Civil Administrative Penalties by CV12-0051 and Property Owner shall have no obligation to pay such Civil Administrative Penalties or any portion thereof.

6. In the event that the CUP is not approved, Property Owner agrees to do the following within 180 days from the date of the final decision:
 - a. Abate in full all violations specified in the Notice of Violation, in a manner to the satisfaction of the Code Compliance Director or his/her designee;
 - b. Promptly provide any and all information related to the violations specified in the Notice of Violation if requested by County;
 - c. Notify County Code Compliance Director or his/her designee of completion of paragraph 5.a., above, so that the County can verify such action by final inspection of the property.
7. In the event that the CUP is not approved, the County agrees to do the following within 180 days from the date of the final decision:
 - a. Withhold further code enforcement action against Property Owner for the violations set forth in the Notice of Violation. However, nothing in this Agreement shall prohibit the County from taking code enforcement action against the Property Owner for any new violations of the Non-Coastal Zoning Ordinance;
 - b. Perform final inspection, as expeditiously as possible upon notification by the Property Owner, above, in order to verify if violation(s) have been abated;
 - c. Continue to stay the per day per violation accrual of Civil Administrative Penalties for CV12-0051 from the date such Civil Administrative Penalties first began to accrue; and
 - d. When a final inspection has been completed and the abatement of all violations confirmed, close CV12-0051 and (i) release all notices recorded against the Property in connection with CV12-0051, (ii) fully and forever waive all Civil Administrative Penalties for CV12-0051 and Property Owner shall have no obligation to pay such Civil Administrative Penalties or any portion thereof.
8. Upon execution by the Parties, this Agreement will become final and binding upon all parties effective as of the date of this Agreement.
9. This Compliance Agreement constitutes the entire agreement and understanding between the County and Property Owner and fully supersedes and replaces any and all prior negotiations and agreements of any kind or nature, whether written or oral, between the County and Property Owner concerning these claims.
10. The County reserves the right to take future enforcement actions arising out of violations not the subject of this Agreement; in addition, the County reserves the right to demand increased penalties in connection with any future violations that are not the subject of this Agreement.
11. Property Owner's failure to perform any of the terms or conditions of this Agreement will render Property Owner in violation of the terms and conditions of this Agreement which shall be grounds for the County's termination of this Agreement at the sole discretion of the Code Compliance Director.

12. In the event Property Owner fails to perform any of the terms or conditions of this Agreement, and the County terminates this Agreement in writing, the Surety Deposit described in paragraph 1.f shall be forfeited, the stay of the imposed civil penalties shall be lifted, and the penalties will accrue from the date this Agreement is terminated.
13. Each Party reserves the right to seek enforcement of this Agreement in an appropriate court of law in the event either Party fails to perform any of the terms or conditions of this Agreement.
14. In the event that either Party seeks enforcement of this Agreement in a court of law, the prevailing Party will be entitled to reasonable attorney fees and all other cost reasonably incurred.
15. No agreement to modify, amend, extend or supersede, this Agreement, or any portion thereof, shall be valid or enforceable unless it is in writing and signed by all Parties.
16. In the event that the CUP is not approved, this Agreement expires 180 days from the date that the decision to deny the CUP becomes final unless an addendum is added which outlines the specific schedule and time frames for the resolution of this situation and shall thereafter continue in effect until specified.

The PARTIES have read and understand the contents of this Agreement and agree to its terms and conditions.

PROPERTY OWNER

DATE:_____

COUNTY, Jim Delperdang, Director
County of Ventura Code Compliance Division

DATE:_____



NOTICE OF VIOLATION AND NOTICE OF IMPENDING CIVIL ADMINISTRATIVE PENALTIES

March 02, 2023

Please Reply To: Amanda Ahrens
(805) 654-2800
Amanda.Ahrens@ventura.org

WESTERN AG GROUP LLC
1746-F S VICTORIA AV STE 245
VENTURA, CA 93003

Violation No.: CV22-0832
Property Address: 595 Wolff RD CA
Assessor's Parcel No.: 218-0-011-025

Dear Property Owner,

The Code Compliance Division has confirmed that violation(s) of the Ventura County Building Code, International Property Maintenance Code, and/or Zoning Ordinance exist on the subject property. These violation(s) were brought to your attention in an earlier Courtesy Notice dated 1/31/2023. The violation(s) must be corrected or abated within 30 days. If not, additional enforcement will be taken.

VIOLATIONS:

Following are the activities, uses, or structures which constitute violation(s) of the Ventura County Building Code, International Property Maintenance Code, and/or Zoning Ordinance identified by section number, the actions that must be taken to correct the violation(s), and the range of applicable daily civil administrative penalties.

Violation 1. Non-permitted operation of animal kennel/animal rescue "Paw Works" without the required Conditional Use Permit (CUP).

Violation 2. Non-permitted tenant improvements to include but not limited to demolition, electrical work, mechanical work, plumbing work, reconfiguration/installation of animal stalls/cages within existing building.

In violation of:

Ventura County Non-Coastal Zoning Ordinance (VCNCZO) sections: 8101-3 General Prohibitions, 8105-4 Permitted Uses.

Ventura County Building Code (VCBC) sections: 105.3 Failure to File Application for Permit, 105.1

Failure to Obtain Permits, 110.1 Failure to Have Work Inspected. International Property Maintenance Code (IPMC) sections: 108.1.5 Dangerous structure or premises, 108.1.4 Unlawful structure, 604.3 Electrical system hazards, 605.4 Wiring.

Abatement of the above violations may be achieved by:

1. Obtaining permits and clearances in accordance with the adopted codes and ordinances from the Planning Division and the Building & Safety Division.
2. Requesting inspections to verify compliance.
3. Notifying the Code Compliance Division upon completion of all work and receipt of final approvals from all departments.

Civil Administrative Penalties can range from \$100.00 to 200.00 per day for each violation.

The above violations were confirmed on 01/31/2023. This Notice of Violation addresses the violations reported and confirmed and those observed in plain view - they are listed above. It is not intended to represent all violations that may exist on the subject property. There may be other violations that were unobserved/unidentified at the time of our inspection or that may be the responsibility of other agencies, departments, divisions. As such, other violations may be addressed at a later time as they are reported and confirmed, or observed.

EACH DAY THAT A VIOLATION EXISTS CONSTITUTES A NEW VIOLATION

Until the violation(s) are corrected, Code Compliance Division staff time spent in confirming the violations(s) and securing abatement of the violation(s) will be charged to you (ref. CZO § 8183-5.4; NCZO § 8114-3.4). These costs include all time spent for meetings, site visits, telephone calls, correspondence, etc. that relate to this violation case. You will be charged for staff time at the current hourly rate. Late charges and interest at 2% of the amount of the unpaid bills compounded monthly will also be assessed. Unpaid charges will become the responsibility of subsequent property owners if you do not pay the bills.

ENFORCEMENT ACTIONS

If the violation(s) are not corrected by **05/02/23** , the following enforcement actions may apply:

A. NO NEW PERMITS

No new Planning or Building permits will be issued on the subject site except to correct a violation.

B. RECORDATION OF NOTICE OF NONCOMPLIANCE

A Notice of Noncompliance will be recorded against the property that gives record notice to all, including lenders, potential purchasers, and subsequent owners, that violation(s) of the Ventura County Building

Code, International Property Maintenance Code, and/or Zoning Ordinance exist on the property. The Notice of Noncompliance will not be released until the violation(s) are corrected and all fees and charges are paid, including reimbursement for staff time.

C. IMPOSITION OF CIVIL PENALTIES AND RECORDATION OF LIEN

You will receive a Notice of Imposition of Civil Administrative Penalties advising you of the amount of the daily monetary penalties that have been imposed against your property (ref. CZO § 8183-5.7; NCZO § 8114-3.7; VCBC § 114.5). The penalties shall accrue **DAILY** until each respective violation is corrected and confirmed by a County Code Compliance staff inspection. The amount of the daily penalty shall constitute a Lien against the property.

D. CRIMINAL PROSECUTION

Each violation of the Ventura County Building Code, International Property Maintenance Code, and/or Zoning Ordinance is a misdemeanor or an infraction. You may be prosecuted by the District Attorney and subject to criminal punishment. As explained above, each day that a violation exists is a new violation.

APPEAL OF DETERMINATION OF VIOLATION

If you do not believe a violation exists and wish to appeal this determination and stay further enforcement actions while the appeal is pending, you must submit your appeal to the Director of the Planning Division for Zoning Ordinance violations by 3/15/2023. There is a deposit associated with submitting an appeal (ref. CZO § 8181-9; NCZO § 8111-7).

If you wish to appeal a building code violation, you must submit that appeal to the Building Official by 4/4/2023. There is a fee associated with filing an appeal (ref. VCBC § 113).

If you need additional time beyond the specified deadline to abate the violations, we can discuss the possibility of a Compliance Agreement. There will be a charge to prepare it plus costs to administer the Agreement through the abatement of the violation(s). This is an agreement between you and the County wherein you agree to abate the violations in a specific manner and time frame. The County is under no obligation to enter into such an agreement, even if you so request.

PERMITS TO ABATE VIOLATIONS

Abatement can be achieved by obtaining the required permits and clearances from the Planning Division and the Building & Safety Department in accordance with the adopted codes and ordinances, completing all work, requesting and performing inspections to verify compliance, and receiving final approvals. Approvals from other agencies such as Fire, Environmental Health, Integrated Waste

Management, and Public Works may be required.

Clearances, permits, and approvals must be obtained prior to commencing work. Permits to abate violations for land use and building violations will include additional late filing fees, penalty fees, and/or investigation fees in accordance with the applicable Zoning Ordinances and Building Codes.

IMPORTANT: It is your responsibility to inform Code Compliance when your violation(s) have been corrected. Until we hear from you that the violation(s) are corrected and this can be confirmed to our satisfaction, the violation(s) are presumed to remain and enforcement actions against you will continue.

The Code Compliance Division wants to work with you to avoid the consequences listed above. I urge you to contact me immediately at the above number so we can discuss how this issue can be resolved. If you wish to discuss this matter in person, please make an appointment using the contact information above. Reference the case number, CV22-0832, in all verbal and written inquiries or replies. You may request copies of the pertinent materials regarding this code enforcement matter or consult the Planning Division website, <http://www.vcrma.org/divisions/planning> or the Building and Safety Division website, <http://www.vcrma.org/divisions/building-and-safety>.

Si usted no lee o entiende ingles, favor de llamar al teléfono (805) 654-3506 tocante a este asunto. Dele el numero de su caso que se encuentra a la derecha en la parte de arriba de esta carta.

Sincerely,



Amanda Ahrens
Senior Code Compliance Officer

Attachments: Civil Administrative Penalties Program Flyer

cc: File
Brian Diaz, Paw Works