



Planning Commission Minutes

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009 • (805) 654-2662 • www.vcrma.org/divisions/planning

July 20, 2023

1. **8:32 A.M. HEARING CALL TO ORDER**

2. **ROLL CALL**

Commission:

Scott Boydston, Chair	District 1
Charles Sandlin	District 2
Earl McPhail	District 3 - Absent
Maggie Kestly	District 4
Veronica Garcia, Vice-Chair	District 5

County Staff

Francesca Verdin, Assistant County Counsel
Joseph Brick, Assistant County Counsel
Dave Ward, Planning Director
Doug Leeper, Code Compliance Director
Dean Phaneuf, Code Compliance Manager
Luz Juachon, Recording Secretary

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**

4. **PUBLIC COMMENTS** – None.

5. **APPROVAL OF MINUTES FOR APRIL 6, 2023, AND JUNE 1, 2023**

RECOMMENDED ACTION

Approve, as presented.

Motion: Approve the April 6, 2023, and June 1, 2023, Meeting Minutes.

Moved by: Commissioner Kestly **Seconded by:** Vice-Chair Garcia

Motion carried: 4-0 with 1 absent – Commissioner McPhail

Yes: Commissioners Sandlin and Kestly, Vice-Chair Garcia, and Chair Boydston

6. PROJECT:

A. CASE NUMBER: PL23-0023

CODE COMPLIANCE CASE NUMBER: CV22-0832

APPELLANT: Western Ag Group, LLC

PROJECT DESCRIPTION: This is an appeal of a Notice of Violation (NOV) Case No. CV22-083, which identified a violation consisting of non-permitted operation of an animal kennel/cattery without a required Conditional Use Permit (CUP).

PROJECT LOCATION: 595 Wolff Road

ASSESSOR'S PARCEL NO.: 218-0-011-025 and 218-0-011-485

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DOCUMENT: This enforcement action is exempt from environmental review. Specifically, under CEQA Guidelines §15270(a), CEQA does not apply to projects that are disapproved by a public agency nor does CEQA apply to enforcement actions by regulatory agencies like the County pursuant to §15321.

CODE COMPLIANCE MANAGER: Dean Phaneuf, CCEA

EMAIL: dean.phaneuf@ventura.org

COMMISSIONER DISCLOSURES: Commissioners Sandlin, Kestly, Vice-Chair Garcia and Chair Boydston had nothing to disclose.

Recommended Action

Approve staff recommendations.

Code Compliance Manager Phaneuf presented the staff report. The following recommended actions were presented to the Planning Commission:

1. CERTIFY that the Planning Commission has reviewed and considered this staff report and all exhibits thereto, has considered all evidence presented at the public hearing by staff and the appellant, and has considered any comments received during the public comment process;
2. FIND that the action is exempt from environmental review pursuant to §15321 and §15270(a).
3. MAKE the required findings that, based on the evidence presented in the Code Compliance Director staff report, the CV22-0832 NOV (Exhibit 9) issued against APN #218-0-011-025 was proper and is valid and that the preexisting violations of the SUP 186 on APN #218-0-011-485 impact the entire legal lot;

4. DENY the appeal in its entirety and decline to refund any appeal fees; and,
5. DESIGNATE the Code Compliance Division as the custodian of the documents pertaining to the above-stated decisions and that the location of those documents shall be in the Code Compliance Division files.

Presentation of Public Speakers:

- Brittany Vizcarra, Paw Works, Inc.
- Neal Maguire, Appellant's Legal Representative
- Dana MacMillan
- Jerry Dulek
- Linda Powers
- Rhonda Ogder
- Susan Friedman
- Lauren Friedman
- Beverly Hager
- Grace Chase
- Jane Farkas

Zoom Speaker:

- Wendy Ohrbach

Comment cards and Statements received at the meeting:

- Veronique Periano
- Angela Peragallo
- Stacie Bunkawske
- Diane Noda
- Valerie Flores
- Isabella Robles
- Presciliano Lovato
- Lori Dulek
- Deana Briscoe
- Kathryn Kessinger
- Dave Compton
- Dennis Koopman
- Deanna Lashley
- Grace McVicker
- Christina Morgan

Planning Commission Deliberation and Vote:

First Motion: Uphold the appeal and allow Paw Works, to submit an application for Conditional Use Permit for the animal rescue facility. Allow Paw Works to continue to operate in its current facility subject to a compliance agreement with

the County for their ongoing operation while diligently pursuing a CUP. Affirm that uses under Special Use Permit (SUP) #186 do not impact the Paw Works' facility. That the March 2, 2023, Notice of Violation issued by the County only applies to APN-218-0-11-025 and does not encompass APN 218-0-011-485 as documented in the appellant's letter to the Planning Commission.

Moved by: Commissioner Sandlin **Seconded by:** None

The first motion failed for lack of second.

Prior to casting their votes for the new motion on the floor, Commissioners had questions about compliance agreements, e.g., what circumstances are needed to enter into a compliance agreement and if there are other methods that can be used to allow the operation to continue.

Assistant County Counsel Verdin explained that generally a compliance agreement may be used and entered into at the discretion of the Planning Division depending upon the circumstances; it is not something that a property owner or someone who is in violation of the County's ordinances is entitled to. County staff does have discretion to enter into a compliance agreement and the Commission may consider that as part of this item to essentially direct staff to attempt to enter into a compliance agreement with the appellants to allow them to apply for a Conditional Use Permit for their kennel facility without ceasing operations.

Assistant County Counsel Verdin also advised that if the Commission is inclined to support the appellant in submitting a CUP application, that it be done within the parameters of a compliance agreement for the various reasons that were explained by staff as the County does not generally allow business to continue operating when there is a violation except when there are special or exceptional circumstances.

Second Motion:

- 1) Uphold the issuance of the Notice of Violation against the Appellant; and
- 2) Direct staff to attempt to enter into a Compliance Agreement with Paw Works to allow Paw Works to continue to operate its facility while Paw Works applies for a Conditional Use Permit and obtains the necessary permits.

Moved by: Commissioner Kestly **Seconded by:** Commissioner Sandlin

Motion carried: 4-0 with 1 absent – Commissioner McPhail

Yes: Commissioners Sandlin and Kestly, Vice-Chair Garcia, and Chair Boydston

7. DISCUSSION:

- a) **Report by the Planning Director on Board actions and other matters.**

Planning Director Ward reported that the Board of Supervisors approved the Planning Division Three Year Work Plan on June 20, 2023, meeting.

The Planning Commission hearing dates in upcoming months are as follows:

- Month of August – no meetings
- Month of September – one potential item on September 21.
- Month of October – potentially three agenda items (policy ordinance related and development projects) on October 5.

Planning Director Ward also mentioned to lookout for staff email regarding training opportunities information for Planning Commission.

b) Items the Planning Commission may wish to introduce.

Chair Boydstun acknowledged the passing of Sandy Smith (who passed away on July 15). Chair Boydstun described Sandy Smith as a great leader in the community and a very dear friend. He also expressed his condolences to the family of Sandy Smith.

Planning Director Ward concurred with Chair Boydstun and recalled the many projects he worked on with Sandy Smith during his employment at the City of Ventura and now at the county. He also mentioned Sandy Smith as an educator teaching in various colleges about planning. Sandy Smith touched so many lives and his passing is a great loss.

Commissioner Kestly asked if it's within the Planning Commission's purview to recommend the Board of Supervisor to consider the rewording of the Non-Coastal Zoning Ordinance (NCZO) Section 8111-2.2 (Applications) to allow some flexibilities when encountering a complex project like what the Planning Commission reviewed today. Planning Director Ward confirmed yes, the Planning Commission can make recommendations to the Board of Supervisors in its advisory capacity on technical matters that help inform the Board of Supervisors. He then explained how the process works and Commissioner Kestly confirmed that she would like to pursue the recommendation related to updating the texts of NCZO Section 8111-2.2.

8. MEETING ADJOURNMENT

Chair Boydstun adjourned the meeting at 10:32 a.m.



Luz Juachon, Recording Secretary
Ventura County Planning Division