

## News

### Lawsuit likely after supes deny Old Creek Ranch Winery appeal

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#### Details

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*Photo courtesy Old Creek Ranch Winery*

**The seating set up located at Old Creek Ranch Winery.**

**Perry Van Houten, Ojai Valley News senior reporter**

A winery near Casitas Springs has fought and lost its latest battle with the county of Ventura.

The next round could be

fought in court.

During the three-hour hearing before the Ventura County Board of Supervisors Sept. 21, the owners of the Old Creek Ranch Winery had their appeal of code violations and their application for a zoning clearance denied, as recommended by county Planning staff.

The purpose of the hearing was to determine if the owner of OCRW, Andrew Holguin of Holguin Family Ventures LLC, carried out unpermitted construction, modifications and expansion of the winery without a conditional use permit, said county project planner Franca Rosengren.

The new, or “de novo,” hearing marked the second time Holguin has gone before the board to appeal the county’s findings of code violations and its denial of a zoning clearance.

In September 2019, the board unanimously denied OCRW’s appeal, resulting in the winery filing a lawsuit in Ventura County Superior Court that ended with the court setting aside the board’s decision due to a lack of written findings and ordering a new public hearing.

During Tuesday’s hearing, Rosengren told supervisors that since Holguin took ownership of the winery in 2015, he has engaged in a pattern of unpermitted modifications and expansions of the winery.

The expansions, done over a three-year period, included adding buildings beyond the winery’s 2,000-square-foot zoning clearance, stepping up the type and size of public events held there, increasing the area devoted to public wine tasting and expanding the capacity of buildings and parking lots, Rosengren said.

Planners said OCRW has tripled the footprint of the winery grounds.

The violations resulted in multiple notices of violation being issued to OCRW.

The changes meet the county's definition of expansion beyond the winery's historical setting and would require a Planning Commission-approved CUP, Rosengren said.

In an hourlong presentation to the board, Rosengren said baseline conditions for the facility established in 2008 by previous owner John Whitman and the county include a 2,000-square-foot building dedicated to wine tasting, processing, bottling and storage, limited seasonal hours of operation, events limited to 15 to 25 visitors at a time and related to marketing or wine production educational activities.

Public comments for Tuesday's hearing included two speakers and a letter from residents opposing the appeals because of unpermitted construction and activities, traffic, noise and large events.

More than 100 public comments were submitted in support of the winery's appeals, Rosengren said. The comments ranged from "beautiful environment" to "nice place for families" to "good wine," but did not mention any of the specific violations.

The 300-acre property at 10024 Old Creek Road sits at the dead end of the narrow road, with no secondary access in case of emergencies such as fire. When asked about the fire-safety risk, Larry Williams, a fire prevention officer with the Ventura County Fire Department, told supervisors OCRW would need a wider road and secondary access to operate as proposed.

Attorney Matthew Hinks, representing OCRW, argued the modifications done on the property don't constitute expansions, as the county claims, but rather modernizations, improvements and simple upgrades. "You were told a lot of things that simply were not true," he told the board in the little more than 30 minutes allotted to him for comments and rebuttal.

Matt LaVere, 1st District supervisor representing the Ojai Valley, said the situation "was ripe" for both sides to work collaboratively toward a solution. "It's unfortunate this might end up in litigation, but I just would challenge county staff and the applicant to maybe give this one more shot," he said. "Let's figure out if there's a way we can move this forward without both sides having to go to court and battle it out."

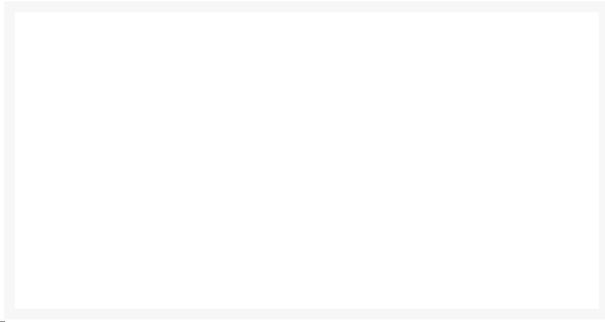
But LaVere said he believed staff had presented the findings and evidence necessary to support their recommendation to deny the appeals and the zoning clearance.

The vote was 5-0 to go with Planning staff's recommendations.

Supervisor Linda Parks said the most important concern for her was secondary access for public safety.

Supervisors Kelly Long and Carmen Ramirez said they hoped county Planning staff and the winery can work together to reach "middle ground."

Holguin told supporters he "didn't expect much" from the board's recommendation that Planning staff find that middle ground with the winery. "We anticipate another round with the courts," he wrote in an email.



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