

## NOTICE OF VIOLATION

Santa Clara Waste Water Treatment Facility

**CONDITIONAL USE PERMIT NO. LU11-0011**  
(Modification of CUP 960-2)

Please Reply to:  
Franca Rosengren  
(805) 654-2045  
FAX (805) 654-2509  
Franca.Rosengren@ventura.org

August 10, 2015

Green Compass  
(Santa Clara Waste Water)  
Attn: Bill Mitzel  
2775 North Ventura Road, Suite 209  
Oxnard, CA 93036

**SUBJECT:** Violation Case No.: PV15-0020  
Assessor's Parcel No.: ("APN") 099-0-060-165  
Permit No.: LU06-0011 (Modification CUP No. 960)  
Location: 815 Mission Rock Road, Santa Paula

Dear Mr. Mitzel:

The Planning Division confirmed that violations of the Ventura County Non-Coastal Zoning Ordinance (NCZO) and the conditions of approval of Conditional Use Permit (CUP) LU06-0011 exist on the subject property.



CUP LU06-0011 was granted by the Ventura County Planning Commission on July 29, 2010 to authorize an upgrade of the existing waste water treatment facility (Santa Clara Waste Water) by changing the operations from an open aeration pond system to a closed tank vessel system, and for the abatement of Zoning Violation Case No. ZV87-0027 for the expansion of the facility without the required permits.

The violations of CUP LU06-0011 identified to exist at the SCWW facility are discussed below along with the relevant code sections or permit conditions:

1) **Expansion of the Santa Clara Waste Water Treatment Facility (SCWW) beyond the approved boundaries set forth in CUP No. LU06-0011.**

**Section 8101-3.1 of the Non-Coastal Zoning Ordinance (NCZO) [in part]:**

*No structure shall be moved onto a site, erected, reconstructed, added to, enlarged, advertised on, structurally altered or maintained, and no structure or land shall be used or maintained for any purpose, except as specifically provided and allowed this Chapter[...].*

**Condition No.4 of LU06-0011(CUP Modification) [in part]:**

*Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or applicable exhibits, the permittee must contact the Planning Director to determine if the activity requires a modification of this CUP. The Planning Director may, at the Planning Director's discretion, require that the permittee file a written and/or mapped description of the proposed activity prior to rendering a decision on whether a CUP modification is required. [...]*

The SCWW facility is authorized to operate only within the area encompassed by the CUP boundary line delineated on the approved project plans. The authorized permit area coincides with the limits of Assessor's Parcel No. (APN) 099-0-060-165.

At the July 29, 2015 site inspection, Planning staff observed that the facility has expanded beyond the approved CUP boundary line onto approximately 1.67 acres of adjacent land on the adjoining parcels (APNs: 099-0-060-495, -515 and -045). The expansion includes the storage of facility equipment, above-ground piping, and installation of new impervious surfaces (i.e. concrete). A concrete truck loading area has been constructed in a manner that requires the use of the adjoining property located outside of the permit area. According to the Planning Division's records, the expansion of the facility has occurred without the required County permits.

**Abatement can be achieved by:**

The permittee shall remove all equipment and structures associated with the operation of the SCWW facility from the area outside of the permit boundary specified in CUP LU06-0011 within 30-days of the date of this letter. This includes the area encompassed by APNs 099-0-060-495, -515, and -045. Failure to remove all equipment and structures located in the un-permitted expanded operation area within 30 days of the date of this letter will result in a Notice of Non-compliance recorded against the property. **However, equipment and materials used as part of the site clean-up activities authorized by the April 20, 2015 Emergency Use Authorization (EUA) issued by the County Planning Division may remain on the subject properties while the EUA is in effect. The equipment or materials allowed to remain will be at the discretion of the County Planning Director.**

The Planning Division understands that the permittee would like to expand the SCWW facility to include the area encompassed by APNs 099-0-060-495, -515, and -045. If this is the case, please submit a revised project description and site plan that includes the proposed expansion area as part of the PL15-0106 application. Until authorized by the County, no equipment or structures shall be installed, used or stored in the un-permitted expansion area.

**2) The required on-site landscaping has not been installed or maintained.**

**Sec. 8109-0.6.4 (d) of the NCZO:**

*(d) At least five percent of any permit area in the M2 or M3 zone shall be landscaped.*

**Condition No. 22(b) and (c) (Landscape Requirements) [in pertinent part]:**

*(b) [...] the permittee shall install all landscaping, irrigation systems, and plantings according to the Planning Director-approved landscape and planting plan.*

*(c) The Permittee shall maintain all landscaping, irrigation systems, and plantings according to the Planning Director-approved landscape and planting plan [...].*

**Condition No. 31(g) (Landscape Areas):**

*Landscaped areas shall be designed with efficient irrigation to reduce runoff and promote surface filtration and minimize the use of fertilizers and pesticides that can contribute to urban runoff pollution. Unless otherwise recommended in the soils report, on-site stormwater discharges (including roof drains if applicable) shall be directed toward landscaped areas to the maximum extent practicable.*

At the site inspection, Planning staff observed that none of the required on-site landscaping had been installed or maintained at the facility. The July 29, 2010 approved site plan depicts a 20-foot wide, 2-foot high landscape berm along the edges of the permit area. Additionally, the approved landscaping plan, dated November 5, 2013, requires the following California native plant species to be planted: Yucca, Desert Olive, and Big Sagebrush. This required landscaping has not been installed.

**Abatement can be achieved by:**

The permittee shall submit a revised project description and site plan as part of the permit modification application (PL15-0106) which includes either of the following:

- (1) the previously-approved landscape and planting plan; or,
- (2) a modified landscape and planting plan.

Upon the granting of a modified conditional use permit and installation of the required landscaping, the violation will be abated.

**3) A freestanding sign has been erected without the required permits.**

**Section 8101-3.1 of the NCZO (in part):**

*No structure shall be moved onto a site, erected, reconstructed, added to, enlarged, advertised on, structurally altered or maintained, and no structure or land shall be used or maintained for any purpose, except as specifically provided and allowed this Chapter[...].*

**Condition No. 19 of LU06-0011 (in part):**

*[...] the permittee shall submit two copies of a Sign Plan to the Planning Division for review and approval by the Planning Director. The Sign Plan must comply with Chapter 1, Article 10 of the Ventura County Ordinance Code. The Sign Plan must include the proposed size, colors, materials, and lighting details [...].*

At the site inspection, Planning staff observed a Green Compass freestanding sign located adjacent to the entrance to the SCWW facility. According to the Planning Division records, no sign plans have been submitted for review and approval.

**Abatement can be achieved by:**

The permittee shall submit a revised project description and site plan as part of the permit modification application (PL15-0106) which includes the legalization of the unpermitted freestanding sign. Upon the granting of a modified conditional use permit, the violation will be abated.

If you do not believe a violation exists and wish to appeal this determination and stay further enforcement actions, you must submit your appeal to the Planning Division by August 24, 2015. The current cost for an appeal is \$1,000 deposit (with no billing limit), but if your appeal is upheld then all of your appeal fees will be refunded. You must also fill out and submit an appeal application with the deposit fee. You may also request an Informal Office Hearing, the cost of which is currently a \$500 deposit with staff costs billed at the current hourly charge rate.

**Now that a violation has been confirmed, the following enforcement actions will be instituted and remain in effect until the violations are abated to the Condition Compliance Officer's satisfaction:**

- Each day counts as a new violation for purposes of fines, and penalties that may be assessed if Civil Administrative Penalties are imposed.
- No new Planning or Building permits will be issued on the subject site except to correct a violation.
- The full costs for staff time spent abating the violation will be charged to you and any subsequent owners of the property. This means that all time spent for meetings, site visits, telephone calls, correspondence, etc. that relate to this violation case will be charged to you. Since the violation is related to the property, unpaid bills will fall to subsequent property owners if you do not pay the bills. The minimum cost to confirm the abatement of a violation is currently \$300, plus the accumulated costs for staff time spent to date seeking abatement of the violation. The current staff charge rate exceeds \$150/hour. These costs often reach \$1,000 and more when people do not diligently abate the violations.
- You will be formally billed on a monthly basis for the staff costs incurred and assessed 2% interest for unpaid bills compounded monthly. In other words, the costs for unpaid bills will be similar to credit card charges.

- A Late Filing Fee will be required in addition to the required fees for each permit necessary to legalize a non-permitted use and structure. Each Late Filing Fee shall be equal to the cost of each required permit, but shall not individually exceed \$1,000.00. These fees will be refunded if the required application is submitted within 30 days and deemed "complete" within 90 days of the Notice of Violation. If the property is located in the Coastal Zone there is no 30-day "grace" period, and a Late Filing Fee is always charged.
- Copies of the Notice of Violation will be sent to applicable Federal, State and local policing, licensing and taxing agencies alerting them to the conditions on your property.
- An Administrative Nuisance Abatement hearing may be set before an independent hearing officer. If the Hearing Officer finds that violations exist, he can order abatement of the violations, payment to the County for all the costs incurred in seeking abatement of the violations, payment of the hearing officer costs (currently exceeds \$120/hour), payment of fines and penalties, among other orders. A tax lien can also be placed on the property if the costs are not paid in the required time. The rulings from the Hearing Officer usually result in costs and charges to violators of several thousands of dollars.
- The forfeiture of penal sureties will be sought if such sureties are on deposit with the County.
- 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.
- As part of a criminal prosecution the County's attorneys may seek and the Court may place the property in "receivership". The Court-appointed receiver would be ordered to correct the violations and be allowed to sell the property to recover the costs of abating the violations if the property owner does not pay for the work and the receiver's costs.
- CUP No. LU06-0011 can be modified or revoked by the Planning Commission or the Board of Supervisors.
- In cases where violations repeatedly occur and then are corrected, the Planning staff may take the permit to the Planning Commission or the Board of

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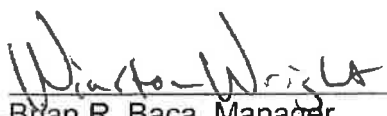
Supervisors for modification, suspension or revocation at the permittee's expense.

- Unpaid bills, fines and penalties will be pursued through Small Claims Court or as tax liens on the property.

We want to work with you to avoid the consequences listed above. I urge you to contact the case planner, Franca Rosengren, for this case, at (805) 654-2045 so she can discuss with you how this issue can be resolved. If you wish to discuss this matter in person, please call for an appointment to be sure she is available. Please reference the "Case No." identified at the top of this letter in all inquiries or replies.

**NOTE: It is your responsibility to inform the case planner when your violation(s) has been corrected. Until she hears from you that the violation(s) is corrected and this can be confirmed to her satisfaction, the violations are presumed to remain and enforcement actions against you will continue.**

Sincerely,

  
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to Brian R. Baca, Manager  
Commercial and Industrial Land Use Permits Section  
County of Ventura Planning Division

Attachments:            Billing Fact Sheet  
                                 Condition Compliance Civil Administrative Penalties Brochure

C:    Sespe Consulting, Inc., Attn: Rob Dal Farra, Vice President, 374 Poli Street, Suite 200,  
      Ventura, CA 93001  
      City of Oxnard Utilities Department, Attn: Daniel Rydberg, 305 W. Third Street, 3<sup>rd</sup> Floor,  
      Oxnard, CA 93030