



# COUNTY OF VENTURA

Resource Management Agency  
Code Compliance Division

800 South Victoria Avenue  
Ventura, CA 93009  
(805) 654-2463, 654-5177 FAX

## NOTICE OF VIOLATION AND NOTICE OF IMPENDING CIVIL ADMINISTRATIVE PENALTIES

September 08, 2011

Please Reply To: MARK MUNYON  
805-662-6824  
Mark.Munyon@ventura.org

SULPHUR MOUNTAIN LAND & LIVESTOCK CO. LLC  
PO BOX 25070  
VENTURA CA 93002

SULPHUR MOUNTAIN LAND & LIVESTOCK CO. LLC  
1746-F S VICTORIA AVE #201  
VENTURA CA 93003

SULPHUR MOUNTAIN LAND & LIVESTOCK CO. LLC  
ATTN: JOSEPH J PRASKE  
2802 SANTA MONICA BLVD  
SANTA MONICA CA 90404

**Violation No.: CV11-0329**  
**Property Address: SULPHUR MOUNTAIN RD**  
**Assessor's Parcel No: 035-0-110-015**

Dear Property Owner:

The Code Compliance Division has confirmed that violation(s) of the Ventura County Building Code and/or Non-Coastal Zoning Ordinance exist on the subject property. These violation(s) were brought to your attention in earlier Alleged Violation Letter(s) dated 08/04/2011.

### **VIOLATIONS:**

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

1. Non-permitted grading resulting in an excavation or fill of more than two feet in height, and/or grading that involves an area 1,000 square feet or larger in a Scenic Resource Protected (SRP) Overlay Zone (to include but may not be limited to new roads & site pads and removal of native vegetation) and failure to obtain the required permits in accordance with the tree protection

regulations for alteration, felling or removal of Protected Trees in a SRP overlay zone in violation of the VCNCZO section(s) 8109-4 Standards for Overlay and Special Purpose Zones and 8107-25 Tree Protection Regulations.

Abatement of the above violations can be obtained by application for a Planned Development Permit; a discretionary entitlement application packet must be submitted to the Planning Division. The applicant should contact Winston Wright, the Discretionary Permit Coordinator, to identify any additional reports required with the application packet. Once the permits are obtained follow through with all requirements to the satisfaction of the Planning Division and upon the completion of all requirements and notification to Code Compliance the violation can be reviewed for abatement.

Daily Civil Administrative Penalties for the above violations can range from \$100 to \$200

The above violations were confirmed on 09/07/2011.

### **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 violation(s) and securing abatement of the violation(s) will be charged to you. 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 OCTOBER 11, 2011, the following enforcement actions shall apply:

#### **A. 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.

- The penalties shall accrue **EACH DAY** 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**

#### **B. RECORDATION OF NOTICE OF NONCOMPLIANCE AND PAYMENT OF STAFF COSTS IN ENFORCING VIOLATION**

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 and/or Non-Coastal 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. CRIMINAL PROSECUTION**

Each violation of the Ventura County Building Code and/or Non-Coastal 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.

#### **D. NO NEW PERMITS**

No new Planning or Building permits will be issued on the subject site except to correct a violation. Additionally, a Planning Division 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 Planning Division 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. Building permits are subject to building violation investigation fees as outlined in the Ventura County Building Code Section 108.4.1.

Also, 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.

#### **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 or the Director of Building and Safety for Building Code violations by SEPTEMBER 23, 2011.

The current cost for an appeal of a zoning violation is a \$2,000 deposit (with no billing limit), but if you win your appeal all of your appeal fees will be refunded. The current cost of an appeal of a building violation is \$1,316.00 for rental properties and \$466.50 for owner occupied dwellings. 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.

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), and a surety deposit to ensure compliance with the terms of the Agreement. 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.

#### **ABATEMENT OF VIOLATION**

**IMPORTANT:** It is your responsibility to inform me when your violation(s) have been corrected. Until I hear from you that the violation(s) are corrected and this can be confirmed to my 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 call for an appointment to be sure I am available. Please reference the case number, CV11-0329, 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, [www.ventura.org/RMA/planning](http://www.ventura.org/RMA/planning) or the Building and Safety Division website, [http://www.ventura.org/rma/build\\_safe](http://www.ventura.org/rma/build_safe).

Si usted no lee, o entiende ingles, favor de llamar a Ann Rodriguez al teléfono (805) 654-2444 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,



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MARK MUNYON  
Code Compliance Officer

cc: File  
Complainant