



FILE COPY

May 15, 1992

Mr. Peter Bulens, City Attorney
City of San Buenaventura
P.O. Box 99
Ventura, California 93002-0099

RE: Follow-up Issues of Enforcement and LCP Conformity for Ventura Beach RV
Resort (Planning Commission Resolution No. 6106, PD-406/CDP-46)

Dear Mr. Bulens:

As you know, this office represent the Friends of the Ventura River ("Friends") in this matter. Having had an opportunity to further review the file and the unresolved issues in this matter with our client, we remain interested in the City's investigation and prosecution of violations of the Ventura Beach RV Resort's permit PD-406/CDP-46, as well as other issues discussed below.

1. Permit Compliance Issues

As we indicated at the April 20, 1992 City Council hearing, a number of the permit conditions for this project have apparently been violated, or not fully complied with. These include, but may not necessarily be limited to, the following:

1. Continued defiance of the 14 consecutive day limitation on the occupation or residency of the RV Resort (Condition # 42);
2. Stockpiling of approximately 50,000 cubic yards of soil material within the 100 foot sensitive habitat/buffer area, along with other invasive activities in the buffer area, inconsistent with the conditions, drawings, and descriptions defining the buffer area (Conditions # 40, 41, and 44);
3. Failure to maintain the river bank in its natural state by dumping debris from the recent flood (e.g., damaged utilities, landscaping materials, etc.) along the west bank of the main river channel (Condition # 27);
4. Storing soils and debris which was washed onto the site during the February flood in an open, unscreened, and unfenced manner (Condition # 13);
5. Failure to remove the non-native plants Giant Reed (*Arundo donax*) and Caster Bean (*Ricinus communis*) from the 100 foot sensitive/buffer area adjacent to the west bank of the main river channel (Condition # 26);
6. Failure to implement and maintain a flood warning system (See letter from Alex Sheydayi to Arnold Hubbard, dated March 8, 1992 suspending the District's agreement providing for the required flood warning system) (Condition # 36);



7. Violation of state, county, and possibly federal regulatory requirements, e.g., disposal of materials into the waters or in places where they may enter the waters of the United States; activities in the river channel without a County FC-18 water course permit; zoning ordinance and LCP prohibitions against residential uses of recreational zoned property; violations of state and federal Endangered Species Act for "take" of habitat by filling sensitive/buffer area (50 C.F.R. Part 17 and Fish and Game Code § 2080) and take of nests (especially cavity nests reused annually) in violation of the Migratory Bird Treaty Act, 16 U.S.C. §§ 701, et seq., and; violation of Fish and Game Codes § 1601 requirements; and

8. Non-compliance with conditions pertaining to the construction and operation of the project, as noted above (# 50).

The California Coastal Act authorizes enforcement action to correct and/or penalize non-compliance with or violations of any of the provisions of the Coastal Development Permit for this project (CDP-46). (See Public Resources Code § 30803; also, 14 California Code of Regulations § 13172.) A private right of enforcement exists as well in the event a local government or agency fails to carry out its responsibilities to fully enforce the provisions of locally issued Coastal Development Permits. Id.

2. Zoning Ordinance Issues

The City's zoning ordinance specifically requires a planned development permit for any "diking, filling, or spoils deposition activity" in the Coastal Zone, and prohibits any such activities except in accordance with such a permit. (See § 8131.6.) The spoils piles placed on the project site within the 100 foot sensitive/buffer area between the main channel of the Ventura River and the RV Resort clearly violates this provision. City enforcement action is apparently mandatory under § 8182.

We understand that City staff has been directed to pursue violations of the permit's conditions and to take any other appropriate actions to secure enforcement of the permits issued for this project. We would be interested in being kept apprised of the progress of these efforts and the anticipated dates of compliance with each of the issues noted above, as well as any other course of action the City's staff is pursuing in this matter.

3. LCP Issues

The Friends have also reviewed the provisions of the City's certified Local Coastal Program (LCP) regarding the subject parcel, and believe that there are several significant inconsistencies between the requirements of the LCP and the construction, operation and post-flood cleanup of the Ventura Beach RV Resort.

The LCP divides the parcel into four sections, each with a specific set of development standards.

The easternmost portion of the subject parcel is delineated "Main Channel Waterway". Policy 15.5(1) provides, inter alia, that changes in the topography of this area by grading are not permitted in order to carry unobstructed flood flows. As noted supra, the RV Resort operator following the February flood has pushed spoils piles onto this portion of the property. As part of the channel containing sensitive riparian habitat and properly insulated from any mechanized intrusion, the activities that have recently occurred are inconsistent with the uses and activities permitted in the City's LCP.

The area immediately to the west of the "Main Channel Waterway" is characterized as "Sensitive Habitat Buffer." Policy 15.5(3) provides that no active recreation uses or permanent improvement in the sensitive habitat buffer in Ventura River is permitted. As noted supra, following the February flood the RV Resort operator pushed spoils piles onto this portion of the property as well, in a manner inconsistent with the uses and activities permitted in the City's LCP.

The eastern portion of the RV Resort site is designated as "floodway" by the LCP. Policy 15.5(2) provides that any reshaping of the area must not reduce the cross-sectional area of the main channel and the overbank area. A major portion of the spoils pile noted supra is within the designated "floodway", clearly reducing the cross-sectional area of the Ventura River channel and floodplain, and potentially impeding flood flows in a manner inconsistent with the City's LCP.

The LCP allows recreational vehicles ("RV") within the "floodway" portion of the site "if a safe route of escape is provided for parked vehicles during high flood stages." The events of February 12, 1992 amply demonstrate the absence of a safe route of escape in a flood situation as required by the LCP. Further, our review of the files reveals that no evacuation drills have ever been performed to determine the time needed to evacuate the park, and therefore the amount of lead time a warning system must provide to be effective.

Further, in the "floodway" area the LCP proscribes any permanent, above grade improvements. A recent inspection of the RV resort revealed that there are permanent, above-grade improvements in the form of utility hook-ups at all the camp-sites (approximately 50) within the "floodway" area. (See the enclosed letter from Philip J. Mees to Ann Channey, dated September 2, 1983.)

The fourth portion of the subject Parcel is designated as "Floodway Fringe." Policy 15.5(4) provides that development be in conformance with the City's Flood Plain Ordinance, and that secondary drainage facilities be designed to mitigate impacts on adjacent properties and facilities. In light of the damage incurred on adjacent properties (e.g., U.S. 101 and Emma Wood State Beach - Ventura River Group Camp), an analysis of the path and behavior of the February 12th floodwaters should be performed to confirm that the Ventura Beach RV Resort is being operated in conformance with these requirements.

The City's certified LCP designates the subject parcel "Recreation". This land use category is reserved for "private lands which provide outdoor recreational opportunities . . . [and] Commercial uses which are subsidiary to or associated with private recreational facilities . . ." The widespread and flagrant use of the Ventura Beach RV Park for residential purposes has been attested by both the residents and the operator of the park, and is in clear violation of the provisions of the City's certified LCP. (See, for example, enclosed transcript of hearing before City Council on March 2, 1992.)

Finally, we would also note that the City's LCP requires certain compensatory mitigation measures for diking, dredging and filling of wetlands. The City's vegetation map III-171 (Emma Wood State Beach and the Ventura River Estuary) identifies the sensitive/buffer area currently being used to store debris and soils as "Forested Wetlands". Wetland restoration may, therefore, be necessary for cleanup of the site to conform to the City's LCP.

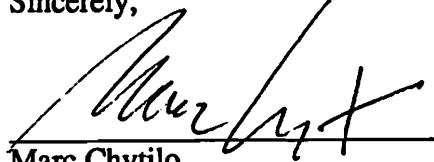
4. Acquisition Issues

In the interest of averting a repeat of the tragic losses suffered last February, the Friends strongly urges the City Attorney to recommend ways of terminating the recreational vehicle use of the subject parcel through acquisition. Such acquisition could be undertaken in conjunction with other public and private entities such as the California Coastal Conservancy, the California Department of Parks and Recreation, and the Trust for Public Land. Friends believe that amortization of the landowner's investment is a viable mechanism for addressing the equitable needs of all parties while eventually eliminating this problem. Friends suggests that uses in the easternmost three sections (main channel, sensitive habitat, and floodway) be suspended immediately or as quickly as possible, while activities in the floodway fringe be permitted to continue for the full amortization period.

A condition closing the park during the winter flood-prone months is another interim mechanism for protecting the public health and safety. So long as the existing use is continued, innocent persons will be subject to the risk of another catastrophic flood event. In the light of the inherent constraints of this parcel, continued evaluation and consideration of alternatives for finally resolving the vexing issues on the parcel should be vigorously pursued.

We would appreciate conferring with you at your earliest convenience regarding your evaluation of these issues, and would like to remain apprised of your progress in resolving all of the issues surrounding the Ventura Beach RV Resort.

Sincerely,



Marc Chytilo
Chief Counsel
Environmental Defense Center

cc: City Councilmembers
John Baker, City Manager
Everett Millais, Community Development Director
Alex Sheydayi, Ventura County Flood Control District
Diane Landry, California Coastal Commission
Chris Lal, California Department of Fish and Game
Cat Brown, U.S. Fish and Wildlife Service
Diane Noda, U.S. Army Corps of Engineers

PUBLIC WORKS AGENCY county of ventura

Director
Arthur E. Goulet

Representing Ex-officio:

Ventura County Flood Control District
Ventura County Waterworks Districts
No. 1, 16, 17, and 19
Lake Sherwood Community Services District
Fox Canyon Groundwater Management Agency

Deputy Directors

John C. Crowley
Water Resources/Development
Al F. Knuth
Transportation
R.E. Quinn
Engineering Services
Paul W. Ruffin
Central Services
Alex Shaydayi
Flood Control

February 28, 1992

Mr. Arnold Hubbard
2021 Sperry Avenue, Suite 11
Ventura, CA 93003

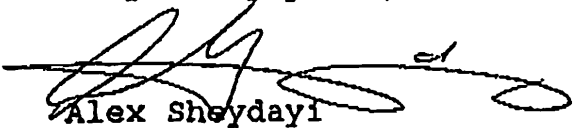
Dear Mr. Hubbard:

It is not apparent to this office whether the grading activity on your property is for the purpose of the removal of debris or for flood protection. In any case, these activities are subject to a Ventura County Flood Control District Watercourse Permit pursuant to Ordinance FC-18 as amended.

Attached is an application for the Watercourse Permit and appropriate instructions. Please complete and return with the required documents and the fee in the amount of \$55 for further processing.

Also, attached for your information is a copy of Ordinance FC-18 as amended. If you have any questions, please call me at (805) 654-2040.

Very truly yours,



Alex Shaydayi
Deputy Director of Public Works
Flood Control Department

AS:ebh

Attachments



NEWS RELEASE

SUBJECT: Flood Response at Ventura Beach RV Resort

The property manager of the Ventura Beach RV Resort is in the process of depositing thousands of cubic yards of material from the Ventura Beach RV above the Main Street Bridge. The work, which began Friday is being conducted without the necessary permits from either the City of Ventura, or the Ventura County Flood Control District. Ventura City Councilman Jim Monaghan's construction company has been retained to provide earth moving equipment.

The material from the RV site is being deposited within the flood control easement controlled by the Ventura County Flood Control District, and within the floodway designated by the FEMA overflow maps.

This unpermitted deposition within the floodway of the Ventura River has the potential to significantly alter the pattern of flood flows by diverting the natural flow of the river in the event of a major flood.

Both the City and the County Flood Control District required environmental review and permits for the removal and re-deposition of sediments deposited on the RV site two years ago after the 1992 flood. The Friends have asked the City and the County to review the matter immediately before the next predicted storms.

For Further Information Contact:**Friends of the Ventura**

Charles D. Price, President: 643-8732

Russ Baggerly, Spokesperson: 646-0767

City of San Buenaventura

Everett Mallais, Community Development Director: 654-7811

Mitch Oshinsky, City Planner: 654-2688

County of Ventura

Alex Sheydayi, Flood Control Director: 654-2040

Steve Offerman, Administrative Assistant: 654-2703

California Department of Parks and Recreation

Steve Treanor, District Superintendent: 899-1400

Virginia Johnson, Resource Ecologist: 899-1412

Friends of the Ventura River

February 28, 1995

Everett Mallais
Community Development Director
City of San Buenaventura
P.O. Box 99
Ventura, CA 93002-0099

Dear Mr. Mallais:

Re: Flood Response at Ventura Beach RV Resort

This letter follows up our request of February 8, 1995 regarding the status of the disposition of the sediments deposited at the Ventura Beach RV Resort following the January 10th flood.

While we have not yet received a written response to our February 8th letter, we have learned from your staff that the City has apparently granted the Parkstone Management Company a permit waiver for the grading, stock-piling, and re-depositing of this material on the adjacent upstream property (referred to as the Ferro property).

According to the City staff this waiver was granted based upon the representations of the Parkstone Management Company that the re-deposition of the material on the property constituted repair and maintenance because the material was simply being returned to the property from which it was eroded.

If this in fact was the reason the City chose to waive the permitting requirements for this activity, the waiver should be revoked immediately.

The Ferro property, where the material is now being deposited, did not experience *erosion*, but in fact was subjected, as was the RV site itself and the Emma Wood State Beach park, to substantial *deposition*.

The evidence for the deposition, on the Ferro property is clear even from a casual inspection of the site. (See the enclosed photographs.)

The entire portion of the Ferro property affected by the flood flows of January 10th was overlain by 1 to 4 feet of silt carried to the site from the upper Ventura River watershed. An inspection of the chain-link fence along the southern border of the property provides an accurate measure of the depth of deposition on the Ferro property. In addition, the access road which runs along the east side of the property has had to be re-excavated, and provides additional evidence of the massive *deposition*, rather than *erosion*, on the Ferro property.

A portion of the material on the RV site which is now being deposited on the Ferro property is being placed within the flood control easement controlled by the Ventura County Flood Control District. (See the enclosed map.) Additionally all of the material is being place within the floodway designated by the FEMA overflow maps. To our knowledge no permits have been issued by the Ventura County Flood Control District or the U.S. Army Corps of Engineers for this deposition.

This unpermitted deposition within the floodway of the Ventura River has the potential to significantly alter the pattern of flood flows.

One of the effects of this unpermitted deposition is to reduce the flood flow carrying capacity of the distributary channels of the Ventura River; one of these distributaries carries flood flows under the small bridge to the west of the Main Street bridge, and through an improved drainage channel located on the west end of the Ventura Beach RV Resort. The alteration of flood flows also has the potential to effect the integrity of the Ventura River levee which protects the City of Ventura.


Another consequence of this deposition is to artificially load up the Ferro property with loosely consolidated sediment which would be subject to rapid erosion and deposition downstream. Both the Ventura River Estuary and the Emma Wood State Beach could be subjected to elevated levels of deposition should the Ferro property become inundated again during a major flood, thus subjecting the City to liability for additional damages incurred.

None of these issues were addressed as a result of the City issuing a permit waiver for this activity, based upon Parkstone's representations. As we indicated, even a cursory visual inspection by the City staff would have brought into question this representation and made it clear that the Ferro property was not the source of the deposition of the sediment on the Ventura RV Resort, but was itself subject to substantial deposition.

By this letter we are requesting that the City immediately revoke the permit waiver to stop all further deposition of material from the Ventura Beach RV Resort until all necessary permits, (including City, County, and Federal) are obtained.

Thank you for your prompt attention to this matter.

Sincerely,



Charles D. Price
President

CPD/

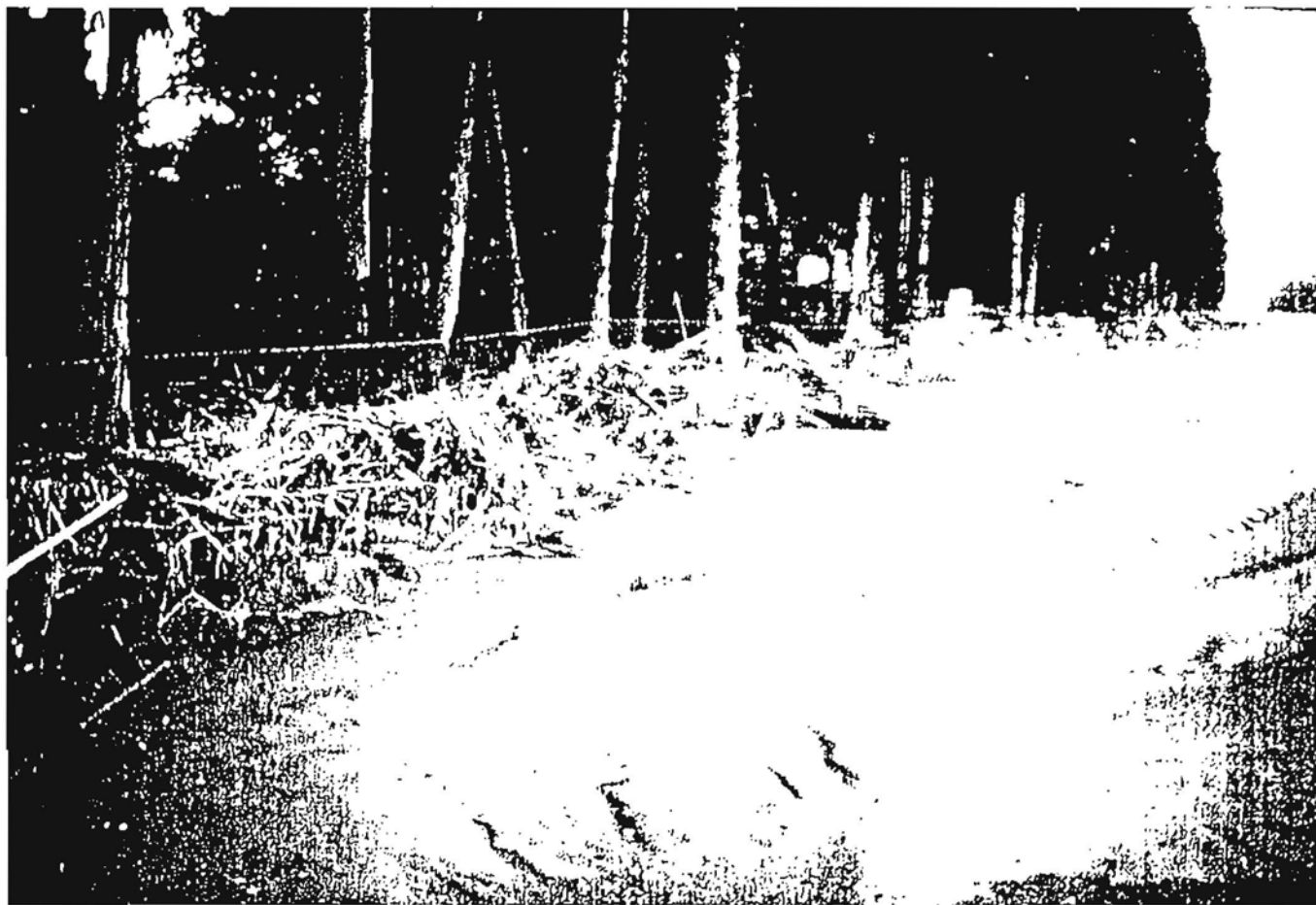
cc: Environmental Defense Center
Donna Linderos, City Manager
County of Ventura Flood Control District
California Department of Parks and Recreation
U.S. Army Corps of Engineers



Sediment from Ventura Beach Resort being stock-piled on Ferro Property within the easement of the Ventura County Flood Control District. February 26, 1995. Note access road cut through sediment deposited on Ferro Property during January 10, 1995 flood.



Sediment from Ventura Beach RV Resort being spread on Ferro Property within the easement of the Ventura County Flood Control District. February 26, 1995. Access road cut through sediment deposited on Ferro Property during the January 10, 1995 flood in foreground.



Sediment deposited on Ferro Property during the January 10, 1995 flood. February 10, 1995. Note debris built up along row of Eucalyptus trees and barb wire fence along southern property line.

CITY OF SAN BUENAVENTURA

January 19, 1995

VIA CERTIFIED MAIL

CITY COUNCIL

Tom Buford, Mayor
Gary R. Tuttle, Deputy Mayor
Stephen A. Bennett
Gregory L. Carson
Rosa Lee Measures
James L. Monahan
Jack Tingstrom

Peter Quinn
Parkstone Companies
10251 Vista Sorrento Parkway
#110
San Diego, CA
92121

Dear Mr. Quinn:

Peter

On behalf of the City of San Buenaventura, please let us convey our condolences for any damages inflicted to the Ventura RV Park by the flooding of the Ventura River which commenced on January 10, 1995. We regret the disruption that the flooding has caused. As I discussed with Ross Beal of your office on January 13, and with you on January 17, we would like to take this opportunity to provide you with some important information which you may already be aware of.

All or portions of your property are located within the following three special zones as shown on the enclosed map, and as designated by the City's adopted Comprehensive Plan and/or Zoning Ordinance:

1. The **Flood Plain (FP) Overlay Zone**, which includes and extends beyond the Ventura River channel, to the west.
2. The **Coastal Protection (CP) Overlay Zone**, as designated by the Official Zoning District Map.
3. The **Sensitive Habitat (SH) Overlay Zone**, including and adjacent to the River channel.

Due to the location of all or portions of your property in the FP, CP and SH

Peter Quinn

January 19, 1995

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areas, there are special restrictions, regulations and permitting requirements in effect which you need to be aware of.

Land in the Coastal Protection Zone

- Zoning Ordinance Section 15.410 (Coastal Protection Overlay Zone) and Section 15.815 (Coastal Permit Procedure) describe the need for a Coastal Development Permit to be approved prior to any development in the CP zone.
- Section 15.815.050 (Categorical Exclusions and Permit Exemptions) provides that certain activities are exempt from Coastal Permit requirements, but are subject to development review and require a Zoning Clearance. These exempt activities include:
 - Repair and maintenance activities that do not result in addition to, enlargement or expansion of, the object of such repair or maintenance activities, **except for:**
 - Any repair or maintenance to facilities or structures or work located in an **environmentally sensitive habitat area**, any sand area, **within 100 feet of the edge of a coastal bluff or environmentally sensitive habitat area**, or **within 100 feet of coastal waters or streams.**

Land in the Flood Plain

- For all land in the Flood Plain, City Zoning Ordinance Section 15.420 (Flood Plain Overlay Zone) and Section 15.830 (Flood Plain Overlay Zone Development Permit Procedure), require that prior to any construction activity or "development" (including grading), a property owner must first submit a Flood Plain Overlay Development Permit for review and approval by the City. Development in the Flood Plain is subject to review and approval pursuant to the

Peter Quinn

January 19, 1995

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mandates of Federal law, in regard to the National Flood Insurance Program.

- For purposes of repair and maintenance of existing facilities or areas which do not involve addition to, enlargement or expansion of the object of the repair and maintenance, and which do not occur within 100 feet of any sensitive habitat, stream or coastal waters; it has been determined that such activities are exempt from Flood Plain Permit requirements, as a rational extension of the above stated Coastal Permit exemption.

Land in the Sensitive Habitat

- Development in the Sensitive Habitat is very highly restricted and regulated per the Comprehensive Plan and Zoning Ordinance. Most development activities, including agriculture and grading are prohibited. This prohibition is directly related to the Coastal Permit provisions, and by extension the Flood Plain Permit provisions discussed above.

The standard process for permitting development in these special areas includes the review and approval by the City of a Flood Plain Permit, a Coastal Development Permit, a Planned Development Permit (in the Sensitive Habitat), and environmental review. An application for development in these areas requires submittal of a Project Application Form, including submittal requirements (ie: site plan; sand/soils removal data; plotting of the material to be removed, including length, width and depth; accurate location of the sensitive habitat and riverbank; a plan detailing the route of removal vehicles and the number and type of vehicles to be used; where the material will be taken and the permission of that property owner), and fees (Environmental Assessment \$765, Flood Plain Permit \$2,800, Coastal Development Permit \$200 and Planned Development Permit \$1,700 - \$3,400. Fees are half the above, if amending an existing permit). A Fish & Game fee of \$1,275 must also be submitted, per State law. You may also need to obtain a Ventura County Flood Control

Peter Quinn

January 19, 1995

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District, Watercourse/Encroachment Permit from their office.

However, if you propose repair and maintenance activities as a result of the recent flood, and if your activity does not expand or enlarge any existing facility, and if the activity remains 100 feet outside any sensitive habitat, the River and coastal water, you may conduct that activity subject only to a Zoning Clearance approval from the City, for which there are no formal application requirements or fees. In addition, we must request that all flood spoils be permanently deposited outside the Flood Plain. Permanent placement of materials within the Flood Zone requires full permits, fees and environmental review due to the risk of impeding or obstructing future flood flows.

It is important to emphasize the need to remain outside the sensitive habitat area. Following the 1992 flood, there were instances of intrusion into that area. Unfortunately those property owners had to go through environmental review, obtain all the permits listed above, perform a biological survey, and restore all native vegetation within the disturbed area.

We are hopeful that you can conduct any necessary flood related repair and maintenance within the parameters discussed above, and thereby avoid the need for extensive permits, environmental review and habitat restoration. In order to proceed with Zoning Clearance, please send me the following:

- A map or plan showing the areas in which you propose to work and where any removed flood spoils will be deposited, including the travel route to such a site.**
- A written description, from the property owner or agent of the work to be performed, when, on which site(s), general description and number of mechanized equipment used, spoils deposit area and transport route, estimate of amount of material to be moved in cubic yards. If the spoils are to be relocated on another property, please include a copy of written permission from that property owner.**

Peter Quinn
January 19, 1995
Page 5

We hope this information is helpful in light of the disruption to your property. Should you have any questions, please do not hesitate to contact me at 805/654-7731.

Sincerely,



Mitchell H. Oshinsky
Planning/Redevelopment Manager

cc: Donna Landeros, City Manager
Pete Bulens, City Attorney
Everett Millais, Director of Community Services

MHO\Flood95.ltr

Friends of the Ventura River

February 18, 1995

Alex Sheydayi, Director Flood Control
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Dear Mr. Sheydayi:

Re: Flood Response at Ventura Beach RV Resort


As a result of the January 10th flood, a great deal of sediment was deposited in the Ventura Beach RV Resort. The operator of the facility, Parkstone Management Company, is currently in the process of stock-piling this material at various locations on the site, as well as at the entrance to the Emma Wood State Beach - Ventura River Group Campground.

The stock-piled material has the potential to be re-mobilized during subsequent storms and reintroduced into the main channel of the Ventura River, as well as deposited into the sensitive wetlands at the second mouth of the Ventura River on the Emma Wood State Beach property.

We are writing to inquire whether this activity has been subject to the review and permitting requirements of the Ventura County Flood Control District. We would note that the District required a Watercourse Permit pursuant to Ordinance FC-18 for similar grading, stock-piling, and removal of sediments following the February 12, 1992 flood event. The current activities would appear to be subject to the same regulatory oversight.

We would appreciate your providing us with a copy of any permits issued by the County for these activities.

Sincerely,


Charles D. Price
President

cc: City of San Buenaventura

DEPARTMENT OF PARKS AND RECREATION
Channel Coast District
933 Cliff Drive, Suite 27
Santa Barbara, CA 93109
(805) 899-1400
FAX (805) 899-1415



February 2, 1995

Everett Millais, Director
Community Development Department
City of San Buenaventura
P.O. Box 99
Ventura, CA 93001-0099

Dear Everett,

During this clean up phase of our flood response I have observed a significant stock piling of soil at the Main Street entrance to Emma Wood State Beach. The source of material is apparently both the Ventura River R.V. Park and Cal Trans. With a significant portion of the rainy season still ahead, I am concerned that this piled material could flow into Emma Wood State Beach facilities causing additional damages and costs for the State.

I will be having staff contact both Cal Trans and Parkstore Management Company to share our concerns and ask for their cooperation. I ask that City staff also be sensitive to this issue in the permitting of activities in this area. We have discussed the concern with Mitch Oshinsky of your Planning Division. He has been helpful in providing information and clarification regarding the authorized work under repair and maintenance provision.

I understand the pressures to allow the expeditious repairs. I want to ensure that the rapid response does not result in added costs to all of us. I ask that our concerns be taken into account in any related permit activity.

Should you have any questions or comments, please do not hesitate to contact me or our District Resource Ecologist, Virginia Gardiner Johnson at (805) 899-1400. Thank you very much for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve", enclosed within a large, hand-drawn oval.

Steven B. Treanor
District Superintendent

c: Virginia Gardiner Johnson, Resource Ecologist, DPR
Rich Rojas, Chief Ranger, CDPR
Walt Deleu, Maintenance Chief, CDPR

Ventura

Los Angeles Times

THURSDAY, MARCH 2, 1995
VC WEST/CC† SECTION B

COUNTY

VENTURA

County to Cite Trailer Park for Moving Dirt

The county will cite the managers of the Ventura Beach RV Resort for moving tons of dirt and debris from the trailer park without obtaining a permit, officials said Wednesday.

Alex Sheydayi, deputy director in the county's Flood Control Department, said Parkstone Management Co. will not be fined for the work that began Friday. But the firm will be cited and must apply for a permit before removal of the silt can continue, he said.

An environmental group brought the violation to county officials' attention Tuesday, Sheydayi said. Friends of the Ventura River notified the county that work was taking place within a county easement and questioned whether Park-

stone was allowed to remove any dirt at all.

Besides county approval, any work in that area requires permission from the state Coastal Commission and the Army Corps of Engineers, said Russ Baggerly, a spokesman for the Friends of the Ventura River.

"They're in the coastal zone, and in order to move one shovelful of dirt, they need a permit," Baggerly said.

Coastal Commission and Corps of Engineers representatives could not be reached for comment late Wednesday.

Tom Staben, the owner of the company hired to remove the dirt, said he received permission from the city of Ventura before any work began, and city planner Mitch Oshinsky confirmed Wednesday that permission had been granted to repair erosion in the area.

"As far as we know, there is no problem," Oshinsky said. "No [city] permits are needed because they are doing what we classify repair and maintenance."

Staben said about 2,000 tons of dirt a day have been removed from the RV park since Friday. Most of that was hauled to the Bailard Landfill in Oxnard, but some rich topsoil was deposited on farmland north of the RV park because the property owners requested it. Staben



LOCAL

FRIDAY ♦ MARCH 3, 1995

♦ CITY EDITOR: BURTON SWOPE ♦ 655-5815 ♦

Firm cited for clearing RV resort

FLOOD AFTERMATH:

Environmental group opposes work done without permits.

By Brett Johnson
Staff writer

A management company clearing flood-borne dirt and debris from the Ventura Beach RV Resort was cited Thursday for doing the work without permits, a county official said.

Alex Sheydayi, director of the county's Flood Control District, said Parkstone Management Co. was sent a notice of violations for cleaning the site without watercourse or encroachment permits.

The company won't be fined as long as it gets the permits by Monday, Sheydayi said.

The county was made aware of the situation by the environmental group Friends of the Ventura River, which contends the not permitted work could present a flood hazard if done improperly.

The group has long opposed the recreational vehicle park's presence along the west banks of the Ventura River.

Sheydayi said the work might require permits from the U.S. Army Corps of Engineers and the state Department of Fish and Game.

Officials from both agencies said Wednesday that permits would not be necessary as long as workers stay out of the river, its tributaries or channels, and wetlands.

The agencies were not contacted about work in those areas. But Fish and Game Environmental Specialist Ken Wilson said the agency will respond if sensitive wildlife habitat is trampled.

The company is staying out of sensitive areas and is not piling debris in dangerous piles, said Mitch Oshinsky, Ventura's planning and development manager. The city gave Parkstone the go-ahead to do the work.

Parkstone is overseeing the park while the property is in bankruptcy. A court-appointed re-

ceiver is trying to sell the park to a new owner.

The park has been closed since being caked with mud in the January floods. Workers are cleaning it for an eventual reopening.

CITY OF SAN BUENAVENTURA

January 2, 1997

CITY COUNCIL

Tom Staben
P. O. Box 255
Somis, Ca 93066

Jack Tingstrom, Mayor
Rosa Lee Measures, Deputy Mayor
Stephen A. Bennett
Ray Di Giulio
James J. Friedman
James L. Monahan
Gary R. Tuttle

Re: Ventura Beach RV Resort, 800 W. Main Street, Ventura

Dear Mr. Staben:

In late November, 1996 I received the enclosed letter from the Friends of the Ventura River. The letter alleges violations by you as the owner/operator of the Ventura Beach RV Resort relating to the sensitive habitat area at the easterly side of the RV Park. The photographs included with the letter also seem to call into question whether or not the Park is operating within the permit conditions not only about the sensitive habitat area and the related required signage, but about the total number of RV and tent camping spaces being utilized.

At this point in time the City has not had an opportunity to independently verify the complaints being made by the Friends of the Ventura River. However, the Administrative Coastal Development Permit granted in July, 1992 relating to flood clean-up work emphasized the need for the easterly boundary of the RV Park to be revegetated with native vegetation as required by an independent biologist and/or the Department of Fish and Game. The City is certainly aware that this area was utilized for the collection of debris following the last flood so that the debris could be removed from the Park in an expeditious fashion. Once again, however, the area must be revegetated with native materials and appropriately signed pursuant to the original permit conditions. Representatives from the City will be contacting you within 30 days to ensure compliance with these conditions as well as to ensure that the number of camping spaces is not being exceeded. Given the long controversy relating to the RV Park's location and operation and public scrutiny, the City will be seeking full compliance with all permits issued.

I encourage that you review the complaints noted in the Friends of the Ventura River letter. To the extent permit conditions are not being met, please take immediate steps to remedy any areas of non-compliance. If you have any questions about or need copies of the various permits applicable to the operation and maintenance of the RV Park, please do not hesitate to contact me. As indicated, representatives from the City will be calling to review this matter in more detail with you in the near future.

Sincerely,



Everett Millais
Director of Community Services

EM/ce

Enclosure

cc: Sherry Jeffery, Code Enforcement Officer

Ventura

Los Angeles Times

VC/CC† THURSDAY, JULY 3, 1997

COUNTY

City Tells RV Park to Correct Violations or Face Penalty

■ **Recreation:** Officials say beach resort owner could go to jail or be fined if he doesn't undo changes he has made without proper permits.

By HILARY E. MacGREGOR
TIMES STAFF WRITER

VENTURA—The city has warned the Ventura Beach RV Resort that it is violating more than half a dozen city codes, and that if it does not take steps to comply quickly the owner could be jailed, or forced to pay steep fines.

According to city officials, resort owner Tom Staben has expanded the number of recreational vehicle camping sites and erected a concrete wall on the flood plain of the Ventura River without proper permits.

He has also converted a sensitive habitat buffer zone into a well-tended green lawn and relocated habitat signs to expand the recreational area of the resort, they said.

In addition, officials said, Staben converted a natural channel into a concrete lined drainage area with

out a proper state permit and stored more than 5,000 square feet of concrete blocks in front of the Emma Wood State Beach Park in violation of a city ordinance.

In a June 26 letter, city officials informed Staben that he must correct the problems, or they will take action.

"Violations of the San Buenaventura Ordinance Code are misdemeanors," the letter states. "Each day that the violation is committed, permitted or continued constitutes a separate prosecutable offense."

According to the city, the maximum penalty for each conviction of a misdemeanor is a \$1,000 fine and/or six months in jail.

"This has gone on too long," said city code enforcement officer Sherry Jeffery, who sent the letter to Staben. "He's running out of road. He has been doing things to fix the park up. But they don't necessarily comply with state and local laws."

Jeffery said she will meet with Staben on July 18 to discuss what corrective action he must take.

Staben could not be reached for comment Wednesday.

Ventura Beach RV Resort at 800 Main St. has run into problems. The resort has been cited in the past for improperly moving tons of dirt and debris from the trailer park without obtaining a permit.

Because the resort is on sensitive habitat near the mouth of the Ventura River, numerous state and local agencies have an interest in its operations and in protecting the surrounding habitat areas, said Mark Stephens, city planner.

Those groups include the California Coastal Commission, the state Coastal Conservancy, the

state Department of Fish and Game, the U.S. Fish & Wildlife Service, the Army Corps of Engineers, the Ventura Flood Control District, and the local watchdog group Friends of the Ventura River.

Staben has until Sept. 26 to correct problems at the park site.

"What we want him to do is act in good faith, and do as much as he can on all these requirements," Jeffery said. "But we want some action. After three or four years of letters from various organizations, it's time to clean house."

CITY OF SAN BUENAVENTURA

CITY COUNCIL

Jack Tingstrom, Mayor
Rosa Lee Measures, Deputy Mayor
Stephen A. Bennett
Ray Di Giulio
James J. Friedman
James L. Monahan
Gary R. Tuttle

February 6, 1997

John T. Buse, Staff Attorney
Environmental Defense Center
844 East Main Street
Ventura, Ca 93001

Re: Ventura Beach RV Resort Status

Dear Mr. Buse:

In response to your recent letter about the status of the Friends of the Ventura River complaints concerning alleged violations at the Ventura Beach RV Resort, please be advised that the City treated this as a code enforcement matter. As a part of the referral to the City's Code Enforcement office, however, I sent the attached letter to Tom Staben, owner of the Ventura Beach RV Resort.

The Code Enforcement office followed up on my letter and did a site inspection on January 17, 1997. They found that 17 signs were posted along the wire fencing area bordering the sensitive habitat area. They also found what they deemed as natural vegetation to be established in the area where the RV Park was allowed to temporarily stockpile dirt and debris from the last flood. The buffer area between the RV Park and the sensitive habitat area and the natural vegetation in evidence led the Code Enforcement staff to find that there are no substantial continuing violations. They also verified that the number of RV spaces has not changed, with the exception that some of the longer drive-through spaces elsewhere in the Park have now been fitted so that they can accommodate 2 smaller RV units.

John T. Buse
February 6, 1997
Page 2

The City recognizes the long-standing opposition by Friends of the Ventura River to having this RV Park at this location. The City's interest is in ensuring that the RV Park remains in substantial compliance with its permits and especially operates in a safe fashion during times of potential flooding. This is evidenced by the fact that the City has pursued complaints of alleged violations as they are made. Our goal remains one of seeking compliance in our code enforcement operations rather than seeking penalties.

Sincerely,

A handwritten signature in cursive script, appearing to read "Everett Millais".

Everett Millais
Director of Community Services

EM/ce

cc: Sherry Jeffery, Code Enforcement Officer

Attachment

ONSITE VEGETATION

0 300 600 FEET

North

OF - Old Field
TW - Tree Windrow
R - Riparian

--- Sensitive Habitat Overlay Boundary
Minimum 100' Buffer Required By PD406/CDP46

The map displays a topographic representation of a site with various vegetation types. Old Field (OF) areas are shown as open spaces, while Tree Windrow (TW) areas are indicated by dashed lines. Riparian (R) areas are located along a water feature on the right side of the map. A dashed line represents the Sensitive Habitat Overlay Boundary, and a hatched area indicates the Minimum 100' Buffer Required By PD406/CDP46. An Existing Access Road and a Street are also labeled on the map.

TW - Tree Windrow

R - Riparian

**Sensitive Habitat
Overlay Boundary**

Minimum 100' Buffer
Required By PD406/CDP46

CITY OF SAN BUENAVENTURA

June 26, 1997

COPY



Mr. Tom Staben
P.O. Box 255
Somis, CA 93066

RE: VENTURA RV PARK (CASE #PD-406/CDP-46) 800 W. MAIN STREET, VENTURA

Dear Mr. Staben:

Everett Millais, Director of Community Services, has requested that you be contacted regarding the illegal code violations on your property located at 800 W. Main Street, Ventura. The following items are in need of correction:

1. Replant the Sensitive Habitat Buffer lawn with native plants.
2. Relocate the Sensitive Habitat signs to the front of the 100' Buffer Zone (to the eastern edge of the RV parking spaces).
3. Obtain City Planning approvals for expansion of camping spaces.
4. The temporary concrete wall violates the City Flood Plain Ordinance. The alteration requires City Planning approvals.
5. The temporary concrete wall would require a City Building Permit per Bob Prodoehl, City Building Official.
6. A California Coastal Commission permit is required for the concrete swale.
7. Outside storage (concrete blocks in front of Emma Wood State Park) is not allowed in this zone.

You are currently in violation of the following Sections of the San Buenaventura Ordinance Code:

1. Section 3112.02 -UAC - Maintaining an Illegal Structure.
2. Section 301 (a) -UAC - Permits Required.
3. Section 15.410 - Coastal Zone Requirements (SBOC 15.815).
4. Section 15.420 - Flood Plain Requirements (SBOC 15.830).
5. Section 15.425 - Sensitive Habitat Requirements.
6. Section 15.880 - Violations & Penalties.

FIRE DEPARTMENT

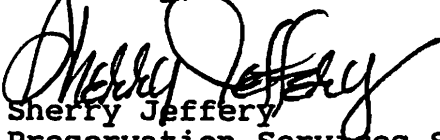
Tom Staben
Page Two
June 26, 1997

Violations of the San Buenaventura Ordinance Code are misdemeanors. Each day that the violation is committed, permitted or continued constitutes a separate prosecutable offense. The maximum penalty for each conviction of a misdemeanor is a \$1,000 fine and/or six (6) months imprisonment. Ventura County Municipal Court fees are 170% of total fines charged. The City of Ventura has instituted a Cost Recovery program whereby violators of the City's Ordinance Codes will be billed for staff time beyond the compliance date.

You are required to correct the violations stated above and to obtain the necessary permits by September 26, 1997. I have enclosed copies of correspondence related to the issues stated in this letter.

You may contact me at 658-4714 between the hours of 8-9 a.m. and 4-5 p.m. Tuesday-Friday regarding inquiries. I appreciate your cooperation.

Sincerely,



Sherry Jeffery
Preservation Services Specialist

cc: Amy Albano, Deputy City Attorney
Everett Millais, Director of Community Services
Mark Stephens, Senior Planner
Bob Prodoehl, City Building Official
John T. Bose, Environmental Defense Center
Lawrence E. Hunt, Consulting Biologist
Rebecca Kelly, Ventura RV Resort

enclosures