




TO: BOARD OF DIRECTORS OF THE BELL CANYON COMMUNITY SERVICES DISTRICT

FROM: PAM K. LEE, GENERAL COUNSEL 

DATE: NOVEMBER 3, 2024

RE: VENTURA COUNTY NOTICE OF VIOLATION (APN 685-0-060-235) RE:
UNAUTHORIZED STORAGE

BACKGROUND/NOTICE OF VIOLATION

On October 16, 2024, the County of Ventura Code Compliance Division sent a letter to the Bell Canyon Community Services District (“District”) stating that it “confirmed that violations of the Ventura County Building Code, International Property Maintenance Code, and/or Zoning Ordinance exist on the subject property” at 8 Bell Canyon Road (APN 685-0-060-235) (“Property”). According to the County, the violations include:

- (i) non-permitted construction, alteration, improvement, or modification to the Property – a contractor’s service and storage yard (Ventura County Building Code § 105.1)
- (ii) a use or activity requiring a permit or entitlement – prior to construction of a maintenance yard, a Zoning Clearance is required (Ventura County Zoning Ordinance Non-Coastal § 8101-3)

According to the County, the violations were confirmed on August 2, 2024 and observed in plain view. These violations refer to the so-called “maintenance yard” that has been erected on the Property by the Bell Canyon Association (“BCA”), consisting of construction materials, equipment, supplies, vehicles, and storage containers being housed on the easterly side of the Property. It is fenced in by a covered chain link fence. It is unclear how long the materials and equipment have been housed in that location, but it predates the District’s purchase of the Property from the Triunfo Sanitation District in 2023. There is no written agreement between the District and BCA regarding the District’s housing of the materials and equipment on the Property.

CONSEQUENCES OF VIOLATIONS

The County further stated that ***until the violations are corrected***, the staff time spent confirming the violation and securing abatement of the violation will be charged to the District, including all meetings, site visits, phone calls, correspondence, etc. Unpaid charges will be subject to recordation as a lien on the Property. Furthermore, the County indicated that no new permits will be issued on the Property until the violations are abated, and the County will record a Notice of Noncompliance on the Property as well. Additional civil fines and penalties may accrue ***daily*** until the violations are corrected and confirmed by the County. Lastly, violations may be prosecuted as a misdemeanor.

Because the fines and violations may be accumulated on a daily basis, this may mean a lien of tens of thousands of dollars may be assessed and recorded on the Property.

If the District does not agree that the foregoing is correct, or that the condition of the Property does not constitute a violation, it may appeal the determination to the County by submitting an appeal to the Director of Planning Division for Zoning Ordinance violations.

ABATEMENT OF VIOLATIONS

To correct the violations, the District as two options:

- (i) Obtain the required permits and approvals from the Building or Planning Department and/or Planning Division to continue the use; OR
- (ii) Remove/discontinue the use (and obtain any permits for said removal, if applicable).

The County stated that the District has 30 days (by Nov. 18, 2024), to comply.

NEXT STEPS

Based on the foregoing, and considering the materials and equipment do not belong to the District and there is no contractual requirement for such materials and equipment to be on District Property, continuing to house the BCA's materials and equipment constitutes a liability to the District and exposes the District to litigation and claims.

Therefore, the District should inform the BCA that it needs to remove all of its materials and equipment immediately, and complete the removal by November 18, 2024. Otherwise, the District will be subject to further fines, penalties, liens, and other enforcement action. If the BCA fails to remove such materials and equipment, by the required timeframe, the District may be penalized further. The District should also seek further direction from the County regarding whether any removal or material and equipment requires additional permits or authorizations prior to removal. The cost of the permits and the removal should be paid by BCA, since it is their materials and equipment.

Even if the District were to allow the BCA to house their materials and equipment at the Property, there would need to be a rezoning and other permit approvals, which can take up to six months or longer to obtain. Until then, the District will continue to be in violation of the County Codes, subject to fines and penalties, and exposed to increased liability. Therefore, until such approvals and rezonings are completed, it is our recommendation the at the BCA's materials and equipment still be removed until such approvals and rezonings are finalized.

[END]