

Vichy Springs.

RESORT

Vichy Springs Resort & Inn
2605 Vichy Springs Road, Ukiah, California 95482
Telephone (707) 462-9515 • Fax (707) 462-9516
E-Mail: vichy@vichysprings.com • Web Site: www.vichysprings.com

October 3, 2011

Response to Grand Jury Request

Dear Members of the Grand Jury:

We are in receipt of your report and the requested responses. Thank you for including Vichy Springs Resort. We are sure you realize the resort has been and is severely impacted negatively by the unpermitted and unconditional activities existent at this club.

The Ukiah Gun Club has expanded 1,000% in size since 1982 and has added multiple agencies and other activities. All of this has been done without a conditional use permit, CEQA review, building permits or any other conditions of use.

The noise is simply, at times, unbearable and the 5 fires they have started, 2 of which almost burned down our resort, are unconscionable. Close calls by guests and staff from our resort, while transitioning by car past their inadequate ingress and egress, are common.

We at Vichy Springs have complained to the City of Ukiah, City Manager and City Council various County of Mendocino Departments including County CEO, Health, Sheriff, Building, Planning, Counsel, Transportation and other departments only to be either told they have no jurisdiction or our complaints were ignored.

The City, County and State fire agencies and other City and County departments have stated they are powerless to require any fire safety corrections of this club as no "project" has been presented to them (a use permit qualifies as a project) to which they can comment or enact enforcement. This seems very convenient.

Vichy Springs Resort has formally complained in writing over 10 times to the County and City only to be ignored.

The City of Ukiah purchased and paid about \$650,000 for the gun club property on December 21, 1993, four days after the December 17, 1993 gun club lease was placed on the property renting the entire \$650,000 property to the club for \$400 per month. City and County taxpayers subsidized the gun club then and have been subsidizing this club ever since.

County taxpayers are also subsidizing the Ukiah Gun Club because the club property was not reassessed as it should have been at 1% of purchase price and the taxes since 1993 are at pre-purchase rates. It is suspected the club owes almost \$150,000 to the county plus the taxes on over \$1 million in improvements that go untaxed because the club never took out building permits for them. City taxpayers provide city vehicles, workers, and fire department staff at no cost to the gun club.

Please find our responses below to findings 19-26 and Recommendations 1-8.

Findings 19-22

The metal targets are, in our opinion, beyond comprehension. We regularly hear bullets striking the targets with quite a few subsequent ricochets in many directions. Here at the resort we have found about 15 ricochet bullets over the years, three of them in our guest swimming pool. The most recent bullet was found next to a home in Vichy Estates at the corner of Tehuacan and Vichy Springs Road. The large caliber jacketed lead bullet was on the edge of Vichy Springs Road alongside a home occupied by small children.

The rocks on the hillside also produce ricochets, those without the clank on metal before whizzing overhead from the gun club property. There are many who will attest to hearing the ricochet problem including 1982 Ukiah Gun Club president Harold Uhl and current Ukiah Rod and Gun Club president Pat Ford. This complaint was included with theirs to the city and the county numerous times.

Finding 23

The Vichy Springs Road is indeed one way in and out. The gun club causes traffic problems at its entry with vehicles blocking the road regularly and many vehicles blindly pulling out onto Vichy Springs Road without warning or looking.

The club has started 5 fires in the last 15 years and has had three control burns. One of the fires and one of the control burns burned out of control to the edge of our resort. The Vichy Springs Road itself is all that stopped those two fires.

Several times the road was closed during the fires to accommodate the firefighters and/or due to the vicinity of the fire. The club has never paid for the hugely expensive services rendered to any fire agency including cost of airplanes and helicopters as a result of their unpermitted and unconditioned activities. We requested and received this information from the county and state agencies, as we know if Vichy Springs Resort or other county private landowners were to start a wildfire, we would be billed for the costs of containing it. Heavy smoke caused damages to Vichy Springs on two occasions when all draperies and bed linens had to be cleaned.

Finding 24

The club was acknowledged by the County as a non-conforming use in 1982, as was Vichy Springs Resort. Vichy Springs applied for and received a use permit to expand on its uses as they evolved since 1982. Vichy Springs subsequently applied for and received an overlay zoning converting the existent 1854 resort to an allowed use. Both

applications went through political processes and separate extensive CEQA reviews at great expense. As is required under CEQA all impacts were mitigated and the applications were approved. As a footnote the unpermitted and unconditioned gun club protested vigorously both the permit and the rezoning of this almost 160 year old business, Vichy Springs Resort.

The gun club, according to our research, and in meetings with the City of Ukiah and County of Mendocino, has no use permit or building permits on file. There have been no CEQA reviews of its facilities and operations, to the detriment of all county residents. This is a huge liability for the County and the City of Ukiah. This is an “unconditional use” not allowed in the State of California. Cities and/or Counties may not permit unconditional uses.

As was noted in the Grand Jury report a use permit for archery was processed by the County but was withdrawn by the club. It is likely that they did not wish to endure a full CEQA review. The archery did take place for about one year very close to Vichy Springs Road (50 feet).

By agreement with the gun club we presented a complaint letter (attached) to the club in September 2008. In that letter we requested they apply for a use permit. We were told by the president and the club’s legal counsel, Myron Zwicky, that they “couldn’t do that because it would open them up to public scrutiny”. The purpose of California’s permit requirements is to foster public scrutiny, not to avoid it.

The club has grown exponentially (1,000%) since 1982 from 80 members to between 800 and 1,000 depending on whom one asks. They have also added many organized shoots and activities wherein they advertise outside the County and on the internet to attract non-members to also come shoot and utilize the club site.

They allow illegal camping as they do not have a state issued camp ground permit.

On top of their membership growth they have added Sheriff’s Officers who regularly use the club, CHP, City of Ukiah Police, Federal Marshalls, college classes, hunter safety classes and concealed weapons classes to name a few.

All of these activities are expansions of their prior non-conforming use and these activities individually and cumulatively should have required a conditional use permit and CEQA review as is required by law.

The club was offered, by Norman Vroman, then DA, Tony Craver, then Sheriff, and Vichy Springs, an NRA reviewed alternative site. The gun club unilaterally refused it and would not discuss it with DA Vroman who personally presented it to the board of the club.

Findings 25 & 26

As stated above there are no building permits on record in the county offices. There conveniently are members of the gun club who work, or have worked, in the County building department.

Members of the gun club have bragged to us, and the current sheriff has also confirmed, that the gun club has spent some million dollars in improvements in their new ranges and buildings. Without required permits the gun club is paying no taxes to the county for these improvements nor has there been public input on expansions of these activities.

Comment on Findings 5-9

If the City purchased the property for \$650,000 and the club is responsible for the taxes, why is the club only paying \$520 annually? Why was it not reassessed per Proposition 13? Do they owe \$150,000 in back taxes? Somebody does one would think. We rent a hanger at the Ukiah Airport from the city. The City passes taxes through including increases to us.

Comments to the Recommendations:

1. This is almost laughable. This is exactly what we have found dealing with the County and the City. Both point fingers at each other. The County may be responsible to regulate the gun club as the club is in the county and the club is not a city operation as would be a dump, fire department or utility operating on city property in the County. The City owns the property and as owner is responsible for the legality of their tenant's operations.

The County has steadfastly refused to enforce its codes as has the City. We have requested same of both agencies for over 20 years.

2. Agreed – Surprised the NRA tolerates them

3. Agreed.

4. Agreed – Railroad ties would also work according to the NRA

5. Agreed.

6. We recommend a separate entity as it is obvious existing city/county employees who have received our complaints over and over are not competent to perform this task.

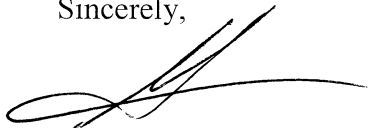
7. We pay fees and have inspections. Are their fees owing? Penalties? Again we recommend a determination if city/county staff or their supervisors are gun club members before being sent to inspect.

8. The existing septic tank is adequate for the mobile home. They have 100's of guests at times. Where is the sewage going? We suggest a test to determine if an illegal sewer hook-up is in place. Also, if this were a conditioned use, a sewer hook-up more than likely would have been one of many conditions.

Suggested questions to the city and county:

1. Have you ever received a complaint from Vichy Springs or anyone else about the Ukiah Gun Club?
2. Can you provide copies of all the complaints?
3. Have you ever responded to the complaint(s) in writing? If so please provide copies.
4. If you have not responded please provide any investigation which you prepared in response to the complaint.
5. Is the respondent to the Grand Jury a member of the gun club?

Sincerely,

A handwritten signature in black ink, appearing to read 'Gilbert Ashoff', with a long, sweeping horizontal flourish extending to the right.

Gilbert Ashoff
President

Attachments: Complaint letter to Gun Club Sept. 2008
Complaint letter to County CEO and County Counsel June 2009

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May 9, 2009

Mr. Nash Gonzalez
Director Planning and Building
County of Mendocino
501 Low Gap Road
Ukiah, CA 95482

RE: Request for Enforcement of Zoning and Environmental Regulations

As owners and operators of Vichy Springs Resort, California Historic Landmark #980, we formally complain about the extreme nuisance ½ mile west and north operating as the Ukiah Gun Club.

The specific complaints are as follows:

1. **Noise** – The gun club adversely impacts our business and local residents almost every day of the year. The use by over six hundred members and multiple other agencies is deafening at times. It sounds like a war zone. It upsets guests, interrupts meetings and conferences at our property, and Vichy Springs has had to curtail historic uses of the property for outdoor events such as weddings, political gatherings, and reunions, as the extreme noise disrupts the free use and enjoyment of our property by attendees.
2. **Fire** – The Ukiah Gun Club has caused numerous fires in the last 15 years, 4 of which had to be put out with bombers, CDF, and other mutual aid fire agencies. In addition the gun club requested and received two controlled burns in the height of fire season. One of the wildfires and one of the controlled burns (it escaped due to extreme conditions) burned to the very edge of Vichy Springs, and could easily have burned our resort and surrounding homes.
3. **Traffic** – The club's access road is simply inadequate to handle the traffic it generates, especially the organized shoots where the club's advertising brings in non-member shooters from all over Northern California. Their property has a blind side to the east as shooters depart, and it has no landing or formal intersection. At times hundreds of vehicles per day use this for ingress and egress.
4. **Camping** – The club has several organized shoots annually and invites non-member guests to bring their campers and RV's to the site. There are no hook ups, no sewage disposal, and the yelling noise during the day and at night, on top of

the shooting, is disturbing the peace. Also the fire danger is extreme. They have no state permit which allows camping.

5. **Automatic Weapons** – These are fired every week at the gun club property in spite of the club's restrictions prohibiting same.
6. **Expansion of the prior non conforming use:**
 - a. The club has grown from eighty members in 1982, when the general plan acknowledged a non conforming use status, to over six hundred members in 2009.
 - b. The club has provided access for use by multiple police agencies.
 - c. The club has provided access for use by concealed weapons classes.
 - d. The club has provided access for use by college weapons classes.
 - e. The club has provided access for use by numerous hunter safety classes.
 - f. The club recently makes its club house available to non-gun club activities (exhibit A)
 - g. The club has built three new ranges pistol, rifle, and traps, and has added an archery range and knife throwing range.
 - h. The club has constructed structures on the property since 1982.

7. **Environmental Damage**

- a. The club continues to use lead bullets and shot which have been found to contaminate offsite water courses that empty into the Russian River (exhibit B)
- b. Air Quality – Lead dust, a known carcinogen, is a very real problem at a gun range from both the bullets and shot, and the powder charge. The dramatically increased population of members imperils the safety of children and adults in the adjoining subdivisions south and west of the club.
- c. Ricochets – Stray shots are an almost daily event that is extremely dangerous to the public. Several have been found at the Vichy Springs Resort and in the Vichy Estates Subdivision. This lead is leaving the club's site due to poor facility design, and lack of modern collection procedures to prevent stray bullets.
- d. Sewage – Where is it going, and if it is into the district sewer, did they hook up legally?

Our request is that the county conduct a review of the site specifically to enforce applicable zoning and environmental regulations. It should also include review of all the new ranges and attendant buildings constructed as a part of the range, and all the other construction and public bathroom facilities. Are these facilities ADA compliant, and approved by the county? Is the sewage disposal appropriate and sized correctly for six hundred members and the hundreds of others that use this property?

Thank you for your attention and consideration.



Gilbert Ashoff
Marjorie Ashoff
Proprietors

Cc: Department of Environmental Health
County Supervisor Brown
CEO Tom Mitchell
County Council Nadel

Vichy Springs.

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September 22, 2008

Mr. Larry Bates, President
Ukiah Gun Club

Dear Mr. Bates:

Pursuant to mutual agreement and the subsequently recorded document "declaration of restrictions" as then property owner of the Vichy Estates Subdivision, I, now as a homeowner as described under section 3 of aforementioned agreement, hereby bring to the gun club's attention the following concerns. I also bring them as an owner of California State Historic Landmark #980, Vichy Springs Resort.

1. **Noise.** The agreed terms that the club prescribed, and as subdivider I agreed to, have not been met under section 2.B.4).
2. **Shooting Hours.** Shooting starts as early as 7 A.M. and at times is continuous until sometimes after dark (½ hour after sunset).
3. **Neighbors.** Consideration of neighbors and the neighboring business and their quietude is almost non-existent i.e., see #2 above and negatively impacts neighboring families and the historic resort business. Guests at the resort complain almost daily and non returning customers are numerous simply because of the unrestricted noise.
4. **Fire.** There have been 4 known club caused wildfires all of which required huge amounts of fire suppression equipment including airplanes, helicopters, trucks and 100's of hours of firefighter's time at the expense of the taxpayers. This impacts neighbors and negatively impacts, with financial loss to the resort.
5. **Control burns.** There have been 2 control burns whereby surrounding neighborhood was subjected to days of dense smoke with ash raining down on yards and homes. The resort was forced to close due to the smoke. The homes and resort were put in peril (one fire escaped the fireman's control) during this time. This resulted in financial damage to the resort and in some cases the homeowners had to leave due to asthmatic conditions and had to be to be cleaned and homes smelled of smoke for up to a week. This also was done taxpayer expense for the benefit of the club with no repayment to the homeowners or the resort for their financial losses.
6. **Ricochets.** The club produces ricochets on an ongoing basis. They are heard regularly at the resort and in the subdivision. We request they stop. It is hazardous to say the least. As example a few years ago Pat Ford, then president of the Ukiah Rod and Gun Club was working with another man maintaining heavy equipment at Vichy Springs. I returned from Ukiah in early afternoon on a weekday to find

the large door on our warehouse closed and their vehicles moved to the east side. I inquired (it was hot) why they had closed the door and didn't want cross ventilation to keep cool. They said "there are so many ricochets we are worried about being hit"

Automatic Weapons: Request the club cease all automatic weapons use by police agencies and members pursuant to club rules and section 2.B.2) of recorded document.

Permitted Use: Request the club, due to its expansion from approximately 82 members (according to then president Harold Uhl) in 1982 when it was granted a legal non-conforming use, submit a use permit request to the county as is required by county and state law. This would bring the club into compliance with the intent of the legal non-conforming use.

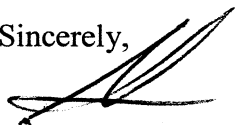
Camping: Request the club submit an application for camping permit to the State of California or cease all overnight camping (now not permitted)

As you may know then County DA Norm Vroman, Sheriff Tony Craver, and myself worked for almost a year with the NRA, BLM, Mendocino Forest Products, and others to find another location for the club's loud shooting activities (not the club itself) and the removal of the danger from fire and ricochets. That solution was summarily rejected by the board of the club even though it had support from many members according to Norm Vroman.

In short we request the club to recognize the above noted problems perceived by many. We request a response so that we can mutually work toward a satisfactory resolution.

I realize the club has been operating with virtually no restrictions and this letter may appear as an affront. In fact the long term existence of the club and any other business for that matter depends on cooperation and compliance with the State and county regulations and respect for neighboring residents and businesses. Please accept this in the spirit intended that being no problem is insurmountable.

Sincerely,



Gilbert Ashoff
Proprietor