



VC COLAB Co-Plaintiff in Lawsuit against County of Ventura

By Lynn Gray Jensen

On June 1, 2011, CITIZENS FOR PROTECTION OF AGRICULTURAL RESOURCES and VENTURA COUNTY COALITION OF LABOR AGRICULTURE AND BUSINESS (VC COLAB) filed a PETITION in Superior Court against the County of Ventura; County of Ventura Board of Supervisors; County of Ventura Planning Division (VC Defendants).

The case involves an attempt by VC Defendants to force fundamental changes in the regulation of local land use, including agriculture, farming and ranching, without first studying the environmental effects of such changes, declaring that Ventura County's actions are categorically exempt from the California Environmental Quality Act ("CEQA") per the Notice of Exemption.

On May 26, 2011, VC Defendants replaced the existing Biological Resources Guidelines, which apply to the issuance of many discretionary agricultural land use permits in Ventura County, with new and more far reaching language (Amendments). We, as Co-Plaintiffs, are seeking an injunction prohibiting implementation of the guidelines until CEQA is fully complied with.

The Petition states: "Agricultural resources of Ventura County are part of the present and historical environment of Ventura County. Agricultural activities in Ventura County are both environmentally and economically important". Agricultural activities in Ventura County have resulted in the preservation of the environment, ie. prevention of erosion, waste and fire, and have been part of the unique quality of life in Ventura County for over one hundred years.

During the process the Petitioners reviewed the proposed guidelines, sought legal counsel and consulted with experienced biologists. A number of farmers, ranchers, agricultural community members and associations testified to the VC Defendants at three public hearings that the guidelines would have an adverse impact to agricultural resources which are protected under CEQA.

The most critical issue in the Amendments is the authority granted to the Ventura County Planning Division to create an independent list of "locally important species", that would be considered "rare" when an applicant submits a discretionary project. The adopted language allows a staff member to decide which species will



David Stamey Fundraiser

At VC COLAB we know how to Party!!!

Our very first VC COLAB fundraiser event, hosted at the Lamb Ranch featured a hayride to the venue, a social hour overlooking the beautiful pond and an opportunity to meet a variety of folks with similar values. The event reflected the grassroots nature of our new organization, literally, with blankets and chairs on the grass. Dave Stamey played music straight from his heart relating stories from his past "cowboy lifestyle". While singing "Workin in the Syndicate Mine" Dave referenced the Lamb's mule "Thelma" in the background. A fabulous live auction made the event a smashing success for VC COLAB.

Stay Tuned
for more
events in
our next
Newsletter



CONSTANT GROWTH OF LAND USE REGULATION



Threats to AG Business

VC COLAB members are under increasing threats to their survival due to the constant growth of land use regulation and aggressive code enforcement practices in the unincorporated County of Ventura. We believe this is an effort by the County to increase revenue through the collection of fees to the detriment of many businesses.

Lynn Gray Jensen

CAN BUSINESS SURVIVE?

The growth of land use restrictions in Ventura County has been on a continuous spin cycle, threatening many businesses in unincorporated areas. This agenda has accelerated in the past few years with groups fueling a public perception that county landowners are “developers in waiting”.

In particular, there has been a shift in direction from a group who became popular with a slogan to “save our agricultural resources”, soon changed to “save our open-space and agricultural resources” which has evolved into their new tag line: “protecting open-space from urban sprawl”. They have been successful in supporting continuous incremental changes to county policy, adding more and more layers of regulation to prevent “development” as they define it. The problem is that the

implementation of this web of regulations affects all projects, many agricultural and unrelated to urban sprawl.

This fails to take into account thousands of family farms, ranches and small businesses that operate in the unincorporated County and need permits to continue operation. As the permit process becomes more difficult

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and expensive, it is harder for these businesses to survive.

In the last three years, new proposed ordinance changes have been a wake-up call to the many family farmers and ranchers who form the patchwork quilt of the county landscape we enjoy. Some were embroiled in the

dispute over scenic resources in Ojai where landowners realized the Non-Coastal Zoning Code had been changed to require a permit to clear brush over 1000 s.f. and that their land would be subject to this new rule. In addition, County Planning proposed to add permits for fences over 2 ft. in height. This reflects a misunderstanding of what it takes to maintain and live on a large parcel of land. For most landowners, their land is not only their home, but their main business asset.

Over the years, there has been a steady growth in the number of conditions required on projects like agricultural offices, estate-planning subdivisions, grading plans, greenhouses, winery buildings, dog kennels, equestrian facilities, agricultural sales facilities, etc. As conditions increase, time of completion becomes longer and the fees for County staff and outside consultants rise.

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(REGULATION: Continued from Page 2)

Farmers and ranchers can be subject to deed restrictions on their land in the process, reducing their productive resources. These deed restrictions can include archaeology, paleontology, agricultural soils and biology which can be imposed for species, habitats, wetlands and now wildlife corridors. Where projects in the past have utilized the Agricultural Policy Advisory Committee (APAC) to advise Planning on farming issues, this body has been diminished in influence. The County is no longer funding a Planning position in the Agricultural Commissioner’s Office which is a fundamental loss for the farming industry as this has been the main way to communicate farming project issues in the permit process.

Instead they are beefing up the ranks of Code Enforcement to collect more fees. For example, Article 14: the Enforcement and Penalties Section of the Zoning Ordinance was changed in 2010 to increase the revenue and power of the Resource Management Agency. The code section was doubled in size, adding a “Civil Administrative Penalties Program” in response to a stated “growing number

of unresolved Planning-related code violation cases”. Many of these cases are unresolvable because the rules have changed over the years. Existing businesses cannot comply so the only option is to close down, sometimes after years of paying permit processing fees. This has led to the loss of jobs and will continue to reduce opportunities for businesses countywide.

New regulations for AG grading, mulching and storm water retention are in the works threatening the economics of farming. New regulations on diesel tractors have also impacted the cost of operations. All of this is in addition to the well - known threats to agriculture including pests, cost and availability of water, rising utility rates, foreign competition, etc.

At VC COLAB, we believe it is time to stop the advancement of these harmful regulations before Ventura County farming becomes uneconomic, forcing the sprawl we fear the most. Taking away opportunities from farmers could potentially force another successful industry out of the State.

(LAWSUIT: Continued from Page 1)

be protected with recommendations from local biologists. This leaves discretion to parties who may have inherent bias without sufficient accountability. The “locally important species” process is a blatant overreaching policy, lacking clarification, with no defined process for consensus or public notification.

In addition, the Amendments contain a reference to a report created by a biased and unaccountable private organization that refers to agriculture as a “barrier” to wildlife movement and recommends to “discourage future agricultural development”.

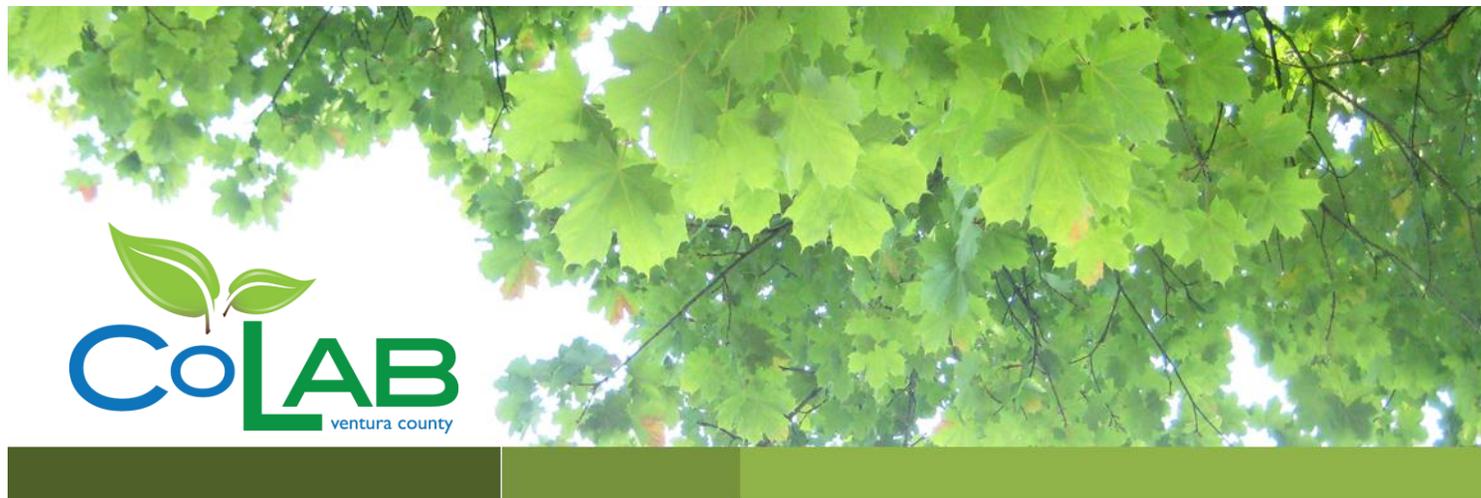
Further, unusually low thresholds of significance for low-sensitivity, non-rare species will force EIRs and take more agricultural land out of productivity through compulsory mitigation and restrictive covenants.

When presented with an option to file a lawsuit as co-plaintiffs with an organization of similar determination, the VC COLAB Board of Directors decided to take advantage of the past year of preparing the public record to request a court injunction against these harmful and unnecessary changes to the guidelines.

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**Ventura County Coalition of
Labor, Agriculture and Business**

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Email: membership@colabvc.org
www.colabvc.org

MEMBERSHIP FORM

I would like to apply for an Active Membership at the following level:

- \$100 Individual - Promote economic vitality and individual rights in Ventura County
- \$500 Business - Promote the common business interests of **VC COLAB** Members
- \$1,000 Gold - Further our efforts to monitor, educate and represent our common business interests
- \$1,500 Platinum - Support ongoing research to challenge harmful and unreasonable regulation
- \$2,500 Black - Advance legal and administrative action for the mutual benefit of **VC COLAB** members
- \$5,000 Benefactor - Let's make a difference in the business climate of Ventura County

Please accept my membership fee of: \$ _____

In addition I would like to contribute: \$ _____

Total contribution payable to **VC COLAB, Inc.** \$ _____

Print this form and send with a check to the P.O. Box or contribute online with PayPal

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Name of Business _____

Address _____

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How did you hear about us? _____

Reason(s) for applying for membership: _____