



Was Justice Served? The Story of Ralph and Mary Hagle

By Lynn Gray Jensen

On a recent day in October, another small business, the 33 year old Hagle Lumber Company, fought for their future in front of the Ventura County Board of Supervisors. Ralph Hagle, a third generation California lumberman planned on telling his compelling story to five Supervisors that day, beginning in 1978 when he and his wife Mary started their small family lumber business with the office in their living room. The heart of the operation was several parcels of land purchased from 1972 to 1982 along a railroad spur track switching off the UPRR main line directly into the storage yard. This was long before “transit oriented development” became the new planning buzz word. By 2006, Hagle Lumber had grown to over 100 employees, adding two more generations to the business: Hagle’s sons and grandsons.

Unfortunately, on that October day, two of the five Supervisors chose not to participate in the hearing. Supervisor Bennett, who was present before the 10:00 A.M. scheduled hearing, had disappeared. In addition, Supervisor Parks announced that she would recuse herself: *“I would also like to announce at this time that I will recuse myself on*

Item 21, that’s the Hagle Lumber screening process because I’m also a director on the Board of SOAR and . . . SOAR has taken a position on this and it is a private application request so I will recuse myself.” SOAR is short for the Save Our Agricultural Resources organization which had already taken a position against this project before the hearing.

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To the Hagle team, the process was a setup. While Supervisors Bennett and Parks were absent, their organization: SOAR had released an “Action Alert” email the day before the hearing notifying their supporters about what they called an “expansion of a lumberyard”, requesting them to email the supervisors urging them to “vote No on Item #21”. According to public SOAR tax returns, Supervisor’s Parks and Bennett are two of four Directors on the Board of SOAR.

Also, due to the process, none of the supervisors were able to hear Ralph’s complete story as an applicant is only allowed a TOTAL OF 15 MINUTES for



Grading Update

On October 12th, 2011 the Agricultural Policy Advisory Committee (APAC) made a recommendation to Phil Nelson of the Public Works Agency (PWA) pertaining to the ongoing revision of the Non-Development Grading Ordinance. This portion of the new ordinance will regulate grading that is unrelated to structures and has the potential to change the way agricultural practices have been regulated in Ventura County for generations. Agriculture is a 1.9 billion dollar industry and grading rules could be applied to many common agricultural practices.

As reported last month, a Technical Advisory Committee (TAC) was formed over a year ago, made up of agricultural experts to advise PWA on the intricacies of agricultural practices and how the grading regulations would impact day-to-day farming and ranching.

The APAC Committee recommended

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their entire presentation. As in many cases, it is not possible to properly characterize over 20 years of working with County Planning and Code Enforcement, in 15 minutes. Although Supervisor Long graciously extended the time for a few extra minutes, it was not enough for the consultants to dispute the many complicated findings of the 18 page staff report, and no time for Ralph to tell his personal story. In contrast, the presentation by County Staff had the first and last words without limitation.

Another surprise was a turnabout by the Agricultural Commissioner's Office from support of uncovered lumber storage in August of 2009 to a sudden reversal in policy on October 12, 2011, released with the staff report 6 days before the hearing. The staff report included a scathing recommendation to deny the project. In the report, under the section "Fiscal/Mandate Impact" county staff wrote: "... no fiscal impact on the General Fund for FY 2012 or future years." The cost of stifling or eliminating business in the unincorporated County is characterized by the Planning Division as HAVING NO FISCAL IMPACT.

The most concerning issue with respect to the staff report is a new philosophy of the Planning Division to invoke application of the SOAR Ordinance (requiring a public vote) to projects requesting Zoning Ordinance text amendments. VC COLAB believes this is a stretch as the SOAR Ordinance specifically applies to the General Plan and makes NO reference to the County Zoning Ordinance.

It was unfortunate that Mr. Hagle was not allowed to tell the whole story during the hearing, as the history is an important factor. In 1982, they purchased the 42 acre subject property, part of the Amberton City Master Plan,

which was to be zoned industrial because of the strategic value in being served by the railroad and it was considered too small and disconnected to be effectively farmed. In fact, while the land was leased for farming for two years, the operation failed economically even when the lessee was offered free rent.

However, in 1983, the County Planning Division processed the regional Agricultural Lands Protection Program and with approval of the Board of Supervisors, changed the General Plan Designation of this and many other parcels in the County to Agricultural, subsequently rezoning it in 1985 to AE.

In 1989, Ralph's son John took a risk and planted the Hagle Christmas Tree Farm (see page 3) which has expanded to nearly 20 acres. The balance of the property includes 8 acres in the flood zone and an 11 acre vacant lot. This lot has been used for parking, staging and mulching operations for the tree farm and short-term storage of wood for the adjacent lumber operation.

According to the Hagle's, the text amendment process was recommended by Planning as a possible solution to the nebulous language of the Zoning Ordinance which can be interpreted in many ways. Planning has asserted that stacking finished lumber is somehow incompatible with the AE Zone even though lumber is considered an agricultural product by the USDA. VC COLAB reviewed the language and believes that Planning could easily have supported the Hagle business plan as wood is wood.

So why would the Planning Division have such an interest in making a case out of this seemingly reasonable land use compromise from a strategic lumberyard providing good jobs in a County with 10.5% unemployment? Hagle Lumber projects an increase of 40 jobs as the

economy recovers with project approval. The question leads to the rigid ideology of the current SOAR organization, under direction of two influential Supervisors with the ability to influence Planning Division staff to make decisions that negatively impact businesses in the unincorporated county for extremely limited gain. In this year alone, numerous businesses have been shut down, denied CUP extensions, or forced to abandon their projects due to exorbitant permit costs and timeframes, causing workers to lose their jobs. Subsequent newsletter issues will focus on this year's projects and decisions, keeping tabs on the loss of county jobs.

In the Hagle case, there is plenty of room for interpretation of the general plan and zoning code to allow for limited storage of timber products on an adjacent AE property. The "Item 21" proposal to the Planning Division in October requested a simple text amendment to the Non-Coastal Zoning Ordinance which would allow this in very specific, extremely rare cases.

So, what was the outcome of the Hagle Lumber case on October 25th, 2011? Supervisors Bennett and Parks did not vote. Supervisor Long voted yes with the reasonable position that a subsequent CUP would adequately protect the public interest. Supervisor Foy voted yes in favor of small business in the county. The key vote was made by John Zaragoza, Supervisor of the 5th District, representing Oxnard, where the unemployment rate is 14%. Mr. Zaragoza concurred with Planning Staff, voting against the Hagle business and 40 new jobs. Of the Supervisors present the vote was 2 to 1, a win for Hagle Lumber, right? Until County Counsel stepped in to explain that 3 yes votes were required to pass and **the amendment failed**. So, that day in October, was justice served? You decide.

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that the Draft 8 version released by PWA in September be further refined in the TAC process allowing new language and formatting to be discussed.

The TAC Committee Members present at the APAC Meeting expressed a favorable response and willingness to resume the weekly afternoon meetings with PWA. According to Bud Sloan, President of VC COLAB and past-President of the Ventura County Cattlemen’s Association, *“The meetings with Phil Nelson, Ray Gutierrez and Jim O’Tousa have been mutually beneficial, an open exchange of ideas and they have represented the County in a fair and honest manner. We feel that there is a good faith working relationship here.”*

concluded. PWA has confirmed that the Board of Supervisors grading presentation has been postponed and is tentatively scheduled for February 12th, 2012.

At this point there have been three additional PWA / TAC meetings with progress toward the goal of producing a document that can be supported by both the county and the agricultural community. However, it is unclear how the final grading standards will be inserted into Appendix J of the Ventura County Building Code. In addition, there is a checklist of design criteria that has not been defined. We appreciate the diligence of both the TAC members and PWA staff to continue the process for the benefit of the agricultural industry.



The Hagle Christmas Tree Farm

The season is upon us and for our members who celebrate with a Christmas tree, VC COLAB would like to invite you to the Hagle Tree Farm, a local business growing Monterey Pine and Leland Cypress trees where you can choose and even cut your own tree: wheel barrels and saws provided.

The tree farm is located at 3224 Somis Rd., just outside of Camarillo and opens the day after Thanksgiving. Two weekends in December are Family Farm weekends with Santa, free hayrides, pony rides and a petting zoo. On December 3rd and 4th, the farm will benefit Food Share with a \$3 donation per tree with a coupon. See the website: www.hagletreefarm.com for details.

Come out and support local farming and a fellow VC COLAB member. Hope to see you there!

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APAC also recommended that the presentation to the Board of Supervisors originally scheduled for November 22nd either be postponed or for information only, and to wait for a decision on a draft standards document until the PWA / TAC meetings are

VC COLAB Link of the Month

In this section we would like to introduce our members to a monthly link to information that may be of interest to your business

This month’s link is to the Beltway Beef, October 27, 2011 Newsletter:

http://www.beefusa.org/CMDocs/BeefUSA/Media/BeltwayBeef_102711.pdf

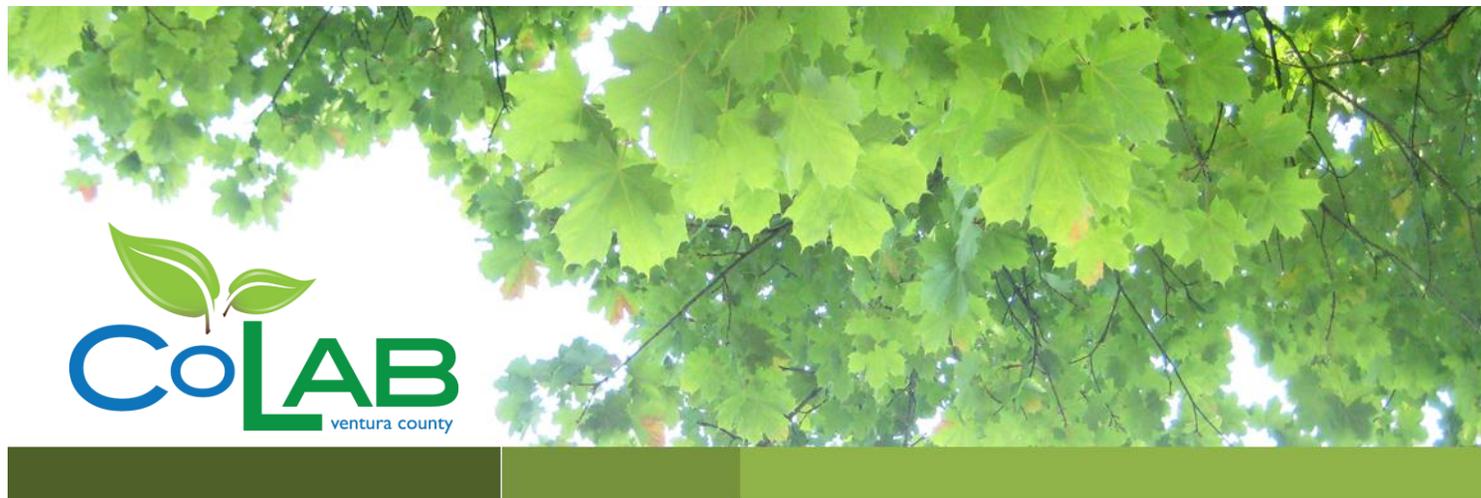
Two articles were of significant interest:

1. EPA regulation of Farm Dust
2. REINS Act – proposed legislation to rein in regulation bypassing the Congress by executive order.

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