



## Ventura County Coalition of Labor, Agriculture and Business

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August 14, 2012

Ventura County Planning Commission  
Attn: Denise Susi  
Resource Management Agency/Planning Division  
800 S. Victoria Ave., Hall of Administration  
Ventura, CA 93009-1740

### **RE: Sulphur Mountain Land and Livestock Co. LLC Violation Appeal (VC11-0329)**

VC COLAB appreciates the opportunity to comment to the Planning Commission regarding the above case with respect to the appeal of a recent interpretation of the Ventura County Scenic Resource Protection Overlay Zone (SRP) as it is being applied to a cattle grazing operation. We believe that the violation filed by the Planning Division against the Sulphur Mountain Land and Livestock Company is an unnecessary overreach which could have serious consequences to the livestock industry. The practice of cattle ranching dates back to the Spanish settlers and provides many important resources to the citizens of the county including the grassland crop which is beneficial to wildlife, watersheds, fire protection, weed abatement and scenic beauty. We recommend that the Planning Commission approve the dismissal request filed by the appellant as per the following common sense summary:

- The SRP zone restrictions apply to areas of the county within the viewshed of selected lakes and highways and the project site does not meet this criteria.
- The Non Coastal Zoning Ordinance exempts animal husbandry on lots over 10 acres, and the activities are a normal part of agriculture and are consistent with The Right to Farm Act (See APAC Letter dated August 8, 2012), therefore staff's interpretation that the SRP ordinance would require a Planned Development permit for cattle grazing operations is an unnecessary overreach.
- County staff consulted none of the agricultural experts in making their determination –at a minimum Natural Resource Conservation Service (NRCS), Resource Conservation District (RCD) and the Agricultural Commissioner's Office including the Agricultural Policy Advisory Committee (APAC) should have been consulted. We believe that all agencies would have confirmed that the activities are "consistent with proper and accepted customs and standards as established by similar agricultural operations in the same locality" (APAC Letter August 8, 2012).
- VC COLAB believes that the planting of grassland for cattle is a historical use and should be protected as a scenic resource.

In our analysis of the language of the SRP Ordinance, we believe the intent has been misinterpreted by the Planning Division in this case as follows:

- 1) The intent of the SRP Zone is clear in the very first paragraph: Sec. 8109-4.1.1 – Application: where it states "The provisions within this overlay zone are intended to apply to areas of the County within the viewshed of selected County lakes and State or County designated highways depicted as "Scenic Resource Area" on the Resource Protection Map . . ." None of the provisions in the ordinance are intended outside of the public viewing areas.

- 2) Sec. 81098-4.1.2 – Required Permits: “In this overlay zone, the permit requirements of Article 5 shall apply and a Planning Director Approved Planned Development Permit is also required whenever any one of the following actions is proposed” including “(d.) Destruction or removal of 1,000 square feet of native vegetation.” According to Article 5 of the Non-Coastal Zoning Ordinance, animal husbandry on lots over 10 acres with unlimited numbers of animals are exempt from permits. Planned Development permits have no time limit and are generally intended for structures and roads. The 1,000 square feet brush control limit is to make sure that all new structures in the SRP zone larger than a rabbit hutch would require a discretionary permit. To interpret the SRP ordinance to require a Planned Development permit for cattle grazing operations is an unnecessary overreach.
- 3) Sec. 8109-4.1.3 – General and Special Exemptions (a): “A discretionary Permit is not required if the applicant can demonstrate to the satisfaction of the Planning Director that proposed grading or structures will not be visible from any road right-of-way within the County General Plan Regional Road Network...” Grading includes vegetation removal which is clearly exempted from a discretionary permit if it is not visible from a public roadway.
- 4) Sec. 8109-4.1.3.b – “A discretionary permit is not required for: (3) Re-grading of existing or previously irrigated agricultural areas for agricultural purposes so long as no new excavation or fill would exceed five feet in height;” The “or” before “previously irrigated” in this sentence allows the re-grading of existing agricultural areas for agricultural purposes such as the grassland crop of cattle grazing as long as it does not exceed five feet in height.

While considering the appeal, it is important to put the appellant’s activities and land in perspective. The property is a 2000 acre cattle ranch which has been consistently grazed for over two centuries. Proper rangeland management requires that operators rotate their grazing around the ranch according to weather, land suitability and markets. Livestock cannot graze on sagebrush. Cattle ranching operations must clear brush to plant grassland as a crop for feeding their cattle. Fifteen acres of brush removal on a 2,000 acre ranch is less than 1% and is insignificant.

A map view shown on Exhibit 1 (attached) shows that the appellant’s parcel is zoned AE-40 or Agricultural Exclusive which is its primary use. It is mapped as “Grazing Land” on the State of California Important Farmland Inventory Map and has a recorded Land Conservation Act Contract (#12-7.4A) which gives property tax incentives for grazing on 1,907 acres. This program values the conservation of land specifically for grazing as a state resource. Without brush removal there is no grazing.

The Planning Division has no mandate or expertise to regulate grazing activities under the SRP. As pointed out by APAC, the State “Right to Farm Act” prevails over any contrary provision by the county. APAC found that the “appellant’s brush removal operation was consistent with proper and accepted customs and standards as established by similar agricultural operations in the same locality.” Rangeland management is the purview of the NRCS and the RCD, agencies with a long history of working with farmers and ranchers on conservation practices. VC COLAB believes that the County Planning Division should have consulted the all of these resources prior to filing a Notice of Violation.

In conclusion, VC COLAB believes that the planting of grassland for cattle is a historical use and should be protected as a scenic resource, not regulated out of existence. We strongly recommend that the Planning Commission approve the dismissal request filed by the appellant.

Sincerely,



Lynn Gray Jensen, RG  
Executive Director

Attachment 1: VC COLAB Map of Appellant’s Parcel