

Appendix A

Notice of Preparation and Comments

county of ventura

Notice of Preparation of a Draft Environmental Impact Report (DEIR) and Scoping Meeting for the Ventura County 2040 General Plan Update (Case No. PL17-0141)

January 14, 2019

The County of Ventura, Resource Management Agency, Planning Division (County) is currently developing the Ventura County 2040 General Plan Update (2040 General Plan Update) as described below. The County, as the lead agency, has determined that the proposed 2040 General Plan Update may have one or more significant effects on the environment and will prepare a Program Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act (CEQA).

This Notice of Preparation (NOP) is being distributed to applicable responsible agencies, trustee agencies, and other interested parties as required by CEQA. The purpose of this notice is to call your attention to this EIR and to request that you help the County identify the significant environmental issues, mitigation measures, and range of reasonable alternatives that should be addressed in the EIR. Information on the 2040 General Plan Update, topics to be addressed in the EIR, and instructions on how to provide comments on the scope and content of the EIR are provided below.

30-day NOP Comment Period: This NOP is available for a 30-day comment period that is open from **January 14, 2019**, to **February 19, 2019**. Please submit your comments on the scope and content of the EIR in writing no later than **5:00 p.m.** on **February 19, 2019**, to:

Ventura County Resource Management Agency, Planning Division
Attn: Susan Curtis, Manager, General Plan Update Section
800 S. Victoria Ave., L #1740
Ventura, CA 93009-1740

Alternatively, you may email your comments to Susan Curtis at susan.curtis@ventura.org or fax them to her attention at (805) 654-2509.

Scoping Meeting: The County will hold a Scoping Meeting to inform the public and interested parties about the 2040 General Plan Update and solicit comments on the scope of environmental issues, mitigation measures, and range of reasonable alternatives to be addressed in the EIR. The date, time, and location of the meeting are provided below.

Wednesday, January 30, 2019 at 6:00 p.m.
County Government Center, Hall of Administration
Multi-Purpose Conference Room
800 S. Victoria Avenue
Ventura, CA 93009

Project Name: Ventura County 2040 General Plan Update

Project Location: All unincorporated areas within Ventura County. The project location is shown on Figure 1.

800 South Victoria Avenue, L# 1740, Ventura, CA 93009 (805) 654-2481 Fax (805) 654-2509



Project Background and Description: The County of Ventura is undertaking a comprehensive update of its General Plan. The County's current General Plan was most recently updated in 2005 and has not been comprehensively updated since 1988. The 2040 General Plan Update is anticipated to be adopted in 2020 and will set forth the County's vision of its future and express the goals, policies, and implementation programs that will guide future decisions concerning a variety of issues, including land use, health and safety, and resource conservation out to the year 2040. In addition, all area plans, specific plans, subdivisions, public works projects, and zoning decisions must be found to be consistent with the direction provided in the County's General Plan. More information on the existing General Plan and the 2040 General Plan Update is available online at: <https://vc2040.org/>.

The existing General Plan establishes land use designations that describe the land uses that are allowed in the unincorporated areas of Ventura County. These land use designations include: Rural, Existing Community, Urban, Agricultural, Open Space, State or Federal Facility, and Urban Reserve Overlay.

The Existing Community and Urban designations do not provide clear guidance on how dense or intense development can be within these areas. The 2040 General Plan Update identifies and proposes more refined land use designations, which are based on currently adopted zoning. As these designations reflect what is currently allowed in the unincorporated county, (i.e., they reflect the "existing regulatory setting"), these refinements are not considered a change in allowed land uses.

During 2018, the public, Planning Commission and Board of Supervisors were engaged in an alternatives process that was designed to guide development of the General Plan Update. The alternatives process was used to discuss document organization, land use, and policy options. As part of the alternatives process for the 2040 General Plan Update, the County Board of Supervisors determined that the existing allowed land uses provide adequate land to accommodate projected population growth in the unincorporated areas of the County through the year 2040 – the planning horizon of the proposed 2040 General Plan Update.

Therefore, the 2040 General Plan Update is not expected to identify any increases in overall development relative to the existing General Plan, unless changes are required in order to meet future Regional Housing Needs Assessment (RHNA) numbers to be released in Fall 2019 (described further below as part of the recommended land use alternative).

The 2040 General Plan Update will reflect current conditions and issues, reduce redundancies in the existing General Plan, and achieve compliance with current state planning laws and guidelines. Current conditions and trends were described in detail and documented as part of the General Plan Background Report published in January 2018 (described further below). Issues to be addressed were defined and reported in the Assets, Issues, and Opportunities Summary Report. The 2040 General Plan Update will also provide a more concise and clear policy statement for the County by reducing redundant policies (similar policies that are presented in several elements and/or Area Plans), and by removing items that are simply restatements of requirements specified in state or federal regulations.

The 2040 General Plan Update will also address topics and issues pursuant to state requirements adopted since the existing General Plan was approved in 2005. These include environmental justice, transportation issues such as assessing vehicle miles traveled and analyzing transportation systems more holistically (Complete Streets), and wildfire hazards. The 2040 General Plan Update will also be designed to maintain consistency with the Guidelines for

Orderly Development, greenbelt agreements, and the Save Open Space & Agricultural Resources (SOAR) measures for Ventura County's unincorporated areas and eight incorporated cities.

The 2040 General Plan Update includes two key constituent documents: the Background Report (described further below) and the Policy Document. The Vision Statement and Guiding Principles approved by the Board of Supervisors in 2018 will be the foundation for the goals, policies, and implementation programs included in the Policy Document. The Vision Statement and Guiding Principles are available on the 2040 General Plan Update website library at: <https://vc2040.org/review/documents>.

Proposed 2040 General Plan: Background Report

The Background Report describes existing conditions as of 2016 and potential future trends in Ventura County. It is divided into 12 chapters that cover a wide range of topics, such as demographics, economic conditions, land use, public facilities, and environmental resources. The Background Report presents objective information and is intended to be policy-neutral, however, it provides decision makers, the public, and local agencies with context for making policy decisions.

The Background Report will also serve as the basis for the required "Environmental Setting" section of the EIR. If any substantial new or revised information related to the environmental setting becomes available during preparation of the EIR, it will be documented in the Environmental Setting and Regulatory Setting sections of the EIR. The Background Report, published in January 2018, is available at the 2040 General Plan Update website library at: <https://vc2040.org/review/documents>.

2040 General Plan Update: Policy Document

The Policy Document will be the essence of the 2040 General Plan Update. It will set forth the goals and policies that guide future decisions within the unincorporated areas and will identify the implementation programs required to carry out the goals and policies of the General Plan. The Policy Document will also include land use designations and a land use diagram that specifies the allowable uses of land, (e.g., residential, commercial, etc.) throughout the unincorporated area. The proposed structure and content of the General Plan and the recommended land use alternative for the 2040 General Plan Update are described below.

Structure and Content of the General Plan

The 2040 General Plan Update will reorganize the General Plan based on the state's required General Plan Elements (or chapters), and will include new content to address new state planning requirements and guidelines and policy topics identified by the Board of Supervisors related to healthy communities, environmental justice, and sustainability, including climate change mitigation, vulnerability, and adaptation. It may also include minor, non-substantive revisions to remove redundant and obsolete content.

The General Plan will address the state's mandatory elements including Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety, plus the new requirements for Air Quality and Environmental Justice, and three new optional elements: Water, Agriculture, and Economic Development.

The state allows jurisdictions to structure a General Plan to best meets its needs. The County's 2040 General Plan elements will be organized as follows: Land Use and Community Character

Element; Housing Element; Circulation, Transportation, and Mobility Element; Public Facilities, Services, and Infrastructure Element; Conservation and Open Space Element; Hazards and Safety Element; Agriculture Element; Water Resources Element; and Economic Vitality Element. Regardless of the organization of the elements, the 2040 General Plan Update will address all relevant statutory requirements.

The 2040 General Plan Update will also include a Climate Action Plan which, among other things, will include a vulnerability analysis and describe how the County plans to reduce greenhouse gas emissions and adapt to a changing climate. The Climate Action Plan will comply with the requirements of state law (CEQA Guidelines Section 15183.5 and Government Code Section 65302).

The 2040 General Plan Update will also include updates to seven of the ten Area Plans that are part of the existing General Plan:

- 1) El Rio/Del Norte
- 2) Thousand Oaks
- 3) Lake Sherwood/Hidden Valley
- 4) Ojai Valley
- 5) Oak Park
- 6) Piru
- 7) North Ventura Avenue

These seven Area Plans will be reviewed and assessed to compare the Area Plan goals, policies, and programs with proposed General Plan Update goals, policies and programs to ensure internal consistency. Area Plans will be updated to reflect a common format and achieve consistency with the 2040 General Plan Update elements. If directed by the Board of Supervisors, this may include deletion or modification of Area Plan goals, policies or programs that repeat the same or similar information from the General Plan and outdated information. Area Plan land use and circulation diagrams will also be reviewed for recommended revisions to ensure consistency with the updated General Plan land use and circulation diagrams.

The Coastal Area Plan, which is part of the County's Local Coastal Program, the Ahmanson Ranch Area Plan, which expired in September 2018, and the Saticoy Area Plan, which was updated in 2015, will not be notably changed as part of the 2040 General Plan Update. The existing Area Plans are available online at: vcrma.org/area-plans.

Recommended Land Use Alternative: Proposed 2040 General Plan Land Use Designations and Regional Housing Needs Allocation

The recommended land use alternative consists of two parts: Proposed 2040 General Plan Land Use Designations and the Regional Housing Needs Allocation (RHNA). Each is described further below.

The Proposed 2040 General Plan Land Use Designations are intended to provide a refined set of land use designations within the Existing Community and Urban land use designations of the existing General Plan. Although these existing designations apply to land that allows for a range

of residential, commercial, or industrial uses, neither designation identifies distinct land uses for the various parcels subject to these designations.

The Proposed 2040 General Plan Update Land Use Designations would refine the Existing Community and Urban land use designations of the existing General Plan to more clearly distinguish among land uses allowed within each designation and set forth maximum development density and intensity standards.

Specifically, the 2040 General Plan Update would establish 13 new land use designations that provide more detailed information on the types of land uses (e.g., commercial, industrial, residential) that would be allowable within areas currently designated as Existing Community and Urban. These proposed 2040 General Plan Update land use designations would be consistent with land uses and densities/intensities allowed under the current (2018) zoning designations for each affected parcel.

The proposed land use designations apply the same minimum lot size requirement as the existing General Plan, where the existing General Plan provides such a requirement. Proposed new land use designations that do not have a comparable minimum lot size in the existing General Plan would incorporate the smallest minimum lot size of the compatible zoning designation.

The proposed 2040 General Plan Update would not make changes to the following existing land use designations:

- ▶ Agricultural, Open Space, or Rural land use designations located outside of Existing Community and Urban designated area (consistent with the SOAR initiative);
- ▶ State and Federal Facility Designation since they apply to parcels owned by the state or federal government and are outside of the County’s land use jurisdiction; and
- ▶ Urban Reserve Overlay, since it applies to all unincorporated areas within city spheres of influence, which are the probable future growth areas of the incorporated cities.

Existing and proposed General Plan land use designations are shown in Table 1.

Table 1 – Existing General Plan Land Use Designations and Proposed New General Plan Land Use Designations

Acronym	Land Use Designation	Max. Density/ Intensity	Min. Lot Size
Existing General Plan Land Use Designations to Remain*			
RUR	Rural	1 du/2 ac (1 dwelling unit per each 2 acres)	2 acres
AG	Agricultural	1 du/40 ac	40 acres
OS	Open Space	1 du per parcel	10 acres, or 20 acres if contiguous w/Agricultural
P	State or Federal Facility	N/A	None
UR	Urban Reserve Overlay	N/A	None
Proposed New Land Use Designations (to be applied only to areas with current Existing Community or Urban land use designations)			

Table 1 – Existing General Plan Land Use Designations and Proposed New General Plan Land Use Designations

Acronym	Land Use Designation	Max. Density/ Intensity	Min. Lot Size
ECU-R	ECU-Rural	1 du/2 ac	2 acres
ECU-A	ECU-Agricultural	1 du/40 ac	40 acres
ECU-OS	ECU-Open Space	1 du per parcel	10 acres, or 20 acres if contiguous w/Agricultural
VLDR	Very Low Density Residential	3 du/ac	10,000 SF
LDR	Low-Density Residential	5 du/ac	6,000 SF
MDR	Medium-Density Residential	13 du/ac	3,000 SF
RHD	Residential High-Density	20 du/ac	No Minimum
RPD	Residential Development Planned	20 du/ac	No Minimum
MU	Mixed Use	20 du/ac; 60% coverage	No Minimum
C	Commercial	60% coverage	No Minimum
CPD	Commercial Development Planned	60% coverage	No Minimum
I	Industrial	50% coverage	10,000 SF
PR	Parks & Recreation	N/A	N/A

* Acronyms used for existing General Plan designations are not used in the existing General Plan but are added here for reference.

As part of the 2040 General Plan Update, work will be completed in preparation for the next 8-year Housing Element cycle, which runs from 2021-2029. The 2040 General Plan Update will include an analysis of the County’s currently identified potential housing sites to ensure that the County can demonstrate that there is adequate capacity based on the proposed land use designations and existing Non-Coastal Zoning Ordinance development standards to accommodate the development of dwelling units that are affordable for all household income categories (i.e., extremely low, very low, low, moderate, and above moderate income).

The update will include evaluation of sites identified in the current Housing Element to determine whether they can accommodate the County’s housing need for 2021-2029. Additional sites will be identified, if needed. The unincorporated County’s portion of the RHNA for the 2021-2029 Housing Element cycle is anticipated to be released by the Southern California Association of Governments in the Fall of 2019. Therefore, the Housing Element will be updated separately, likely following 2040 General Plan Update’s adoption.

Additional Components of the Proposed 2040 General Plan

In addition to the land use designations and RHNA analysis described above, the 2040 General Plan Update will also:

- ▶ Eliminate the designation of land within incorporated cities as Urban, and instead reference this land as “City” on the General Plan Land Use Diagram;

- ▶ Retain the current boundaries assigned to the Existing Community and Urban land use designations to ensure consistency with the Guidelines for Orderly Development (Existing General Plan Goal 3.1.1-5); and
- ▶ Amend the Non-Coastal Zoning Ordinance to create a new Open Space-Parks and Recreation zoning designation that would apply to publicly-owned parcels currently dedicated to parks and recreational uses.

Environmental Topics Addressed in the EIR: Pursuant to Section 15063(a) of the State CEQA Guidelines, no Initial Study will be prepared. The EIR will analyze the full range of environmental topics contemplated under CEQA and the State CEQA Guidelines, including the following:

- ▶ Aesthetics
- ▶ Air Quality
- ▶ Cultural Resources
- ▶ Geology/Soils
- ▶ Hazards/Hazardous Materials
- ▶ Land Use/Planning
- ▶ Noise
- ▶ Public Services
- ▶ Transportation
- ▶ Utilities/Service Systems
- ▶ Agriculture and Forest Resources
- ▶ Biological Resources
- ▶ Energy
- ▶ Greenhouse Gas Emissions
- ▶ Hydrology/Water Quality
- ▶ Mineral Resources
- ▶ Population/Housing
- ▶ Recreation
- ▶ Tribal Cultural Resources
- ▶ Wildfire

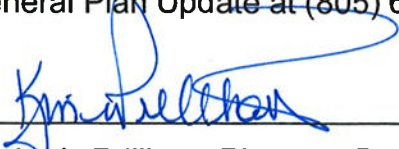
The EIR will analyze alternatives, cumulative impacts, growth-inducing impacts, and other issues required by CEQA. In addition, the EIR will expand on the environmental topics addressed in CEQA and the State CEQA Guidelines by addressing the full range of environmental topics contemplated in the County's 2011 Initial Study Assessment Guidelines which are available online at: https://docs.vcrma.org/images/pdf/planning/ceqa/current_ISAG.pdf

NOTICE OF PREPARATION: This NOP is posted at the following locations:

- Ventura County Resource Management Agency, Planning Division, 3rd Floor, Hall of Administration, 800 S. Victoria Avenue, CA, 93009;
- Ventura County Clerk-Recorder, Registrar of Voters, 1st Floor, Hall of Administration, 800 S. Victoria Avenue, CA, 93009;
- Ventura County General Plan Update website at <https://vc2040.org/>

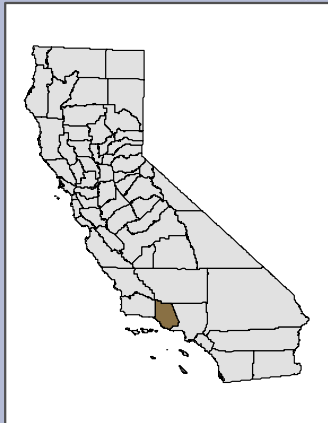
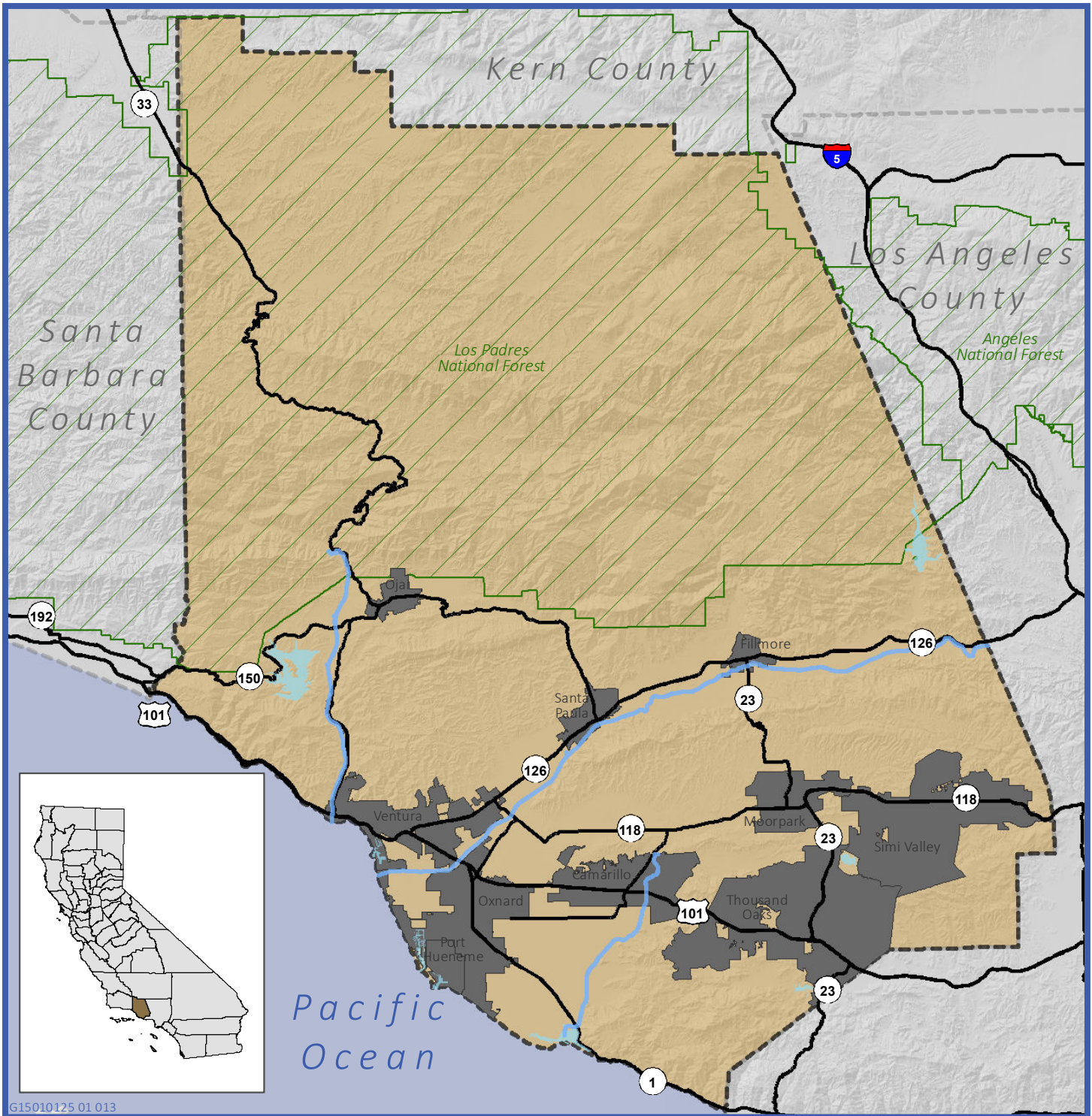
Any person is privileged to attend and be heard on this matter. If you challenge the above described action in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this Notice, or in written correspondence delivered to the County of Ventura at, or prior to, the Public Hearing. In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, call (805) 654-2805.

If you have questions on the contents of this notice, please contact Susan Curtis, Manger
General Plan Update at (805) 654-2497 or email susan.curtis@ventura.org.



Kimberly Prillhart, Planning Director

Attachment: Figure 1. Project Location



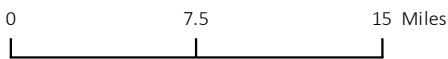
G15010125 01 013



Figure 1:
Project Location

Map Date: December 14, 2018

Source: Ventura County, 2016; California Department of Transportation, 2007; USGS, 2013.



- Major Roadways
- Major Waterways
- Water Bodies
- - - Ventura County Boundary
- Incorporated Cities
- Unincorporated Ventura County



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



JAN 17 2019

Notice of Preparation

January 14, 2019

To: Reviewing Agencies
Re: Ventura County 2040 General Plan Update
SCH# 2019011026

Attached for your review and comment is the Notice of Preparation (NOP) for the Ventura County 2040 General Plan Update draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Susan Curtis
Ventura County
800 South Victoria Ave., L #1740
Ventura, CA 93009

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2019011026
Project Title Ventura County 2040 General Plan Update
Lead Agency Ventura County

Type NOP Notice of Preparation
Description The County of Ventura is undertaking a comprehensive update of its General Plan. The County's current General Plan was most recently updated in 2005 and has not been comprehensively updated since 1988. The 2040 General Plan Update is anticipated to be adopted in 2020 and will set forth the County's vision of its future and express the goals, policies, and implementation programs that will guide future decisions concerning a variety of issues, including land use, health and safety, and resource conservation out to the year 2040. In addition, all area plans, specific plans, subdivisions, public works projects, and zoning decisions must be found to be consistent with the direction provided in the County's General Plan.

NOTE: See NOP for full project description

Lead Agency Contact

Name Susan Curtis
Agency Ventura County
Phone (805) 654-2497 **Fax**
email
Address 800 South Victoria Ave., L #1740
City Ventura **State** CA **Zip** 93009

Project Location

County Ventura
City Unincorporated
Region
Cross Streets several throughout unincorporated Ventura County
Lat / Long
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways 1, 23, 33, 34, 118, 126, 150
Airports Oxnard, Camarillo, and others
Railways Union Pacific, others
Waterways several lakes, rivers, and streams
Schools several
Land Use

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Wetland/Riparian; Water Supply; Water Quality; Vegetation; Traffic/Circulation; Toxic/Hazardous; Solid Waste; Soil Erosion/Compaction/Grading; Sewer Capacity; Septic System; Schools/Universities; Landuse; Growth Inducing; Cumulative Effects

Reviewing Agencies Resources Agency; California Coastal Commission; Coachella Valley Mountains Conservancy; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Fish and Wildlife, Region 5; Office of Emergency Services, California; Department of Housing and Community Development; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 7; Air Resources Board; State Water Resources Control Board, Division of Drinking Water; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 4

Note: Blanks in data fields result from insufficient information provided by lead agency.

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SC# 2019011026

Project Title: Ventura County 2040 General Plan Update

Lead Agency: County of Ventura Contact Person: Susan Curtis
Mailing Address: 800 S. Victoria Ave., L #1740 Phone: (805) 654-2497
City: Ventura Zip: 93009 County: Ventura

Project Location: County: Ventura City/Nearest Community: unincorporated Ventura County

Cross Streets: several throughout unincorporated Ventura County Zip Code: several

Longitude/Latitude (degrees, minutes and seconds): _____ " N / _____ " W Total Acres: Approx. 1.2 million

Assessor's Parcel No.: n/a Section: n/a Twp.: n/a Range: n/a Base: n/a

Within 2 Miles: State Hwy #: 1, 23, 33, 34, 118, 126, 150 Waterways: Several lakes, rivers, and streams

Airports: Oxnard, Camarillo, and others Railways: Union Pacific, others Schools: Several

Document Type:

CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) _____ FONSI Other: _____
 Mit Neg Dec Other: _____

Governor's Office of Planning & Research

JAN 14 2019

Local Action Type:

General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Use Permit Redevelopment
 General Plan Element Planned Unit Development Land Division (Subdivision, etc.) Coastal Permit
 Community Plan Site Plan Other: Climate Action

STATE CLEARINGHOUSE

Development Type:

Residential: Units _____ Acres _____ Employees _____ Transportation: Type _____
 Office: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ MW _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Waste Treatment: Type _____ MGD _____
 Educational: _____ Hazardous Waste: Type _____
 Recreational: _____ Other: _____
 Water Facilities: Type _____ MGD _____

Project Issues Discussed in Document:

Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Jobs Public Services/Facilities Traffic/Circulation Other: _____

Present Land Use/Zoning/General Plan Designation:

n/a

Project Description: (please use a separate page if necessary)
Please see attached Notice of Preparation.

**Document Details Report
State Clearinghouse Data Base**

Date Received 01/14/2019

Start of Review 01/14/2019

End of Review 02/12/2019

NOP Distribution List

County: Ventura

SCH# 2019011026

Resources Agency

- Resources Agency**
Nadell Gayou
- Dept. of Boating & Waterways**
Denise Peterson
- California Coastal Commission**
Allyson Hitt
- Colorado River Board**
Elsa Contreras
- Dept. of Conservation**
Crina Chan
- Cal Fire**
Dan Foster
- Central Valley Flood Protection Board**
James Herota
- Office of Historic Preservation**
Ron Parsons
- Dept of Parks & Recreation**
Environmental Stewardship Section
- S.F. Bay Conservation & Dev't. Comm.**
Steve Goldbeck
- Dept. of Water Resources**
Resources Agency
Nadell Gayou

Fish and Game

- Dept. of Fish & Wildlife**
Scott Flint
Environmental Services Division
- Fish & Wildlife Region 1**
Curt Babcock
- Fish & Wildlife Region 1E**
Laurie Hamsberger
- Fish & Wildlife Region 2**
Jeff Drongesen
- Fish & Wildlife Region 3**
Craig Weightman

- Fish & Wildlife Region 4**
Julie Vance
- Fish & Wildlife Region 5**
Leslie Newton-Reed
Habitat Conservation Program
- Fish & Wildlife Region 6**
Tiffany Ellis
Habitat Conservation Program
- Fish & Wildlife Region 6 I/M**
Heidi Calvert
Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Wildlife M**
William Paznokas
Marine Region

Other Departments

- California Department of Education**
Lesley Taylor
- OES (Office of Emergency Services)**
Monique Wilber
- Food & Agriculture**
Sandra Schubert
Dept. of Food and Agriculture
- Dept. of General Services**
Cathy Buck
Environmental Services Section
- Housing & Comm. Dev.**
CEQA Coordinator
Housing Policy Division

Independent Commissions, Boards

- Delta Protection Commission**
Erik Vink
- Delta Stewardship Council**
Anthony Navasero
- California Energy Commission**
Eric Knight

- Native American Heritage Comm.**
Debbie Treadway
- Public Utilities Commission**
Supervisor
- Santa Monica Bay Restoration**
Guangyu Wang
- State Lands Commission**
Jennifer Deleong
- Tahoe Regional Planning Agency (TRPA)**
Cherry Jacques

Cal State Transportation Agency CalSTA

- Caltrans - Division of Aeronautics**
Philip Crimmins
- Caltrans - Planning HQ LD-IGR**
Christian Bushong
- California Highway Patrol**
Suzann Ikeuchi
Office of Special Projects

Dept. of Transportation

- Caltrans, District 1**
Rex Jackman
- Caltrans, District 2**
Marcelino Gonzalez
- Caltrans, District 3**
Susan Zanchi
- Caltrans, District 4**
Patricia Maurice
- Caltrans, District 5**
Larry Newland
- Caltrans, District 6**
Michael Navarro
- Caltrans, District 7**
Dianna Watson
- Caltrans, District 8**
Mark Roberts

- Caltrans, District 9**
Gayle Rosander
- Caltrans, District 10**
Tom Dumas
- Caltrans, District 11**
Jacob Armstrong
- Caltrans, District 12**
Maureen El Harake

Cal EPA

Air Resources Board

- Airport & Freight**
Jack Wursten
- Transportation Projects**
Nesamani Kalandiyur
- Industrial/Energy Projects**
Mike Tollstrup
- California Department of Resources, Recycling & Recovery**
Kevin Taylor/Jeff Esquivel
- State Water Resources Control Board**
Regional Programs Unit
Division of Financial Assistance
- State Water Resources Control Board**
Cindy Forbes - Asst Deputy
Division of Drinking Water
- State Water Resources Control Board**
Div. Drinking Water # _____
- State Water Resources Control Board**
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality
- State Water Resources Control Board**
Phil Crader
Division of Water Rights
- Dept. of Toxic Substances Control Reg. # _____**
CEQA Tracking Center
- Department of Pesticide Regulation**
CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- RWQCB 1**
Cathleen Hudson
North Coast Region (1)
- RWQCB 2**
Environmental Document Coordinator
San Francisco Bay Region (2)
- RWQCB 3**
Central Coast Region (3)
- RWQCB 4**
Teresa Rodgers
Los Angeles Region (4)
- RWQCB 5S**
Central Valley Region (5)
- RWQCB 5F**
Central Valley Region (5)
Fresno Branch Office
- RWQCB 5R**
Central Valley Region (5)
Redding Branch Office
- RWQCB 6**
Lahontan Region (6)
- RWQCB 6V**
Lahontan Region (6)
Victorville Branch Office
- RWQCB 7**
Colorado River Basin Region (7)
- RWQCB 8**
Santa Ana Region (8)
- RWQCB 9**
San Diego Region (9)
- Other** _____

- _____
Conservancy

Downing, Clay

From: Swift, Rebecca
Sent: Thursday, January 10, 2019 7:10 PM
To: Curtis, Susan; Downing, Clay
Cc: Hill, Jessica
Subject: EIR report

Good evening. As a county employee and citizen, I attempt to stay informed of current events that impact our local environment. I am a RN employed at Ventura County Medical Center in the ER. I have suggested, solicited advice, spoken to city of Ventura officials and our head of public health, Rigo Vargas over my concerns of the ongoing pollution to our oceans and waterways by cigarette butts. I request that your committee please address why the County of Ventura administration is refusing to allow cigarette butt disposal devices to be allowed by our campus. People smoke cigarettes. People arrive to the hospital due to trauma, loss of a loved one, treatment, to visit loved and very ill family members. Currently smoking is not allowed on campus. But, take a walk and look into the landscape and you will see too many cigarette butts to count. With the assistance of the Surfrider Foundation who supports and maintains these butt disposal devices, more people will dispose of the butt properly and we can still feel as a county we are encouraging healthy lifestyles. These disposal devices can be found downtown, at Marina park, on the Pier, on the Promenade and they are working. There is a sidewalk that surrounds our campus with many poles. The above mentioned devices are simply stated, attach to a pole and a volunteer collects the debris. Please help, regards, Becky Swift, RN,CCM

Downing, Clay

From: Dulanie La Barre <dulanie@groundoperations.net>
Sent: Monday, January 28, 2019 3:01 PM
To: Curtis, Susan
Cc: Bennett, Steve
Subject: General Plan - environmental

Susan -

Given that the world's scientific community is in agreement that we have (at best) 12 years to turn around our practices to avoid catastrophic weather events (in our case drought and fire), I think that we need to radically adjust our priorities in the upcoming General Plan.

The time for business as usual is over. And frankly, I am disgusted that the Board would give the Bennet Family a free ride for the next 20 years with their methane flare, which they have already been in violation over for years. Soooo regarding the General Plan:

1. Stop allowing methane flares
2. Survey all existing oil wells and pipelines for adherence to, and enforcement of, the law regarding infrastructure and pollution infractions.
3. Begin identifying where we can change/update climate impacts on county land and in zoning & building regulations - encouraging more bike lanes, public transit dollars, etc.
4. Encourage Managed Rotational Grazing of cattle and livestock on open range to increase carbon sequestration and soil health.
5. Encourage reduction of herbicides and pesticides, especially re: strawberries, with penalties where necessary.
6. Have the Planning Dept. support and encourage straw-bale (with stucco) construction, especially for those who are rebuilding from the Thomas fire. The five earth-built structures at the Ojai Foundation were the only ones to survive the fire. Their new staff housing, built to code, went down in ashes.
7. Require all new housing or significant remodels to include solar panels and rainwater harvesting systems.
8. Adjust zoning laws to allow some farm worker housing on farms.
9. Review multi-family rules & regs and streamline to make it more cost effective and feasible to build affordable housing and apartments. The permit fees are off the charts and make it impossible to pencil out reasonable projects.

Thank you for adding these comments to the process for the General Plan.

Dulanie Ellis-La Barre
805-640-1133/cell 805-798-0158
206 So. Blanche St., Ojai, CA 93023

Our nettlesome task is to discover how to organize our strength into compelling power. — Dr. Martin Luther King, Jr.

Downing, Clay

From: Grundy, Farl@DOC <Farl.Grundy@conservation.ca.gov>
Sent: Monday, January 28, 2019 7:55 AM
To: Curtis, Susan
Subject: Comments on Ventura County GPU
Attachments: Ventura 2040 NOP GP Final.pdf

Ms. Curtis,

Attached are the Department of Conservation's comments regarding the NOP for the Ventura County General Plan Update. A hard copy of these comments will also be sent to you in the mail. Please let me know if you have any problems viewing the pdf.

Sincerely,



Farl Grundy

Associate Environmental Planner
Division of Land Resource Protection

California Department of Conservation

801 K Street, MS 14-15, Sacramento, CA 95814
T: (916) 324-7347
E: Farl.Grundy@conservation.ca.gov



CONFIDENTIALITY NOTICE: This communication and any files transmitted with it are intended only for the use of the individual or entity to which it is addressed. This message contains information, which may be privileged and confidential. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information may be prohibited. Repeated e-mail transmissions cannot be guaranteed to be secured or error-free, as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of repeated e-mail transmissions.



January 25, 2019

VIA EMAIL: SUSAN.CURTIS@VENTURA.ORG

Ms. Susan Curtis, Manager, General Plan Update Section
Ventura County Resource Management Agency, Planning Division
800 S. Victoria Avenue, L #1740
Ventura, CA 93009-1740

Dear Ms. Curtis:

**NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE VENTURA COUNTY 2040 GENERAL PLAN UPDATE, SCH# 2019011026**

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Ventura County 2040 General Plan Update (Project). The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The County of Ventura is undertaking a comprehensive update of its General Plan. The County's current General Plan was most recently updated in 2005 and has not been comprehensively updated since 1988. The 2040 General Plan Update is anticipated to be adopted in 2020 and will set forth the County's vision of its future and express the goals, policies, and implementation programs that will guide future decisions concerning a variety of issues, including land use, health and safety, and resource conservation out to the year 2040. In addition, all area plans, specific plans, subdivisions, public works projects, and zoning decisions must be found to be consistent with the direction provided in the County's General Plan.

Department Comments

The Department recommends the following discussion under the Agricultural Resources section of the Environmental Impact Report:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.

- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Potential contract resolutions for land in an agricultural preserve and/or enrolled in a Williamson Act contract.
- Proposed mitigation measure for all impacted agricultural lands within the proposed project area.

Although direct conversion of agricultural land is often an unavoidable impact under CEQA analysis, mitigation measures must be considered. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation under CEQA. Rather, the criterion is feasible mitigation that lessens a project's impacts.

All mitigation measures that are potentially feasible should be considered. A measure brought to the attention of the Lead Agency should not be left out unless it is infeasible based on its elements. The Department suggests that the County consider the adoption of an agricultural land mitigation program that will effectively mitigate the conversion of agricultural land.

Agricultural Mitigation Program

Agricultural conservation easements are an available mitigation tool that the County should consider. The Department highlights easements as a mitigation tool because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because they follow an established rationale similar to that of wildlife habitat mitigation.

Programs that establish agricultural conservation easements and in-lieu fees for mitigation banking are most effective at conserving comparable quality agricultural land when the easement requirements or fees are determined concurrent with project approval. Should significant time elapse between initial approval and the applicant's receipt of a building or grading permit, conflict may arise over the agricultural quality or value of the land being converted.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

A source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

<http://www.calandtrusts.org/resources/conserving-californias-harvest/>

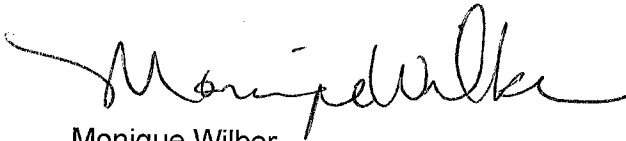
Another source is the Division's California Farmland Conservancy Program (CFCP), which has participated in bringing about conservation easements throughout the State of California

involving many California land trusts. Any other feasible mitigation measures should also be considered.

Conclusion

Thank you for giving us the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Ventura County 2040 Draft General Plan Update. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Monique Wilber". The signature is fluid and cursive, with a long horizontal stroke at the end.

Monique Wilber
Conservation Program Support Supervisor

Public Comment, Submitted at Public Scoping Meeting for a Notice of Preparation for a Draft Environmental Impact Report for the Ventura County 2040 General Plan (Case No. PL17-0141)

**COMMENT ON SCOPE OF A DRAFT ENVIRONMENTAL
IMPACT REPORT**

Write Comment Here – Additional Space Available on Back of Card

NO P

Name:

COMMENT ON SCOPE OF A DRAFT ENVIRONMENTAL IMPACT REPORT

Write Comment Here – Additional Space Available on Back of Card

Encourage Regenerative organic Agriculture. This practice increases soil health by increasing soil carbon content and therefore reducing atmospheric carbon levels. This approach is a win/win for agriculture and the environment. Healthier soils equals healthier crops and a healthier atmosphere. There are three sinks for carbon on our planet; the air, the oceans and our soils. Both our air and our oceans are being poisoned by too much carbon. Meanwhile our soils are dying because they do not have enough carbon. Let's make Ventura Counties Agricultural focus be to put Atmospheric carbon back into the soil using Regenerative Agricultural practices.

Name:

DAVID WHITE, CENTER FOR REGENERATIVE AG.

**COMMENT ON SCOPE OF A DRAFT ENVIRONMENTAL
IMPACT REPORT**

Write Comment Here – Additional Space Available on Back of Card

I would like to see specific outreach to communities in "sacrifice zones" for comments on scope of a draft environmental impact report.

For example, reach out to people living by toxic agriculture, oil extraction

Name: Barbara Leighton

COMMENT ON SCOPE OF A DRAFT ENVIRONMENTAL IMPACT REPORT

Write Comment Here - Additional Space Available on Back of Card

Agricultural carbon sequestration needs to be considered in EIR - Agriculture releases a very large amount of carbon so Ventura County needs to deal with it.

- The Climate Action Plan and list of emissions needs to be available prior to release of Draft EIR -

Name: GORDON CLINT

Public Comment, Submitted at Public Scoping Meeting for a Notice of Preparation for a Draft Environmental Impact Report for the Ventura County 2040 General Plan (Case No. PL17-0141)

**COMMENT ON SCOPE OF A DRAFT ENVIRONMENTAL
IMPACT REPORT**

Write Comment Here – Additional Space Available on Back of Card

New flood plain maps may make current zoning and current land uses infeasible. Flood plain maps may not reflect planned developments upstream, and a more unstable climate.

Name: *Mary Ann Krause AICP*

**COMMENT ON SCOPE OF A DRAFT ENVIRONMENTAL
IMPACT REPORT**

Write Comment Here - Additional Space Available on Back of Card

My concern is related to the fact that we have 11 years (not 20) before catastrophic effects of climate change will impact our community in unforseeable ways.

An unsustainable industry - oil & gas extraction & exploration, including fracking & seismic assaults - has tremendous influence in this county at the present time. Therefore looking forward to the next 10 years what

Name: Susan Chapin

COMMENT ON SCOPE OF A DRAFT ENVIRONMENTAL IMPACT REPORT

Write Comment Here – Additional Space Available on Back of Card

I would like to see the EIR address sustainable growth. I'd like to see more building upwards, not outward.

This includes an emphasis on apts. & multi-story buildings close to shopping areas. In other words, prevent urban sprawl whenever possible.

I'd like to see wildlife corridors that will allow animals ~~to~~ access to the land they need to survive.

(please see back)

Name:

Kristen Kessler

Last but not least, I'd like to see a comprehensive + thorough plan to reduce greenhouse gas emissions.

This includes banning the use of natural gas as an energy source in the county.

Thank you -

**COMMENT ON SCOPE OF A DRAFT ENVIRONMENTAL
IMPACT REPORT**

Write Comment Here – Additional Space Available on Back of Card

1-30-2019

Agree with the following:

- ① Vta Co. Emissions Inventory should be released to public asap
- ② Consultants helping development of Vta. Co. EIR & Vta. Co. Gen Plan should include local climate change experts and also listen to citizens and give time for their input.
- ③ EIR needs to study issues of oil and gas extraction/activities ~~as~~ presented by Kimberly Rivers, CFROG as these issues relate to environmental hazard & climate damage

Name:

Mary Adrienne Krause, Robert Krause

Public Comment, Submitted at Public Scoping Meeting for a Notice of Preparation for a Draft Environmental Impact Report for the Ventura County 2040 General Plan (Case No. PL17-0141)

COMMENT ON GENERAL PLAN UPDATE PROJECT

Write Comment Here – Additional Space Available on Back of Card

G P U

Name:

COMMENT ON GENERAL PLAN UPDATE PROJECT

Write Comment Here - Additional Space Available on Back of Card

The General plan update should encourage Regenerative organic Agriculture which improves the resources that it works with. These Regenerative practices increase soil health by increasing soil carbon content and therefore reduce atmospheric carbon levels. This approach is a win/win for agriculture and the environment. Healthier soils make healthier crops and a healthier atmosphere. There are three sinks for carbon on our planet; The air, the oceans and our soils. Both our air and our oceans are being poisoned by too much carbon. Meanwhile our soils are dying because they do not have enough carbon. Let's make Ventura counties' general plans agricultural focus be to put atmospheric carbon back into the soil, using Regenerative Agricultural practices

Name:

DAVID WHITE, CENTER FOR REGENERATIVE AGRICULTURE

COMMENT ON GENERAL PLAN UPDATE PROJECT

Write Comment Here – Additional Space Available on Back of Card

- RE: Agricultural land use -
- encourage zoning for organic farming
 - encourage use of regenerative systems which removes carbon from air and puts it back in soil.

Name: GORDON CLINT

Downing, Clay

From: Chris Tull <ctull17@gmail.com>
Sent: Wednesday, January 30, 2019 6:24 PM
To: Curtis, Susan
Subject: Carbon sequestration and dense development in General Plan Update

Hello Ms. Curtis,

I would like to thank you for all your hard work during this long general plan process. I understand that managing the competing expectations of a huge variety of stakeholders while under tight budgetary and time constraints is no easy feat.

In addition to expressing my appreciation, I would also like to offer two pieces of constructive feedback on the update process.

First, I noticed in the alternatives report that the County is not planning to address GHG emissions in the Agricultural or Open Space portions of the plan. I understand that, viewed purely through the lens of *changes* to land use, then the GHG emissions changes in Ag and Open space are not likely to be significant. However, given that the GP is also intended to serve as a Climate Action Plan, I believe that consideration of GHGs from Ag and Open Space will be necessary to meet our GHG reduction goals. Carbon sequestration in soils, landscape restoration, and reforestation offer powerful tools in the County's belt for drawing down emissions from the atmosphere and reducing our carbon footprint.

Second, I would kindly ask that when calculating the GHG impacts of different alternatives in the general plan, an alternative focused on dense, transit-friendly growth be analyzed relative to a more suburban expansion plan. Given the huge impact of vehicle emissions to our carbon footprint, such an alternative is almost certain to outperform a more dispersed development pattern. Furthermore, such a pattern leaves more open space available for carbon sequestration as mentioned earlier. Lastly, a development pattern focused around promoting density and public transportation aligns closely with the anticipated direction of state policy in the coming years, meaning that the County would be "future-proofing" itself from unanticipated changes in state law.

Thank you for taking the time to read my message.

Sincerely,
Christopher Tull

**VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT**
Memorandum

TO: Susan Curtis, Planning

DATE: January 30, 2019

FROM: Nicole Collazo

SUBJECT: Request for Review of Notice of Preparation of a Draft Environmental Impact Report and Scoping Meeting for the VC 2040- GPU (Case No. PL17-0141)

Air Pollution Control District (APCD) staff has reviewed the subject Notice of Preparation (NOP) for the draft environmental impact report (DEIR), which will set forth the County's vision of its future and express the goals, policies, and implementation programs that will guide future decisions concerning a variety of issues, including land use, health and safety, and resource conservation out to the year 2040. The project is not expected to identify any increase in overall development relative to the existing General Plan. However, the project will address topics and issues pursuant to state requirements adopted since the existing General Plan was approved in 2005. The Project Location includes all unincorporated areas within Ventura County. The Lead Agency for the project is the County of Ventura.

General Comments

The 2040 General Plan Update will address topics and issues pursuant to state requirements adopted since the existing General Plan was approved in 2005. Of these topics listed in the NOP, the Air Quality and Climate Change sections will be reviewed by the Ventura County APCD.

Air Quality Section- The air quality assessment should consider project consistency with the 2016 Air Quality Management Plan (AQMP). The 2016 AQMP presents Ventura County's strategy (including related mandated elements) to attain the 2008 federal 8-hour ozone standard by 2020, as required by the federal Clean Air Act Amendments of 1990 and applicable U.S. EPA clean air regulations. The 2016 AQMP uses an updated 2012 emissions inventory as baseline for forecasting data, SCAG RTP 2016 data, and CARB's EMFAC2014 emission factors for mobile sources. The AQMP can be downloaded from our website at <http://www.vcapcd.org/AQMP-2016.htm>.

The Ventura County Air Quality Assessment Guidelines (AQAG) should also be used to evaluate all potential air quality impacts. The AQAG are also downloadable from our website here: <http://www.vcapcd.org/environmental-review.htm>. Specifically, the air quality assessment should consider reactive organic compound, nitrogen oxide emissions and particulate matter from all project-related motor vehicles, sources not permitted with APCD, and construction equipment that may result from potential buildout, as appropriate to future development policies and implementation measures. We note that the AQAG has not been updated since 2003 and serves

as a reference and is not required or mandated by the APCD (AQAG Page 1-1). Current air quality determinations follow the same process but using different tools (CalEEMod vs. URBEMIS, CO Hotspots analysis no longer required, etc.). The recommended list of mitigation measures in the AQAG are also limited and outdated. For example, the following template is currently being recommended by APCD as a Commenting Agency for projects that include construction equipment, reflecting state laws adopted since the AQAG was last updated in 2003:

2. Construction Equipment

Purpose: In order to ensure that ozone precursor and particulate emissions from diesel-powered mobile construction equipment are reduced to the greatest amount feasible.

Requirement: The Permittee shall comply with the provisions of all applicable California State Laws and APCD Rules and Regulations regarding portable construction equipment and construction vehicles.

Documentation: The project applicant shall ensure compliance with the following State Laws and APCD requirements:

- I. Construction equipment shall not have visible emissions greater than 20% opacity, as required by APCD Rule 50, Opacity.
- II. All portable diesel-powered equipment over 50 BHP shall be registered with the State's Portable Equipment Registration Program (PERP) or an APCD Portable Permit.
- III. Off-Road Heavy-Duty trucks shall comply with the California State Regulation for In-Use Off-Road Diesel Vehicles (Title 13, CCR §2449), the purpose of which is to reduce NO_x and diesel particulate matter exhaust emissions.
- IV. On-Road Heavy-Duty trucks shall comply with the California State Regulation for In-Use On-Road Diesel Vehicles (Title 13, CCR §2025), the purpose of which is to reduce NO_x and diesel particulate matter exhaust emissions.
- V. All commercial on-road and off-road diesel vehicles are subject to the idling limits of Title 13, CCR §2485, §2449(d)(3), respectively. Construction equipment shall not idle for more than five (5) consecutive minutes. The idling limit does not apply to: (1) idling when queuing; (2) idling to verify that the vehicle is in safe operating condition; (3) idling for testing, servicing, repairing or diagnostic purposes; (4) idling necessary to accomplish work for which the vehicle was designed (such as operating a crane); (5) idling required to bring the machine system to operating temperature, and (6) idling necessary to ensure safe operation of the vehicle. It is the Permittee's responsibility to have a written idling policy that is made available to operators of the vehicles and equipment and informs them that idling is limited to 5 consecutive minutes or less, except as exempted in subsection a. above.

The following are recommended measures for construction equipment and vehicles:

- I. Diesel powered equipment should be replaced by electric equipment whenever feasible.
- II. Maintain equipment engines in good condition and in proper tune as per manufacturer's specifications.
- III. Lengthen the construction period during smog season (May through October), to minimize the number of vehicles and equipment operating at the same time.
- IV. Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible.

GHG Section- Neither APCD nor the County has adopted a threshold of significance applicable to Greenhouse Gas (GHG) emissions from projects subject to the County's discretionary land use permitting authority. APCD published a report as a request by the Ventura County Air Pollution Control Board to report back on possible GHG thresholds options on November 8, 2011. The District will be looking into what GHG threshold is best suitable for Ventura County in the near future which will undergo a public review process.

The following are recommended guidance documents that could be used to address the impacts of climate change and greenhouse gases in Ventura County.

On May 2016, the CARB published a Mobile Source Strategy. In this report, ARB staff is outlining a mobile source strategy that simultaneously meets air quality standards, achieves GHG emission reduction targets, decreases toxics health risk, and reduces petroleum consumption from transportation emissions over the next fifteen years. These goals and targets include These include 1) Attaining federal health-based air quality standards for ozone in 2023 and 2031 in the South Coast and San Joaquin Valley, and fine particulate matter (PM2.5) standards in the next decade; 2) Achieving greenhouse gas (GHG) emission reduction targets of 40 percent below 1990 levels by 2030, with continued progress towards an 80 percent reduction by 2050; 3) Minimizing health risk from exposure to toxic air contaminants; 4) Reducing our petroleum use by up to 50 percent by 2030; and 5) Increasing energy efficiency and deriving 50 percent of our electricity from renewable sources by 2030. The report can be found here: <https://www.arb.ca.gov/planning/sip/2016sip/2016mobsrc.htm>.

On November 2017, the California Air Resources Board published its latest Climate Change Scoping Plan. The Scoping Plan lays out a strategy for achieving California's 2030 Greenhouse Gas target and builds on the state's successes to date, proposing to strengthen major programs that have been a hallmark of success, while further integrating efforts to reduce both GHGs and air pollution. California's climate efforts will 1) Lower GHG emissions on a trajectory to avoid the worst impacts of climate change; 2) Support a clean energy economy which provides more opportunities for all Californians; 3) Provide a more equitable future with good jobs and less pollution for all communities; 4) Improve the health of all Californians by reducing air and water pollution and making it easier to bike and walk; and 5) Make California an even better place to live, work, and play by improving our natural and working lands. The 2017 Climate Change Scoping Plan can be accessed here https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

Finally, on December 2018, the Governor's Office of Planning and Research (OPR) published a Draft Technical Advisory. This document incorporates developments since the June 2008 Technical Advisory publication, including regulatory changes made to the regulations that implement CEQA (commonly known as the "CEQA Guidelines" in late 2018 by the California Natural Resources Agency (Agency). Although this document largely focuses on project-level analyses of greenhouse gas impacts, Section IV briefly addresses community-scale greenhouse gas reduction plans as one pathway to streamline CEQA analyses. This discussion draft is

intended to address some common issues and topics that arise in greenhouse gas emissions analyses under CEQA but is not intended to address every single issue and topic. More information on the OPR's Technical Advisory can be found here <http://opr.ca.gov/ceqa/technical-advisories.html>.

Environmental Justice- The AB 617 legislation sets out an ambitious implementation schedule for APCD. The California Air Resources Board (CARB) must set the overall direction of the program by October 1, 2018. This includes identifying impacted communities, establishing the criteria for air monitoring and local emissions reduction programs, and developing statewide strategies for reducing emissions. The local air districts also have specific roles and responsibilities. On April 27, 2018, the VCAPCD submitted to CARB a technical assessment to develop an initial list of candidate communities for Ventura County.

On July 31, 2018 the Ventura County Air Pollution Control Board approved the District staff's recommendation that the greater Oxnard/Port Hueneme area be the highest priority region in Ventura County for inclusion in CARB's Community Air Protection Program. District staff's recommendation is based on our assessment that we have not identified a single or multiple sources of significant air emissions that would lead us to identify a smaller region adjacent to these source(s). This is in part based on our review of our permitted sources in the area. The greater Oxnard/Port Hueneme area is also home to several agricultural operations and these operations generally utilize pesticides and diesel equipment. In addition, the Port of Hueneme and several warehouse type distribution centers are located in the area. Heavy-duty trucks associated with these goods movement facilities move throughout the area. In summary, we are looking at a diffuse inventory of air pollution sources in this area. This will likely require additional research including community level air monitoring in several locations to identify any sources of concern. In addition, by having a larger area, the VCAPCD will have flexibility to target our incentive funds within the area as we learn more about potential issues with air pollutant sources in and adjacent to the area.

As amended by Assembly Bill 617 (C. Garcia, Chapter 136, Statutes of 2017), Health and Safety Code section 40920.6(c) requires that on or before January 1, 2019, each local air district that is a nonattainment area for one or more air pollutants must adopt an expedited schedule for the implementation of BARCT by the earliest feasible date, but in any event not later than December 31, 2023.

District staff has created a BARCT rule development schedule to comply with this statutory requirement. CARB has identified four affected facilities that are subject to AB 617 BARCT requirements; the facilities are operated by Procter and Gamble, New Indy Container, California Resources (Santa Clara Valley Gas Plant), and Trinity ESC. District staff then evaluated which District rules are applicable to these facilities that may not meet BARCT requirements including Rule 74.23, *Stationary Gas Turbines*; Rule 74.15, *Boilers, Steam Generators and Process Heaters*; Rule 71.3, *Transfer of Reactive Organic Compound Liquids*; and Rule 74.10, *Components at Crude Oil and Natural Gas Production and Processing Facilities*. In addition, District development of a new rule is proposed to regulate the ozone precursor emissions from

oilfield flares to address emissions from a nonemergency flare at the Santa Clara Valley Gas Plant.

A public meeting was held on October 30, 2018 by the District to provide the participants with the list of affected facilities and rules, rule adoption schedules and deadline to submit the written comments. No significant concerns with the proposed rule schedules were expressed by the meeting participants.

On December 11, 2018, the Ventura County Air Pollution Control Board will consider approval of District staff's proposed schedule for implementation of Best Available Retrofit Technology (BARCT) to fulfill this mandate under AB 617.

We look forward to working with the County of Ventura to make sure the 2040 General Plan Update is consistent with recently adopted air quality regulations and the state's plans to reduce greenhouse gas emissions.

If you have any questions, please call me at 645-1426 or email me at nicole@vcapcd.org.

JAN 30 2019

STATE OF CALIFORNIA

Gavin Newsom, Governor

NATIVE AMERICAN HERITAGE COMMISSION

Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



January 25, 2019

Susan Curtis
Ventura County
800 South Victoria Ave., L #1740
Ventura, CA 93009

RE: SCH# 2019011026 Ventura County 2040 General Plan Update, Ventura County

Dear Ms. Curtis:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Steven.Quinn@nahc.ca.gov

Sincerely,



for

Steven Quinn
Associate Governmental Program Analyst

cc: State Clearinghouse



FEB 04 2019

January 25, 2019

VIA EMAIL: SUSAN.CURTIS@VENTURA.ORG

Ms. Susan Curtis, Manager, General Plan Update Section
Ventura County Resource Management Agency, Planning Division
800 S. Victoria Avenue, L #1740
Ventura, CA 93009-1740

Dear Ms. Curtis:

**NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE VENTURA COUNTY 2040 GENERAL PLAN UPDATE, SCH# 2019011026**

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Ventura County 2040 General Plan Update (Project). The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The County of Ventura is undertaking a comprehensive update of its General Plan. The County's current General Plan was most recently updated in 2005 and has not been comprehensively updated since 1988. The 2040 General Plan Update is anticipated to be adopted in 2020 and will set forth the County's vision of its future and express the goals, policies, and implementation programs that will guide future decisions concerning a variety of issues, including land use, health and safety, and resource conservation out to the year 2040. In addition, all area plans, specific plans, subdivisions, public works projects, and zoning decisions must be found to be consistent with the direction provided in the County's General Plan.

Department Comments

The Department recommends the following discussion under the Agricultural Resources section of the Environmental Impact Report:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.

- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Potential contract resolutions for land in an agricultural preserve and/or enrolled in a Williamson Act contract.
- Proposed mitigation measure for all impacted agricultural lands within the proposed project area.

Although direct conversion of agricultural land is often an unavoidable impact under CEQA analysis, mitigation measures must be considered. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation under CEQA. Rather, the criterion is feasible mitigation that lessens a project's impacts.

All mitigation measures that are potentially feasible should be considered. A measure brought to the attention of the Lead Agency should not be left out unless it is infeasible based on its elements. The Department suggests that the County consider the adoption of an agricultural land mitigation program that will effectively mitigate the conversion of agricultural land.

Agricultural Mitigation Program

Agricultural conservation easements are an available mitigation tool that the County should consider. The Department highlights easements as a mitigation tool because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because they follow an established rationale similar to that of wildlife habitat mitigation.

Programs that establish agricultural conservation easements and in-lieu fees for mitigation banking are most effective at conserving comparable quality agricultural land when the easement requirements or fees are determined concurrent with project approval. Should significant time elapse between initial approval and the applicant's receipt of a building or grading permit, conflict may arise over the agricultural quality or value of the land being converted.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

A source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

<http://www.calandtrusts.org/resources/conserving-californias-harvest/>

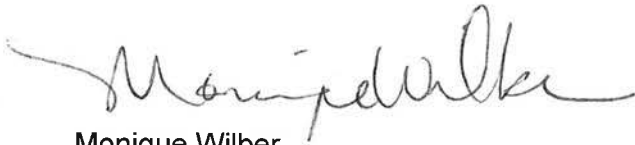
Another source is the Division's California Farmland Conservancy Program (CFCP), which has participated in bringing about conservation easements throughout the State of California

involving many California land trusts. Any other feasible mitigation measures should also be considered.

Conclusion

Thank you for giving us the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Ventura County 2040 Draft General Plan Update. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Monique Wilber". The signature is fluid and cursive, with a long horizontal stroke at the end.

Monique Wilber
Conservation Program Support Supervisor

FEB 11 2019

G Valladolid
1129 Maricopa Hwy B-251
Ojai CA 93023

February 7, 2019

Ms Susan Curtis, Manager
General Plan Update
VC Resource Management Agency
Planning Division
800 S Victoria Avenue L 1740
Ventura CA 93009

Dear Ms Curtis

GENERAL PLAN 2040 UPDATE COMMENTS

As a county government, we have the power to determine the next 20 years of planning for the County of Ventura. How will growth happen? The main issue is to consider global warming and climate chaos, caused by greenhouse gases, and its health and safety effects on the population. The County's vision to be exhibited in the general plan must restrict contributing to creation of greenhouse gases. Let's examine some quick research.

The Existing Building is the Greenest Building according to some university professors involved in architecture.

Donovan D. Rypkema, PlaceEconomics, a development consultant says, "Adaptive reuse is the long-practiced method of adapting old structures for new purposes... developers and architects have the opportunity to change the primary function of the structure... Structures that are commonly adapted for reuse include under-used or abandoned churches, industrial complexes and schools."

Building materials as one example of ramifications on greenhouse gases and sustainability. Among building materials, conventional drywall is the third largest producer of greenhouse gases, just behind cement and steel. Resource conservation can happen by adapting existing buildings no longer in use.

Considering the foregoing information, my comment for the general plan is to take the following approach.

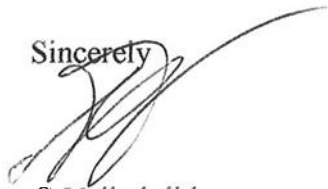
A Put a moratorium on new construction for the next 20 years.

B Inventory existing unused structures.

C Adapt existing inventory of unused structures to thoroughly researched needs for growth

The overwhelming number of scientists say that we must halt our creation of greenhouse gases now. We must overcome the resistance. Remember that businesses that catered to the horse and buggy did not want to lose jobs to the new car industry. Yet, the population learned new employment opportunities and thrived. A sustainable economy can employ those dependent on a deadly and outdated type of growth and escape certain doom. Planning must sincerely weigh the welfare of Ventura's residents along with our role regarding the quality of life of the planet and include all of our valid concerns in the general plan.

Sincerely

A handwritten signature in black ink, appearing to be 'G Valladolid', written over the word 'Sincerely'.

G Valladolid

Downing, Clay

From: Curtis, Susan
Sent: Tuesday, February 12, 2019 7:36 AM
To: 'prettycheapjewelry'
Subject: RE: Comment for VC Gen Plan Scoping

Good Morning Nina,

Thank you for your thoughtful comments on the General Plan NOP regarding environmental review in “wet” environments.

As always we appreciate your input and participation in the project.

Thank you again,

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: prettycheapjewelry <prettycheapjewelry@gmail.com>
Sent: Sunday, February 3, 2019 8:22 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Comment for VC Gen Plan Scoping

Please include the following comments for developing the general plan scoping. Similar comments were given to you on Nov 24, 2018 for the draft General Plan and analysis in the EIR is requested based on the policies that the General Plan will codify.

Thank you,
Nina Danza

An environmental analysis of potential building in wet environments allowed by the General Plan is requested. One of the most harmful policies and practices affecting stream and river environments are drainage and flood projects with the resultant ground and surface water impacts as well as wildlife impacts. The analysis should quantify full build out in the county where development could occur based on the general plan, and include :

- decreased groundwater infiltration
- loss of ag and municipal water supply
- decreased surface water quality on human and wildlife including at receiving water and beach/shore
- decreased riparian environment and the impacts on plant and animal species population

Downing, Clay

From: prettycheapjewelry <prettycheapjewelry@gmail.com>
Sent: Saturday, November 24, 2018 9:04 AM
To: Curtis, Susan
Subject: Public Comment for VC General Plan Section 7.2

If public review is still open for the subject section please accept the following. If not please let me know when the next opportunity to submit these will occur. Thank You.

Nina Danza

Ventura Sierra Club Chair

To break the build-flood-damage-rebuild cycle, the General Plan Section 7.2 must include a much stronger priority and procedure for preserving wet environments. One of the most harmful policies and practices affecting stream and river environments are drainage and flood projects. Local cities, as well as the county, continue to approve development in their jurisdictions adjacent to stream/river corridors resulting in an obligation to provide flood protection. At this time, requirements intended to mitigate surface water impacts and promote conservation in new or redevelopments simply are not proven nor vigorous enough to ensure stream and river health. Once housing/commercial/industrial development are in place, regulations favor protection of these 'existing' structures and sacrifice water quality, riparian environments, groundwater recharge and the suite of related ecological elements. This process is unsustainable and will continue to result in encroachment upon and destruction of wet environments, native plant and animal habitat. Therefore, it is recommended the staff develop a point system for scoring a project, alone as well as in a regional context, on their wet environment impacts in which high scores would not be permitted.

When projects are sited along federal watercourses an even more damaging and endless cycle of riparian corridor destruction is set in motion. Cities and residents in areas that are mapped as requiring flood insurance often demand relief from the county in the form of increased flood control. That relief has repeatedly been provided by hardscape structures such as channeling surface drainage into curbs, paved swales, and underground pipes and discharging into the major watercourses. Although non-structural techniques are proven to be more flood resilient, the county claims outdated Army Corp of Engineers standards must be used along federal watercourses. Those practices rely heavily on cost-benefit computations that ignore ecosystem damage, fail to include natural plant and animal habitat value, use hardscape paved surfaces, and prohibit vegetation along levees creating dry dead zones. It is now clear, as seen in countless locations throughout southern California, that riparian ecosystems are wiped out as a result of federal flood control practices.

To change the way flood protection is provided, the General Plan needs to contain a passage indicating more environmentally sensitive methods be used, such as non-structural engineering, or green-infrastructure such as combined rock-vegetation side banks. Additionally, I suggest that every project do cost-benefit computation which includes values for: habitat and species protected, groundwater recharge value, value of water quality improvements, etc. Values can be developed based on known factors such as dollars saved from avoiding correcting fish passage barriers or value of infiltrated groundwater acre-ft. The General Plan should be altered indicating cost is not the deciding factor in project approval, for example, 'Hard solutions such as concrete or rip-rap channels are not permissible based solely on cost-benefit analysis. Other factors such as wet environment benefits provided by a project are to be analyzed and used to determine the final project alternative. These factors shall be integrated into the suite of a project's technical feasibility analysis.'

Finally, county operation and maintenance practices also perpetuate wet environment damage. The county has not sought alternative maintenance program approval at any of the Corp watercourses and continues to strip vegetation within the sidebanks and some streambeds. Elsewhere in the US, entities have negotiated alternative maintenance strategies at federal watercourses and an effort to preserve vegetation and that effort is essential in our area. The General Plan might add sections for requiring alternative programs for long term maintenance.

DEPARTMENT OF TRANSPORTATION

DISTRICT 7
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 897-8391
FAX (213) 897-1337
TTY 711
www.dot.ca.gov



*Serious Drought.
Making Conservation
a California Way of Life.*

February 14, 2019

Ms. Susan Curtis
Ventura County Resource Management Agency
Planning Division, General Plan Update Section
Ventura County
800 South Victoria Ave., L#1740
Ventura, CA 93009

RE: Ventura County 2040 General Plan Update
Vic. LA-210/ PM R33.921
SCH # 2019011026
GTS # VEN-2017-00228AL-NOP

Dear Ms. Curtis:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The County of Ventura is undertaking a comprehensive update of its General Plan. The County's current General Plan was most recently updated in 2005 and has not been comprehensively updated since 1988. The 2040 General Plan Update is anticipated to be adopted in 2020 and will set forth the County's vision of its future and express the goals, policies, and implementation programs that will guide future decisions concerning a variety of issues, including land use, health, and safety, and resource conservation out to the year 2040. In addition, all area plans, specific plans, subdivisions, public works projects, and zoning decisions must be found to be consistent with the direction provided in the County's General Plan.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference to The Governor's Office of Planning and Research (OPR) for more information.

<http://opr.ca.gov/ceqa/updates/guidelines/>

Caltrans is aware of challenges that the region faces in identifying viable solutions to alleviating congestion on State and Local facilities. With limited room to expand vehicular capacity, this development should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing.

We encourage the Lead Agency to integrate transportation and land use in a way that reduces Vehicle Miles Traveled (VMT) and Greenhouse Gas (GHG) emissions by facilitating the provision of more proximate goods and services to shorten trip lengths, and achieve a high level of non-motorized travel and transit use. We also encourage the Lead Agency to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements.

The Department also seeks to provide equitable mobility options for people who are economically, socially, or physically disadvantaged. Therefore, we ask the Lead Agency to evaluate the project site for access problem, VMT and service needs that may need to be addressed.

We recommend the County to include updates with Land Use Element, Mobility Element, Housing Element, Transportation Impact Study Guidelines (if any), and Traffic Impact Mitigation Fee program including the State facility improvements. Please invite Caltrans for review and consultation when each element/guideline/program is being updated.

If the County is growing with development, then please provide General Plan development net trip generation, trip distribution, and trip assignment estimates to the State facilities for the general plan with regards to the local and regional road system. To ensure that queue formation does not create potential traffic conflicts, General Plan development-generated trips should be added to the existing and future scenario traffic volumes for all freeways and highways. To avoid potential traffic conflicts such as inadequate weaving distances, queue spilling back onto the freeway, and uneven lane utilization, please analyze the adequacy of the operations of the impacted freeway segments with Highway Capacity Manual. We recommend the County to meet with us for further consultation before preparation of the traffic impact study on the State facilities.

A discussion of mitigation measures appropriate to alleviate anticipated traffic impacts. Any mitigation involving transit or Transportation Demand Management (TDM) is encouraged and should be justified to reduce VMT and greenhouse gas emissions. Such measures are critical to facilitating efficient site access.

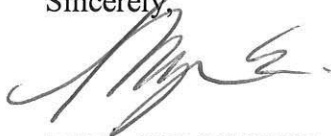
For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). The reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

The Lead Agency should identify General Plan development-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed General Plan development; viable funding sources such as development and/or transportation impact fees should also be identified. We encourage a sufficient allocation of fair share contributions toward multimodal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable modes shares, thereby reducing VMT.

If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 897-8391 and refer to GTS # VEN-2017-00228-AL-NOP.

Sincerely,



MIYA EDMONSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse



VENTURA COUNTY WATERSHED PROTECTION DISTRICT
WATERSHED PLANNING AND PERMITS DIVISION
800 South Victoria Avenue, Ventura, California 93009
Sergio Vargas, Deputy Director – (805) 650-4077

M E M O R A N D U M

DATE: February 14, 2019

TO: Susan Curtis, RMA Planner
County of Ventura

FROM: Nathaniel Summerville, Engineer III - Advanced Planning Section

SUBJECT: PL17-0141 Ventura County 2040 General Plan Update
Notice of Preparation of a Draft Environmental Impact Report

Pursuant to your request dated January 14, 2019, this office has reviewed the submitted Notice of Preparation and provides the following comments. The Administrative Draft has not been reviewed at this time and will be reviewed when it becomes available.

PROJECT LOCATION:

All unincorporated areas within Ventura County.

PROJECT DESCRIPTION:

The County of Ventura is undertaking a comprehensive update of its General Plan. The County's current General Plan was most recently updated in 2005 and has not been comprehensively updated since 1988. The 2040 General Plan Update is anticipated to be adopted in 2020 and will set forth the County's vision of its future and express the goals, policies, and implementation programs that will guide future decisions concerning a variety of issues, including land use, health and safety, and resource conservation out to the year 2040. In addition, all area plans, specific plans, subdivisions, public works projects, and zoning decisions must be found to be consistent with the direction provided in the County's General Plan.

COMMENTS:

References to Flood Control District should be replaced with references to the Watershed Protection District.

Coastal Wave and Beach Erosion Hazards:

It is noted in the currently available documents that climate change will be incorporated into the General Plan Update. The existing general plan notes goals, policies, and programs related to coastal hazards and erosion. Consistent with the Policies of the California Coastal Commission the General Plan Update should consider expanding this section to address the hazards of sea level rise as it relates to discretionary development.

The current policy: *“Discretionary development in areas adjacent to coastal beaches shall be allowed only if the Public Works Agency with technical support from the Ventura County Watershed Protection District, determines from the applicant’s submitted Wave Run-up Study that wave action and beach erosion are not hazards to the proposed development, or that the hazard would be mitigated to a less-than-significant level, and that the project will not contribute significantly to beach erosion.”* The General Plan Update and associated environmental documentation should address sea level rise as a component of the wave run-up and beach erosion hazard analysis.

END OF TEXT

Downing, Clay

From: Margot Davis <wally97@hotmail.com>
Sent: Friday, February 15, 2019 2:17 PM
To: Curtis, Susan
Subject: General plan Ventura county

The general plan must take into account the current climate emergency in all aspects. This is especially important regarding the extraction of fossil fuel's currently existing in the county. No more wells or infrastructure should be permitted starting today. Existing permits should be reviewed and discontinued whenever possible. The county needs to be addressing the climate emergency now today.

Sent from my iPhone



February 7, 2019

Ms. Susan Curtis
Ventura County
800 South Victoria Ave., L #1740
Ventura, CA 93009

RE: Notice of Preparation for the Ventura County 2040 General Plan Update Draft Environmental Impact Report, SCH No. 2019011026

Dear Ms. Curtis,

Thank you for the opportunity to comment on the Notice of Preparation for a Draft Environmental Impact Report (DEIR) for the Ventura County (County) 2040 General Plan Update Draft Environmental Impact Report, SCH No. 2019011026. Since the California Governor's Office of Emergency Services (Cal OES) provides community support for disaster response and recovery, our review and comment focuses on how the County 2040 General Plan Update project may address related topics (hazards, safety, wildfire, flood, et al).

Cal OES is pleased to note the County elected to use the most current California Environmental Quality Act (CEQA) Environmental Checklist Form, which includes the topics of Wildfire and Energy. Also, that wildfire hazards are addressed in the September 2015 Ventura County Multi-Hazard Plan for those portions of the County and eight of its cities designated by the California Department of Forestry and Fire Protection as "State Responsibility Area (SRA)" and "Very High Fire Hazard Severity Zones (VHFHSZ)," among other hazards.

It appears the 2015 Ventura County Multi-Hazard Plan may need to be updated by 2020 within the timeframe the County 2040 General Plan Update DEIR will be prepared. In light of the influence hazard mitigation planning may have in the County's 2040 General Plan development, it is Cal OES' recommendation the documents be prepared in parallel between 2019 and 2020. A table in the DEIR (or general plan safety element), which identifies these specific hazard mitigation issues and where they are addressed in the general plan may be helpful and a worthwhile effort to demonstrate compliance with state planning law requirements and the Disaster Mitigation Act of 2000.

Cal OES notes state planning law includes a requirement for consultations with state agencies in regard to information related to hazards. As such, Cal OES is happy to share all available information at its disposal to facilitate the county's ability to comply with state planning and environmental laws.

If you have any questions about these comments, please contact me at (916) 823-1945 or patricia.nelson@caloes.ca.gov.

Sincerely,

Patricia Nelson
Environmental Officer

cc: State Clearinghouse



Downing, Clay

From: Bob Poole <bpoole@wspa.org>
Sent: Sunday, February 17, 2019 8:02 AM
To: Curtis, Susan
Subject: WSPA Comment Letter Ventura County GP EIR Scoping draft - 2 15 19 Final
Attachments: WSPA Comment Letter Ventura County GP EIR Scoping 2 15 19 Final.pdf

Susan,

Please accept the attached WSPA comment letter on behalf of our members as further reinforcement of our concerns and requests of what should be included in the County's CEQA analysis related to the VC 2040 General Plan Update process currently underway.

Thank you,

Bob

Bob Poole
Director, Production, State and Coastal Issues



1415 L Street, Suite 900 Sacramento, CA 95814
C 805.833.9760
P 916.325.3085
bpoole@wspa.org



Bob Poole
Director, Production, State and Coastal Issues

February 15, 2019

Ventura County Resource Management Agency,
Planning Division
Attn: Susan Curtis, Manager,
General Plan Update Section
800 S. Victoria Ave., L#1740
Ventura, CA 93009-1740

via email: susan.curtis@ventura.org

Re: WSPA Comments on Ventura County General Plan Environmental Impact Report Scope

Dear Ms. Curtis,

The Western States Petroleum Association (WSPA) appreciates this opportunity to provide additional feedback on the Ventura County General Plan Alternatives document. WSPA is a non-profit trade association representing companies that explore for, produce, refine, transport and market petroleum, petroleum products, natural gas and other energy supplies in California and four other western states.

As the General Plan begins the CEQA process and scopes the Environmental Impact Report (EIR), we would like the EIR to consider studying and fully analyzing the effects of importing oil and gas versus producing it locally in Ventura County.

WSPA believes that our people, our planet, our prosperity and our progress towards a sustainable energy future are all best served by inclusive dialogue. While we are going to have topics we disagree on, including this proposed resolution, we all share the same future.

We can all agree that our shared goal is to create the most sustainable energy future not only for Ventura County but for the country as a whole. The real question is how elected officials can develop policies that will help us get there.

California uses nearly two million barrels of oil each day and only produces around 30 percent of that. The other 70 percent must be imported from out of state, mostly coming in overseas by tanker ship. Continuing to rely on imports increases environmental impacts and our carbon footprint. As the alternative report is developed, please study the environmental impacts of importing oil and gas versus local production. Each barrel not produced in Ventura County is another barrel that California imports from overseas, which we believe is an important consideration that should be analyzed in the EIR.

Ventura County oil and gas producers abide by some of the most stringent regulations in the world. The California Environmental Quality Act (CEQA) doesn't exist outside of California. When we rely heavily on foreign imports for our oil and gas needs, we're supporting countries that don't have the same stringent regulatory framework or uphold our values for the environment. Allowing for more local energy

production will allow for it to be produced safely and under responsible regulations. As such, the global impacts of foreign oil and gas production should be reflected in the alternatives report.

Even with a push toward a diversified energy mix, oil and gas consumption will still be a part of the mix well beyond the life of this plan. According to the US Energy Information Agency, by 2040, fossil fuels will still account for approximately 80% of energy use in the United States. Given this outlook, we will still need these sources to power our economy. The County must plan for the need for oil and gas well into the future, and that includes local production.

WSPA believes that Ventura County's public policy goal should be to supply affordable, ample, and secure domestically-produced energy under California's stringent environmental and safety standards to increase not only Ventura County residents', but also Californians', well-being and access to opportunity. Our industry is fully committed to supplying the energy needs of today and tomorrow locally, thereby reducing imports and contributing to a long-term future of environmental sustainability and support for jobs and the economy.

Instead of supporting efforts with potentially unforeseen, negative consequences on those who are most vulnerable to the impacts of higher energy costs and least able to afford them, doesn't it make sense to recognize the best thing we can do to benefit our environment? We believe that to **have the greatest impact on reducing the effects of climate change** is to produce the energy we need for the foreseeable future (that would otherwise be imported from overseas) here in California under the most stringent environmental standards anywhere in the world.

WSPA is committed to a truly sustainable energy future and empowering the future energy mix, partnering with state, local and community leaders in civil public discourse and calling out potentially damaging policy changes such as the ones being considered here that threaten equality, economy, environment and energy.

WSPA appreciates this opportunity to provide our initial input regarding the Ventura County General Plan during the EIR Scoping Period. We believe that addressing the above comments will ensure we have the most accurate information going forward. If you have any questions, please contact me at (805) 305-5086 or via e-mail at bpoole@wspa.org.

Respectfully,



Downing, Clay

From: Tom Orsini <orsini@frontier.net>
Sent: Sunday, February 17, 2019 1:03 PM
To: Curtis, Susan
Cc: Bennett, Steve
Subject: Ventura County Notice of Preparation of Draft EIR
Attachments: Final Letter CEQA Scoping.docx

Hi Susan,

Attached are my comments regarding the General Plan Update EIR and Scoping Process.

Please confirm that you received the document, and let me know if you have any problems opening the file.

Thank you for the opportunity to provide comments. Tom Orsini, Ojai Valley Resident

Public Comments: via e-mail on 2/18/2019 regarding the 1/14/2019 Ventura County Notice of Preparation of a Draft Environmental Impact Report (EIR).

Submitted by: Tom Orsini, Ojai Valley Resident and Interested Party

Area Plan Updates:

The Notice of Preparation (NOP) Project Description states that the General Plan (GP) Update will include, if directed by the Board of Supervisors (Board), the deletion or modification of Area Plan goals, policies or programs that repeat the same or similar information from the General Plan and outdated information.

Area Plan Updates were discussed in detail during three GP Update Scoping Sessions held in 2015. Specifically, the September 22, 2015 Staff Scoping Presentation included a final review by the Board of proposed options. At this meeting, the Board gave direction to the Staff that the GP Update process would only include Area Plan changes for consistency and redundancy, and would not include any changes to “area specific polices”. Additionally, the Staff’s August 4, 2015 presentation concluded that a more comprehensive update to the Area Plans would require “extensive public outreach, visioning, reconsideration of the goals, policies, and programs, and additional California Environmental Quality Act (CEQA) compliance.”

The above Board direction has been communicated to the public in numerous public meetings and written documents since 2015. During the summer of 2016, the County conducted extensive community outreach to insure adequate public input, and to meet the statutory requirement of public involvement. As a follow-up, the County issued a newsletter in March 2017 that included answers to “frequently asked questions”. In response to questions regarding Area Plans, the newsletter provided the following information to the public regarding Area Plan updates:

“However, Area Plans also include unique goals, policies, and programs that are specific to a given geographic area within the county. As part of this project, all Area Plans will be evaluated for consistency with the updated General Plan, but the project will not include a concurrent revision of the Area Plans.”

The above public disclosure has informed the public’s understanding of the GP update process and the scope of the expected Area Plan revisions and Program EIR.

Program EIR Scoping and Alternatives: There is substantial evidence in both environmental reports and legal proceedings that geographic areas covered by Area Plans have unique environmental conditions, and that “area specific policies” currently included in the Area Plans have provided critical protection for the residents of these geographic areas from disproportionate levels of environmental degradation. The use of a Program EIR that includes Area Plan Updates does not change the CEQA requirement that each Area Plan Update is a Project subject to

CEQA and must include an analysis that evaluates the significance of the possible environmental effects (direct and indirect) of the Project on the unique environmental conditions that exist within the boundaries of the Area Plan. Substantive changes to “area specific policies” would require a separate EIR to adequately inform decision-makers and the public of potentially significant environmental impacts of proposed changes, and possible ways to reduce or avoid any significant environmental effects. Accordingly, as an alternative to Staff’s recommendations, the Board of Supervisors should consider limiting Area Plan changes to the Board’s original scoping direction, and not include any changes to “area specific policies”. This alternative would better meet the County’s commitment to the Vision Statement and Guiding Principles, and meet the CEQA requirement that an EIR must take into consideration unique environmental settings. Any proposed changes to “area specific polices” should be deferred until a comprehensive update of the Area Plans can be completed and EIR prepared.

Regional Housing Allocation and Land Use Designations:

The NOP Project Description states that the General Plan Update will include new General Plan Land Use Designations. These new designations will include Residential Planned Development (20 du/ac) and Mixed Use (20 du/ac). Under recently passed State Laws and Regulations, proposed affordable housing development projects with a 20 du/ac density or greater may qualify for CEQA streamlining, or exemption, and only require a ministerial approval. Additionally, the State adopted Housing Accountability Act may prohibit the County from lowering the density or denying a project if the project complies with General Plan Land Use Designations and related Zoning Ordinances.

The NOP Project Description also proposes a preliminary affordable housing analysis that would evaluate and identify locations to meet the potential requirements of the next 8-year Housing Element cycle, which runs from 2021-2029. As proposed in Chapter 8 of the Alternatives Report, the Staff’s analysis would assume that the County’s Regional Housing Needs Assessment (RHNA) allocation would be similar to the RHNA allocation reflected in the last 2013 to 2021 RHNA cycle, which shows the need to identify land for 1,015 new dwelling units. By comparison, the approved household forecast to be included in the new 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) shows a significantly lower increase of 684 households during the 10-year period 2020-2030 (interpolated 8-year amount of 547). According to recently published RHNA subcommittee reports, the 2020-2030 forecast will be the primary determinant of the housing needs assessment for the 2021-2029 RHNA cycle period.

For the first time, the 2020 RTP/SCS schedule will be fully coordinated with the RHNA process. The RHNA subcommittee approved the SCAG forecast in February, and consultation with California Department of Housing and Community Development (HCD) will begin in the spring of 2019. SCAG expects to receive the initial HCD housing needs allocation in the fall of 2019, and the SCAG 2020

RTP/SCS will be developed during 2019 and completed by April 2020. Accordingly, the SCAG local distribution of the HCD housing needs allocation will be consistent with the 2020 RTP/SCS population forecast and distribution scenario analysis.

Considering the fact that initial draft of the 2020 RTP/SCS is scheduled for release in April 2020, it is very likely that the Ventura County Planning Staff has already performed a preliminary growth distribution analysis that incorporates the new 2020 RTP/SCS SCAG population forecast. This analysis will have identified preferred growth scenarios in all of the unincorporated areas of Ventura County by location, and amount, based on recently issued CEQA guidelines for evaluating the significance of the environmental effect of proposed land use projects.

Previously, the General Plan Update Alternatives Report concluded that the County had adequate development capacity to meet forecasted housing needs, so presumably the objective of the above described affordable housing assessment is to identify and designate preferred Land Use Map locations that will subsequently qualify for project level CEQA streamlining. Based upon recently passed State laws, the transportation impact of proposed designated growth locations must be analyzed based on Vehicle Miles Traveled (VMT). Generally, the stated purpose of these recently passed environmental laws is to allow project level CEQA streamlining as a trade-off for achieving the State's greenhouse gas reduction goals through program level analysis, and implementation of regional population growth distribution strategies that reduce VMT. The successful achievement of the State's long-term greenhouse gas and air quality management goals is fully dependent upon local city and county governments implementing these RTP/SCS strategies.

Program EIR Scoping and Alternatives: The Program EIR should include a full environmental assessment of the growth inducing and population re-distribution impact of any new Land Use Map sites that are identified as Residential Planned Development (20 du/ac) or Mixed Use (20 du/ac). The assessment should include a comparison of the Project total VMT and VMT per capita to the baseline scenarios that will be included in the 2020 RTP/SCS, and consider any unique environmental conditions that are currently identified in the Area Plans. Although the County is not required to adopt the 2020 RTP/SCS preferred growth scenario, the State's GP Guidelines state that the GP Program EIR "should discuss any inconsistencies between the proposed General Plan and the Regional Transportation Plan including any applicable Sustainable Communities Strategy".

The General Plan Update Program EIR must identify mitigation measures and alternatives to avoid or minimize potential impacts, to the extent feasible. Growth scenarios based on the 2020 RTP/SCS, which includes updated population forecasts, would clearly be feasible alternatives that must be considered. Accordingly, as an alternative to the proposed use of the 2013 to 2021 Housing Needs Assessment, the Board of Supervisors should consider adopting the SCAG 2020 RTP/SCS base case scenario analysis, and new VMT metrics, as the baseline for evaluating any new Land Use Map sites in the 2040 General Plan Update and CEQA Program EIR.

Downing, Clay

From: Anita Au <au@scag.ca.gov>
Sent: Tuesday, February 19, 2019 7:58 AM
To: Curtis, Susan
Cc: Ping Chang
Subject: SCAG Comments on NOP of a DEIR for the Ventura County 2040 General Plan Update [SCAG NO. IGR9812]
Attachments: IGR9812 NOP Ventura County 2040 General Plan Update.pdf

Good morning Susan,

Please find attached SCAG Comments on NOP of a DEIR for the Ventura County 2040 General Plan Update [SCAG NO. IGR9812].

Please contact me at (213) 236-1874 or au@scag.ca.gov if you have any questions or difficulties with the attached file.

Thank you!



Anita Au

Associate Regional Planner
Tel: (213) 236-1874
au@scag.ca.gov

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS
900 Wilshire Blvd., Ste. 1700, Los Angeles, CA 90017





SOUTHERN CALIFORNIA
ASSOCIATION OF GOVERNMENTS
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017
T: (213) 236-1800
www.scag.ca.gov

REGIONAL COUNCIL OFFICERS

President
Alan D. Wapner, San Bernardino
County Transportation Authority

First Vice President
Bill Jahn, Big Bear Lake

Second Vice President
Randon Lane, Murrieta

Immediate Past President
Margaret E. Finlay, Duarte

COMMITTEE CHAIRS

Executive/Administration
Alan D. Wapner, San Bernardino
County Transportation Authority

Community, Economic &
Human Development
Peggy Huang, Transportation
Corridor Agencies

Energy & Environment
Linda Parks, Ventura County

Transportation
Curt Hagman, San Bernardino
County

February 19, 2019

Ms. Susan Curtis, Manager, General Plan Update Section
Ventura County Resource Management Agency, Planning Division
800 S. Victoria Ave., L #1740
Ventura, California 93009-1740
Fax: (805) 654-2509
E-mail: susan.curtis@ventura.org

RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Ventura County 2040 General Plan Update [SCAG NO. IGR9812]

Dear Ms. Curtis,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Ventura County 2040 General Plan Update ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372. Additionally, SCAG reviews the Environmental Impact Reports of projects of regional significance for consistency with regional plans pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

SCAG is also the designated Regional Transportation Planning Agency under state law, and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS) pursuant to Senate Bill (SB) 375. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans.¹ SCAG's feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of Regional Transportation Plan/Sustainable Community Strategies (RTP/SCS) goals and align with RTP/SCS policies.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Ventura County 2040 General Plan Update in Ventura County. The proposed project includes a comprehensive General Plan update with an anticipated adoption in 2020.

When available, please send environmental documentation to SCAG's Los Angeles office in Los Angeles (900 Wilshire Boulevard, Ste. 1700, Los Angeles, California 90017) or by email to au@scag.ca.gov providing, at a minimum, the full public comment period for review.

If you have any questions regarding the attached comments, please contact the Inter-Governmental Review (IGR) Program, attn.: Anita Au, Associate Regional Planner, at (213) 236-1874 or au@scag.ca.gov. Thank you.

Sincerely,


Ping Chang

Manager, Compliance and Performance Monitoring

¹ Lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2016 RTP/SCS for the purpose of determining consistency for CEQA. Any "consistency" finding by SCAG pursuant to the IGR process should not be construed as a determination of consistency with the 2016 RTP/SCS for CEQA.

**COMMENTS ON THE NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
VENTURA COUNTY 2040 GENERAL PLAN UPDATE [SCAG NO. IGR9812]**

CONSISTENCY WITH RTP/SCS

SCAG reviews environmental documents for regionally significant projects for their consistency with the adopted RTP/SCS. For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the RTP/SCS.

2016 RTP/SCS GOALS

The SCAG Regional Council adopted the 2016 RTP/SCS in April 2016. The 2016 RTP/SCS seeks to improve mobility, promote sustainability, facilitate economic development and preserve the quality of life for the residents in the region. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health (see <http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx>). The goals included in the 2016 RTP/SCS may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project within the context of regional goals and policies. Among the relevant goals of the 2016 RTP/SCS are the following:

SCAG 2016 RTP/SCS GOALS	
RTP/SCS G1:	<i>Align the plan investments and policies with improving regional economic development and competitiveness</i>
RTP/SCS G2:	<i>Maximize mobility and accessibility for all people and goods in the region</i>
RTP/SCS G3:	<i>Ensure travel safety and reliability for all people and goods in the region</i>
RTP/SCS G4:	<i>Preserve and ensure a sustainable regional transportation system</i>
RTP/SCS G5:	<i>Maximize the productivity of our transportation system</i>
RTP/SCS G6:	<i>Protect the environment and health for our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking)</i>
RTP/SCS G7:	<i>Actively encourage and create incentives for energy efficiency, where possible</i>
RTP/SCS G8:	<i>Encourage land use and growth patterns that facilitate transit and active transportation</i>
RTP/SCS G9:	<i>Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies*</i>

*SCAG does not yet have an agreed-upon security performance measure.

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

SCAG 2016 RTP/SCS GOALS	
Goal	Analysis
RTP/SCS G1: <i>Align the plan investments and policies with improving regional economic development and competitiveness</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
RTP/SCS G2: <i>Maximize mobility and accessibility for all people and goods in the region</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
etc.	etc.

2016 RTP/SCS STRATEGIES

To achieve the goals of the 2016 RTP/SCS, a wide range of land use and transportation strategies are included in the 2016 RTP/SCS. Technical appendances of the 2016 RTP/SCS provide additional supporting information in detail. To view the 2016 RTP/SCS, please visit: <http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx>. The 2016 RTP/SCS builds upon the progress from the 2012 RTP/SCS and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that the SCAG region strives toward a more sustainable region, while the region meets and exceeds in meeting all of applicable statutory requirements pertinent to the 2016 RTP/SCS. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

DEMOGRAPHICS AND GROWTH FORECASTS

Local input plays an important role in developing a reasonable growth forecast for the 2016 RTP/SCS. SCAG used a bottom-up local review and input process and engaged local jurisdictions in establishing the base geographic and socioeconomic projections including population, household and employment. At the time of this letter, the most recently adopted SCAG jurisdictional-level growth forecasts that were developed in accordance with the bottom-up local review and input process consist of the 2020, 2035, and 2040 population, households and employment forecasts. To view them, please visit <http://www.scag.ca.gov/Documents/2016GrowthForecastByJurisdiction.pdf>. The growth forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts			Adopted County of Ventura Forecasts		
	Year 2020	Year 2035	Year 2040	Year 2020	Year 2035	Year 2040
Population	19,663,000	22,091,000	22,138,800	886,400	945,100	965,400
Households	6,458,000	7,325,000	7,412,300	285,300	305,600	312,300
Employment	8,414,000	9,441,000	9,871,500	374,300	409,600	419,800

MITIGATION MEASURES

SCAG staff recommends that you review the Final Program Environmental Impact Report (Final PEIR) for the 2016 RTP/SCS for guidance, as appropriate. SCAG’s Regional Council certified the Final PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on April 7, 2016 (please see: <http://scagrtpscs.net/Pages/FINAL2016PEIR.aspx>). The Final PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.

Downing, Clay

From: Cindy Piester <work4peacenow@gmail.com>
Sent: Saturday, February 16, 2019 2:55 PM
To: Curtis, Susan
Cc: Cindy Piester
Subject: Public Comment on VC EIR

Dear Ms. Curtis,

Thank you for your effort in behalf of the public regarding the 2040 GPU.

I would like to be assured that going forward, **any and all staff dealing with the VC General Plan update for 2040, be required to participate in a thorough training program on the science of Climate Change from a legitimate source such as the NOAA Planet Stewards Education Project. This is in the public interest.**

We, the public are entrusting the future of ourselves, our children and grandchildren into your care at a time when public policy MUST be prepared with a due diligence never before required due to the extreme climate changes that are overtaking not only Ventura County but the globe. It is imperative that all staff involved in this process understand just what is at stake. Business as usual just does not fly.

It is not sufficient that the county take a primarily adaptive response to climate change, but one that mitigates all contributing climate change factors. In particular, one that requires that GHG emissions are greatly reduced and reduced in a way that does not put the burden just on the public. We must get accurate data that takes into account the oil and gas produced here in Ventura County and it's downstream impact. This is in the public interest, which must be considered and prioritized through out the project.

I attended the scoping meeting held recently at the County Government Center. During that meeting it was mentioned by staff that in order to limit GHG emissions, each individual could limit their driving. I agree, but this can not be a burden solely placed on the public. To the extent that this is done by land use and zoning that bring residential areas and the work place in closer proximity that is great. However, there are many other mitigating options to be considered here such as those that require more stringent oversight and regulations of the oil industry, and these were not mentioned in comments by staff.

During that meeting, I heard from you and other staff a repetitive stance on the extent to which you held focus groups and provided opportunity for the public to provide input, although I am wondering what a close look at who showed up and who participated may lead to many other questions.

I also heard many voices from the public that echoed a lack of trust in that the process and bias in influence between members of the public and those whose interests are solidly with oil. This lack of trust does not speak well for the way focus groups, public input into the process, and the handling of advantages that benefit oil interests were conducted or bias built into the process.

For example, one of the comments that really caught my attention during that meeting was that those with vested oil interests were a part of the task force, while citizen experts were not included. I found this deeply troubling and I hope that this kind of advantage be eliminated from future efforts by staff. Please review all potentialities for bias built into the process and correct them.

Please ensure that public input is actually a reality with data gathered from the public accurately and without prejudice being passed on to our representatives as quickly as possible. This is necessary to protect the public interest and it is not clear to me that this is actually taking place.

As the county goes forward in this process, I request that greater effort be made to address the interests of the public in a manner that insures transparency and trust. When the public asks for the release of documents critical to it's understanding of the process, it is my belief that even if the documents are being used in making plans and even if the documents are in the process of revision themselves, that the public should be given access to them on request. That this is not being done and despite the reasons given, leads to lack of transparency and, inevitably, to mistrust by the public. Please take measures to correct this inadequacy in the process.

I also feel that the though the meeting was well attended, the meeting room could have been set up for better communication. A number of people complained that they were unable to hear what the staff was saying. In public meetings held by the staff towards gathering public input, I formally request that microphones be in place for both the staff and for the public. The public microphone should not be a pass around mike, but rather a stationary one that people walk up to in order to save time. An additional hand held mike should also be available for those with mobility issues.

With climate change moving much more quickly than scientists had expected, it is imperative that the 2040 GPU make allowances for regular updates in policy. These updates must then allow for actual changes to be implemented as quickly as possible. The process going forward must allow for any and all changes that are in the public interest to become immediately actionable.

Thank you,

Cindy Piester
177 Jordan Ave.
Ventura, CA
93001

February 19, 2019

Dear Ventura County Planning Staff and Consultants,

I live in unincorporated Ventura. I lead the local Citizens' Climate Lobby group with 350 members. I am a founding coordinating team member of the 350 Ventura County Climate Hub with 1,000 members. I am Co-Chair of the California Sierra Club Energy Climate Committee. I own and operate a business growing and selling beneficial insects for biological based pest management and am Director of a non-profit promoting agroecological approaches to land management. I am speaking for myself, but with the experience and insight of my work in agroecology and the past seven years of intensive learning from respected experts and explaining to the grassroots about the climate problem and solutions.

Fossil fuel industry leaders know that the trade-off for phasing out of oil and gas is the continued health of the overall community and economy. Yet they have spent tens of thousands on propaganda to mislead the public, to elect leaders who do not support a phase-out and to block policies that assure a JUST TRANSITION away from fossil fuels as quickly as possible. We ask that they participate with us in community engagement so that everyone will want to unite to make significant lifestyle, home, business and transportation changes and enjoy the benefits and the greater security from decarbonizing our lives and economy.

For Ventura County to do its part to reverse climate change means nothing short of helping keep the global temperature from rising 1.5 degrees C by 2030. The federal and state mandates will only become more challenging and urgent as 2030 approaches. It only makes sense that YOU the planners educate our decision-makers to accept the latest science and search for mitigation measures for a climate emergency mobilization to do our part county-wide, not just in the unincorporated area, to stabilize the climate.

We don't have 11 more years to reverse runaway climate catastrophe. We really only have whatever we plan to accomplish in the next few years starting with our joining the Clean Power Alliance and setting the default at 100% renewable energy and everything that implies as to our priorities to decarbonize our electricity

This critical situation requires that you look beyond the last Governor's Executive Order and the last recommendations of the Air Resources Board and the current recommendations and results of the EIR for SCAG's Connect.SoCal plan. It also requires that you anticipate the enactment of HR 763 The Energy Innovation and Carbon Dividend Act that will establish an upstream steadily rising price on carbon to

exceed \$110 per ton of CO₂e in the coming decade. These are unusual times for which no planner has been trained or gained experience. There is no respectable alternative to failure to achieve daunting goals. There is no life within a policy that failed to cover all of the implications.

You cannot say you have done proper research in the Background Report without stating that there is growing political will for a tax on carbon and other measures at all levels. It has to be considered irresponsible to fail to note that the odds are that fossil fuels will be phased out well before 2040. You enjoy regular visits from oil industry lobbyists who insist otherwise. We strongly advise you to put your trust in scientists and in the compelling moral necessity to stop oil and gas extraction as expeditiously as possible. Our Climate Action Plan must anticipate the economic transition away from fossil fuels not just to protect the local economy from the on-going harm from oil spills and gas explosions, and leaked methane, etc. It must anticipate the bottom falling out of any economy that depends on fossil fuels. That is, of course, not mentioned in the newly adopted Ventura County Economic Vitality Plan where the word climate is mentioned once in passing without reference to the crisis. It is time for the county leadership be honest with the people about the threats to economic stability from continued reliance on fossil fuels.

Tonight the Oxnard City Council will adopt a resolution “opposing new or expansion of existing offshore oil and gas leases off the coast of Ventura County and related onshore development, fracking, and related techniques; and *supporting a phase-out of oil and gas extraction and a framework to develop new responsible renewable energy projects.*” If the largest city in the county is explicitly envisioning such a future, the county’s General Plan can do no less. That means just for example no more ministerial renewal of antiquated drilling permits without an EIR that looks at cumulative effects to greenhouse gas emissions. The EIR can only conclude that there is no way to mitigate those effects.

I applaud the January meeting of the Agriculture Policy Advisory Committee that finally has addressed the necessity to draw carbon dioxide down out of the atmosphere and into the soil and vegetation. The background report must reflect the science and the interim goals of the ARB 2030 Implementation Plan for Natural and Working Lands. The ARB goals and future plans for increasing the ambitious and scope of those plans was not mentioned at the meeting. Misinformation was shared with the Advisory Committee showing the need for more and broader honest dialogue about the potential for farmers to sequester carbon in different cropping systems. The question is not whether they can sequester or at least stabilize soil carbon; the question should be what they think

society should pay them to farm carbon as well as food and flowers for the future of life on earth.

There is a major role for management of natural resources and farm land to sequester carbon. Agriculture spokespeople point to the mountains as the place to sequester carbon. It is true that there must be policy to enlarge and increase the health of urban forests to the greatest extent possible. There must be declarations to the state and federal forest managers that It must be in county policy that natural disturbance processes on forests are ideally suited to sequestering carbon AND minimizing fire fuel. It should be included in the Background Report from the best available science indicating that the best way to maximize forest carbon storage is to maximize protection of forests from logging, including logging conducted under the rubric of "thinning", which leads to a large net reduction in forest carbon storage and net increase in carbon emissions. We will not increase forest carbon storage by pulling more carbon out of the forests through logging. The County's CAP must include an inventory of the carbon sinks in all forest lands and use of GIS mapping software, the setting of goals to increase sinks and the tracking of soil carbon in the forests within the county, as well as the wetlands, seagrass beds, riparian areas, chaparral, grasslands, AND farmland.

Many parkland and landscaping as well as farm management practices unnecessarily deplete soil carbon, pollute air and surface and groundwater, and expose insects, fish, animals and humans to toxic chemicals. Some believe they are contributing to epidemic chronic diseases and infertility. It is easy to mitigate. Ban all degrading and polluting practices in land and farm management. The conclusion of the EIR of the Agriculture Chapter of the last VC General Plan has a shocking conclusion that these practices cannot be mitigated. I assure you this is a new day and a very different EIR.

Mention must be made of the relationship between use of toxic pesticides and herbicides and GHG emissions. Roundup damages soil microbes that are the means for soil carbon sequestration. Aerosols from spraying causes illnesses that cause more car trips to get medical help. Aerosols and herbicide –laden dust prevent some people from walking in their own neighborhoods or using bike trails. There are people in Camarillo Heights who could walk to the store, but they drive to protect themselves from exposure to agricultural chemicals and many people will not walk their dogs because of the widespread use of toxic herbicides beside sidewalks.

There are so many measures that could be listed for which an EIR can be conducted. The Ascent Environmental team knows them. I am sure they are capable of guiding staff to present a strong plan responsive to a MUCH more relevant, meaningful and comprehensive Background Report weighed equally among all possible measures to

reduce emissions and the necessary metrics and possible measures to draw down CO2 through biological carbon sequestration. They are capable of a tight EIR that does not allow far-away offsets or avoidance of the true requirements of SB 743 or the full accounting of Phase 3 Cross-Boundary Transportation Emissions applying to incoming and outgoing goods at the Port of Hueneme relative to ports in Japan, China and Australia. There must at least be credible estimates of those emissions in the inventory. The consultants know these issues because they know how the courts have ruled against Sonoma and San Diego Counties when those counties repeatedly refused to hold to explicit, relevant, fair and enforceable policies demanded by climate activists to cover their county's fair share of emissions.

Take note that Ascent knows what is required to be consistent with the letter and the spirit of SB 743. I suggest avoiding drawn-out disputes by welcoming their leadership in order to help you be leaders rather than foot-draggers on this policy. The full requirement is described in the Notice of Preparation for EIR of SCAG's Connect SoCal Plan that is currently out for comment. I advise you to anticipate that Ventura County will finally be required to enforce SB 743. While not popular in the areas around Thousand Oaks and Ventura and possibly other spheres of influence, you must present this to the decision-makers as an opportunity to demonstrate how quality of life can be enhanced by project designs that meet the requirements of SB 743, because VMT has to decrease by a lot.

The projected growth in the unincorporated area and the goals for provision of affordable housing are low compared to what the county is expecting the cities to take up. However, the county's General Plan can aspire to make provision as needed for the prompt development of Demonstration Projects compliant with SB 743 and maximizing affordable housing units. Designs can provide benefits to residents similar to those provided for adult living centers where people also do not need cars and enjoy reliable shared or public transportation to the places they want to go. A model development can be designed in each of the five districts that is tied to a community microgrid and a short, local public transportation grid that may be smaller electric vans and shared vehicles and bicycles and flexible zoning: mixed-use, live-work, live-shop, live-garden, work-garden. No zoning in such demonstration zones should be required to be single occupancy following the example of the city of Minneapolis. There must be a fee for parking spaces including for all residents, employees, clients and shoppers.

Why? Probably 55% of the county's emissions are from transportation, mostly from light duty vehicles. We cannot decarbonize by 2030 just by a plan to transition to EV's with decarbonization of all electricity. Energy experts are saying that cannot now happen that fast. That is why enforcement of SB 743 is essential. Average per capita driving must

decrease by a great deal, regardless of what people drive. Some say people in California have to cut driving in LDV's by 32% by 2030 to make decarbonization of the transportation system feasible, others say less, but nobody says less than 20%. ***This transparent calculation is a required piece of the EIR.*** I suggest that there is no better way to achieve the likely required goal for reduction of VMT than a steady plan to unbundle parking from residences, workplaces, shopping, services and recreation no matter how loud and angry some people will complain. If this type of strong policy is adopted and excellent designers are sought for Demonstration Projects, the whiners and criers will eventually see that they were wrong.

There is one impact from the enforcement and successful demonstration of the benefits of SB 743 that must be paramount. That is the requirement that all people and animals and very high-value critical tools and materials for people's livelihoods must be capable of evacuation in case of a wildfire or flood, debris flow or tsunami. The impact cannot be mitigated offsite, but it can be overcome with ingenuity on a site by site basis. There have to be multiple means for everyone to escape to safe places, not with a carload of belongings, but all people have to be able to relocate at once from a vulnerable high-density project. Safe places for evacuation must be equipped with a self-contained microgrid with enough battery storage for minimum two weeks of cloudy days.

I repeat, there are many more policies on which impacts can be discussed. The principles are presented here. It will be easier to have a conversation as we have been saying for two years when we can see the calculations of a sound inventory and a plan.

Thank you for the opportunity of sharing some of my thoughts.

Jan Dietrick
President, Rincon-Vitova Insectaries, Inc.
108 Orchard Dr
Ventura, CA 93001
805-746-5365



“Citrus Capital of the World” **City of Santa Paula**

970 Ventura Street • Santa Paula, California • Mailing Address: P.O. Box 569 • 93061 • (805) 525-4478 • www.ci.santa-paula.ca.us

February 19, 2019

Ventura County Resource Management Agency, Planning Division

Attn: Susan Curtis, Manager, General Plan Update Section

800 S. Victoria Ave, L #1740

Ventura, CA 93009-1740

**Re: Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR)
for the Ventura County 2040 General Plan Update (Case No. PL 17-0141)**

Dear Ms. Curtis,

The City of Santa Paula (City) appreciates the opportunity to assist Ventura County (County) identify the significant environmental issues, mitigation measures and range of reasonable alternatives that should be addressed in the DEIR for the 2040 General Plan update. Because no Initial Study was prepared (per CEQA Section 15063.a), the scope of our review reflects information conveyed in the County’s NOP and documents incorporated therein by reference. Below, City Comments follow each of these elements focusing on key points emphasis and/or issues to consider during the course of the update.

- I. **Alternatives Report.** The County Board of Supervisors determined through their alternatives process that the existing allowed land uses provide adequate land to accommodate projected population growth in the unincorporated areas of the County through the year 2040 and, as such, the 2040 General Plan Update is not expected to identify any increases in overall development relative to the existing General Plan, unless changes are required in order to meet future Regional Housing Needs Assessment (RHNA) numbers to be released in Fall 2019.
City Comments: *The City looks forward to reviewing the RHNA numbers when they are released, understanding that the County will incorporate findings into the Housing Element to be updated separately after the County’s 2040 General Plan Update’s adoption.*

- II. **Assets, Issues and Opportunities Summary Report.** Issues defined and reported in the March 2017 Assets, Issues, and Opportunities Summary Report.
City Comments: *The City is supportive of the priority opportunities identified in the report and would like to underscore the importance of the following components: Investments in Transit Infrastructure such as high-capacity transit and improved connectivity and safety for pedestrians and bicyclists; the value of job creation and economic growth through preservation of open spaces and agricultural development and Guidelines for Orderly Development directing development to cities; and, the importance of infill housing to support projected employment growth.*

III. 2040 County General Plan Policy Document. Reorganized chapters and new content to address state planning requirements and policy topics identified by the County Board of Supervisors, including the state’s mandatory elements – Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety, plus the new requirements – Air Quality and Environmental Justice, and three new optional elements – Water, Agriculture, and Economic Development.

City Comments: Generally, the City seeks to achieve policy and standards consistency particularly with respect to transportation issues (vehicle miles traveled and analyzing transportation systems more holistically such as Complete Streets), and wildfire hazards. Maintaining consistency with the Guidelines for Orderly Development, greenbelt agreements, and the Save Open Space & Agricultural Resources (SOAR) measures is an important objective.

IV. 2040 County General Plan Land Use Designations. The Proposed 2040 General Plan Update Land Use Designations (resulting in 13 new designations) would refine the Existing Community and Urban land use designations of the existing General Plan to more clearly distinguish among land uses allowed within each designation and set forth maximum development density and intensity standards.

City Comments: The City is supportive of the proposed 2040 General Plan Update land use designations remaining consistent with land uses and densities/intensities allowed under the current (2018) zoning designations, and incorporating the smallest minimum lot size of the compatible zoning designation for designations that do not have a comparable minimum. Additionally, the City supports that the proposed 2040 General Plan Update would not make changes to the following existing land use designations:

- *Agricultural, Open Space, or Rural land use designations located outside of Existing Community and Urban designated area (consistent with the SOAR initiative);*
- *State and Federal Facility Designation since they apply to parcels owned by the state or federal government and are outside of the County’s land use jurisdiction; and*
- *Urban Reserve Overlay, since it applies to all unincorporated areas within city spheres of influence, which are the probable future growth areas of the incorporated cities.*

V. 2040 General Plan Background Report. Given that no Initial Study will be prepared (per CEQA Section 15063.a); the City understands that the EIR will analyze the full range of environmental topics as informed by the County’s General Plan Background Report (January 2018). The City made valuable use of this information during the current update of the 2040 Santa Paula General Plan (anticipated adoption – Q4 2019). Please refer to the following *City Comments* related to individual environmental topics.

1. **Aesthetics.** *City Comments: Within the City, SR 150 and the portion of SR 126 east of SR 150 are identified by Caltrans as eligible scenic highways. Consistent with state law, both City and County should continue to maintain and implement policies and programs that provide for the long-term conservation of open space and scenic areas within County jurisdiction.*
2. **Agriculture and Natural Resources.** *City Comments: Please note that the City’s long-term vision is to emphasize its unique physical disposition at the foothills of the Santa Paula Mountains abutting the Santa Clara River by maintaining the citrus and avocado orchards and fields of row crops bordering the city, as well as the creeks and barrancas trending through the urban lands to the valley bottom. Views of these features are available from many locations throughout the city, and they should be maintained for the enjoyment of current and future generations. As such, the City supports County-wide conservation of agriculture, open space and sensitive natural habitat lands. Be reminded that the Save Open Space and Agricultural Resources (SOAR) initiative was extended to 2050.*

3. **Air Quality and Greenhouse Gas Emissions.** *City Comments:* Please note that the City embraces the Livable Corridors strategy which combines three different components into a single planning concept to model VMT and greenhouse gas emission reduction benefits: (1) County Transportation Commissions' identified transit corridors; (2) increased investments in Complete Streets to encourage walking/biking; and, (3) mixed-use, transit supportive activity centers. Also, please note that the City's Land Use Plan and growth assumptions described the updated Land Use Element are consistent with the 2016-2040 Regional Transportation Plan and the Sustainable Communities Strategy.
4. **Health and Well-Being.** *City Comments:* The City encourages the County to continue to assess and develop policies and programs to resolve conditions in communities with a high Health Disadvantage Index (HDI). Strategies to consider that support economic growth can be focused on these areas: support small business and entrepreneurship; promote tourism (including Agritourism) and recreational opportunities; enhance fiscal sustainability; downtown revitalization; enhancing economic competitiveness.
5. **Cultural and Historic Resources.** *City Comments:* The City 2040 General Plan Update includes policies to complete a comprehensive historic preservation study and formally recognize additional historic districts: Downtown Commercial; Downtown Residential; South 7th St; McKeivitt Heights; Park St; The Oaks; and, Richmond Tract.
6. **Energy.** *City Comments:* Electricity is supplied to customers in the City by Southern California Edison (SCE), which obtains its power from a variety of sources. There are no electrical generating facilities within the City. The City encourages the County to take a leadership role in coordinating energy utilities and local jurisdictions to develop policy and programs to economize energy use and further develop renewable energy sources.
7. **Geology/Soils.** *City Comments:* Earthquake ground shaking potential in the City is classified as violent or extreme. The City is compliant with all relevant Federal and State laws having developed many General Plan policies and Municipal Code regulations intended to mitigate risks to life and property. The City encourages the County include policy and programs to ensure that projects are evaluated to assess potential geologic hazards, and mitigation is required when necessary to reduce risks in conformance with current requirements.
8. **Hazards and Safety.** *City Comments:* **Floods.** The City works with the Ventura County Watershed Protection District (VCWPD) to maintain compliance with the National Flood Insurance Program through permit review of structures and evaluation of site plans for development in flood plains. The City serves as floodplain manager within the sphere of influence. The network of storm drains that conveys surface water from urban areas to the major channels is the responsibility of the City's Public Works Department and the City's Storm Drain Master Plan evaluates existing drainage systems and identifies proposed facilities needed to address deficiencies. The City's Capital Improvement Program prioritizes and identifies sources of funding for storm drain improvements as recommended by the Storm Drain Master Plan. The City underscores the importance of County General Plan policies and programs requiring inter-agency coordination (City, County, VCWPD, Army Corps of Engineers) and adequate maintenance for dams northeast of Santa Paula which have the potential to result in significant inundation in the City or surrounding area: Lake Pyramid Dam, Lake Castaic Dam, Bouquet Canyon Dam, and Santa Felicia Dam (Lake Piru). **Airport.** As the County is aware, Santa Paula Airport is a privately-owned, public use airport located one mile east of the Santa Paula central business district, south of SR-126. The 24.5-acre airport is owned by the Santa Paula Airport Association, Ltd. and is operated by the owners/stockholders. Santa Paula Airport is classified in the National Plan of Integrated Airport Systems (NPIAS) as a general aviation airport. Please be aware that air safety zones applicable to the airport are designated in the 2000 CLUP and include the Runway Protection Zone (formerly called the Inner Safety

- Zone); the Outer Safety Zone; and the Traffic Pattern Zone. **Materials.** The City reminds the County that the City coordinates with the California Environmental Protection Agency (CalEPA) who maintains the California Hazardous Waste and Substances List (also known as the "Cortese List"). Please be aware that as of April 2017, approximately 220 regulated facilities in Santa Paula were on the County's CUPA list, as well as five facilities that collect and/or transfer hazardous waste. City 2040 General Plan Update policy is in place to continue a cooperative working relationship with County DEHS to ensure that existing facilities that use, store, transport or dispose of hazardous materials comply with existing regulations.
9. **Hydrology/Water Resources.** City Comments: The Santa Paula Groundwater Basin is the City's sole source of potable water supply. The allocation of the groundwater in the Santa Paula Groundwater Basin is between the City of Ventura and the Santa Paula Basin Pumpers Association (SPBPA), which is a consortium of water users in the Santa Paula area, including the City of Santa Paula and farming interests. The City's current allocation is about 5,560 acre-foot/year, and the City is operating near this limit. Any planned development, including the Ventura County General Plan, within the City of Santa Paula water service area shall address the water demands beyond what the City can supply. Both City and County should continue to minimize impacts from existing uses and development activities on surface waters and aquifer recharge areas, and enhance water quality in stream channels and aquifer recharge areas by reducing existing sources of water pollution and minimizing water pollutants from new development. The City is committed to partnering with the County in seeking funding sources for programs to improve storm water quality and continue partnerships with other agencies such as the Ventura County Waters.
10. **Land Use/Planning.** City Comments: Please note that the Santa Paula 2040 General Plan Update is estimated to be adopted in Q4 2019. With respect to policy continuity, the City offers the following advisement as to County land use element updates proximate to City limits:
- The City requests the County conform with the Guidelines for Orderly Development Guidelines by adequately assessing demand for delivery of the full range of municipal services to all parcels within the Santa Paula Planning Area.
 - 53.1 acres of the West Area 2 Expansion Area are to be annexed to the City of Santa Paula per City Council action expected February 20, 2019.
 - The City will retain Adams and Fagan Canyons as Expansion Areas in our 2040 General Plan Update.
 - The City's Sphere of Influence (SOI), the most recent update for the Santa Paula SOI was adopted by LAFCO on February 21, 2018 which removed Adams and Fagan Canyons from the City's SOI. The City's CURB line will remain unchanged.
 - The City highly values the Ventura-Santa Paula and Santa Paula-Fillmore Greenbelts and will seek to maintain those agreements.
11. **Mineral Resources.** City Comments: Though there are no oil refineries in the County, the oil industry will continue to play an important role in the local economy. The City will continue to ensure proper management of mineral resource lands in conformance with State law and advise the County maintain abutting land use compatibility strategies in place.
12. **Noise.** City Comments: **Airport.** The City acknowledges that noise contour calculations currently included in the County's General Plan have been modeled through 2020. Therefore, the City expects the noise contour calculations to be updated. Please note that the City's 2040 General Plan update includes policies and programs to enhance the Santa Paula Airport and maintain land use designations that support the operation of the airport and enhancement of airport facilities and services in conformance with Ventura County Airport Comprehensive Land Use Plan. Additionally, please note that the City works cooperatively with Santa Paula Airport officials to resolve operational noise concerns, including those

resulting from aerobatics and air shows. **Rail.** The City requests the County encourage railroad operators and the Ventura County Transportation Commission to properly maintain lines and establish operational restrictions during the early morning and late evening hours and/or install noise mitigation features to reduce impacts in residential neighborhoods and other noise sensitive areas. **Agriculture Operations.** The City requests the County work with farmers in and around the City to address any identified noise problems relating to the use of farm equipment and farm machinery on County streets.

13. **Public Facilities, Services and Infrastructure.** City Comments: **Solid Waste, Recycling, Composting.** Santa Paula is served by two active solid waste disposal/landfill sites and one recycling and transfer station: Toland Road Landfill, estimated to reach capacity in approximately 2028; Chiquita Canyon Landfill, which as of 2017 had reached its capacity of 63.9 million cubic yards, and an application for landfill expansion is currently being processed by Los Angeles County. The City encourages the County to take a leadership role in developing a coordinated approach to reducing solid waste and encouraging increased recycling and composting programs. **Police Protection.** The City's Police Department has been responsible for the security of City residents and businesses since 1923. The Department provides a broad range of law enforcement services, including administration, patrol, investigations, dispatch, records services, and custody/jail services. The Department also oversees animal control and graffiti removal. The Police Department has a mutual aid agreement with the County which the City remains fundamentally committed to ensuring. **Fire.** City Comments: Within the City, fire protection is provided by the Ventura County Fire Protection District while CalFire has primary responsibility in the City's SOI. The City reminds the County that portions of Santa Paula's Expansion Areas (primarily Adams Canyon and Fagan Canyon) are located within Moderate and Very High Fire Hazard State Responsibility Areas, and some areas within the City limits along the northern City boundary are designated Very High Fire Hazard Local Responsibility Areas or Moderate Fire Hazard State Responsibility Areas. Under state law, new essential public facilities, including hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, should be located outside of high fire risk areas. No essential public facilities are, nor should be, located or planned within a high fire hazard zone with the exception of Santa Paula Hospital. The City reminds the County that any proposed development within the fire hazard areas will require effective mitigation to minimize risks. The City requests that VCFPD work cooperatively with the City to ensure that persons and property are protected from fires and provide emergency medical services through the following strategies:
- Locate firefighting facilities and resources where they can effectively serve the community.
 - Encourage partnerships and mutual aid agreements between VCFPD and other fire protection organizations.
 - Incorporate designs, systems and practices for fire safety, prevention and suppression in new developments.
 - Work with VCFPD to ensure that Santa Paula is served with the best available equipment and personnel.
 - Development should mitigate undue risks from fires.
 - A fire safety and equipment access standard should be appropriately designed and implemented.
 - A fire safety plan should be required of all businesses and multi-family occupancies.
 - A program for fire safety plans and training should be designed implemented.
- Emergency Preparedness.** The City encourages the County continue to coordinate with the City, public and private agencies at the Federal, State, County and City levels, regarding preparation, mitigation, response, and recovery efforts. As part of the California Standardized Emergency Management System (SEMS)

and the National Incident Management System (NIMS), the City has adopted an Emergency Operations Plan (EOP) addressing the City's planned response to extraordinary emergency situations.

14. **Recreation.** *City Comments: **Railroad.** The City views the Railroad Corridor as a tremendous regional recreational asset. Please be reminded that the railroad corridor has been studied by VCTC for the potential to create a recreational trail through the Heritage Valley between the cities of Ventura and Fillmore. In 2000, VCTC adopted the Santa Paula Branch Line Recreation Trail Master Plan and in 2015 prepared the Santa Paula Branch Line Recreational Trail Compatibility Survey. The City encourages the County make every effort to reinforce this vision.* **Parks.** *City residents have access to nearby county regional parks and open space areas of the Santa Clara Riverbed. Steckel Park is a 200-acre regional park located in the unincorporated area just north of the city. The park offers a variety of recreational activities including picnics, camping, hiking, biking, and wilderness exploring. South Mountain offers passive recreational opportunities including a golf course and hiking trails. Toland Regional Park is a 213-acre passive, natural open space park with restrooms, picnic tables and barbecues. The City requests that General Plan policies and programs ensure that these important regional assets are well maintained.*

15. **Transportation and Mobility.** *City Comments: **Roadway and Freeway Systems.** The City requests analysis of traffic impacts and/or potential traffic improvement measures for all roadways, intersections and freeways that support City mobility including an assessment of physical characteristics, level of service conditions, and collisions. Relevant goals and policies are found at the regional and countywide level from agencies including SCAG and VCTC. The City is highly supportive of the SCAG 2016-2040 RTP/SCS, which provides the regional planning framework for the six-county SCAG region, highlights the following regional goals and policies as they pertain to the roadway environment, thus framing the regional transportation setting:*

- *RTP/SCS Goal 2 – Maximize mobility and accessibility for all people and goods in the region.*
- *Goal 3 – Ensure travel safety and reliability for all people and goods in the region.*
- *Goal 5 – Maximize the productivity of our transportation system.*
- *Policy 6 – The RTP/SCS will support investments and strategies to reduce non-recurrent congestion and demand for single-occupancy vehicle use, by leveraging advanced technologies.*
- *Policy 7 – The RTP/SCS will encourage transportation investments that result in cleaner air, a better environment, a more efficient transportation system, and sustainable outcomes in the long run.*

Further, the City reminds the County that VCTC identifies the following particular actionable items that will facilitate Plan implementation in the City and neighboring jurisdictions, as they pertain to the roadway environment:

- *Outcome 1: Status Quo, Action 4 - Reevaluate VCTC's Highway Project Priority List and project funding process to ensure those projects with the greatest value to the County, on needs-based criteria, receive funding.*
- *Outcome 2: Community Connections, Action 1 – Conduct corridor studies on Ventura County's major transportation routes (US 101, SR 118, SR 126) to determine the best return on investments in improved connectivity.*
- *Outcome 2: Community Connections, Action 3 - Continue collaborating with local jurisdictions, interest groups, agencies, and transit operators and provide the needed regional planning, funding, and policy support for implementing improved connectivity among all modes, including customer service objectives contained in the Regional Transit Study.*

The City would like to underscore the importance of all surface streets connecting with the City – Foothill Rd, Santa Paula St, W Telegraph Rd, South Mountain Rd,

*Orcutt Rd, N Ojai Rd – particularly with respect to pedestrian and bicycle safety and connectivity. Please note that the City embraces the Livable Corridors strategy seeks to revitalize commercial strips through integrated transportation and land use planning that results in increased economic activity and improved mobility options. **Transit.** Public transit in Santa Paula is provided by the Ventura County Transportation Commission (VCTC), offering bus services. As Ventura County's transportation commission, VCTC has prepared numerous studies that support Santa Paula's public transit availability, including the 2009 Ventura County Transit Investment Study identifying transit gaps and project priority, and the 2013 Heritage Valley Transit System Study, which focuses on "maintaining current or equivalent levels of public transit service" operating in the Heritage Valley area, of which Santa Paula is a part. The City recognizes that transit relies on the synthesis of goals and policies at all governmental levels for successful implementation and creation of quality inter- and intra-community connectivity. The SCAG 20162040 RTP/SCS highlights the following regional strategies for fostering increased transit connectivity:*

- *Implement and expand transit priority strategies*
- *Implement regional and inter-county fare agreements and media*
- *Implement new BRT and limited-stop bus service*
- *Expand and improve real-time passenger information systems*
- *Implement local circulators*

Please note that the City's current Circulation Element identifies the following goals, objectives, and policies relating to public transit:

- *Public Transportation Goal 1.1 – Safe, convenient, efficient, and accessible transportation should be available to everyone.*
- *Public Transportation Goal 1.2 – Reliance on single-occupancy motor vehicles should be reduced and utilization of public transit and alternative transportation modes should be increased.*
- *Objective 1(a) – Policies and procedures should be developed which cause a greater utilization of bus services and result in a reduction of single passenger vehicle traffic.*
- *Objective 2(b) – Bus shelters and signage should be developed at designated transfer points between the two systems.*

Thank you again for the opportunity to comment.

Jeff Mitchem, AICP
Planning Manager
City of Santa Paula

SHUTE, MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

Kevin P. Bundy
Attorney
Bundy@smwlaw.com

February 19, 2019

Via Electronic Mail Only

Ms. Susan Curtis
General Plan Update Manager
County of Ventura
Resource Management Agency, Planning
Division
800 South Victoria Avenue, L #1740
Ventura, CA 93009-1740
E-Mail: susan.curtis@ventura.org

Re: Notice of Preparation of a Draft Environmental Impact Report for the
Ventura County 2040 General Plan Update (Case No PL17-0141).

Dear Ms. Curtis:

On behalf of Citizens For Responsible Oil & Gas (“CFROG”), we write to comment on the Notice of Preparation of a Draft Environmental Impact Report (“DEIR”) for Ventura County’s 2040 General Plan Update (“GPU”).

CFROG is committed to working constructively with the County to ensure that changes to land use policies in the County under the GPU do not impair the regional environment, natural resources, and quality of life for the County’s residents. The County must undertake careful planning to ensure that the County accommodates growth and development in a manner that does not seriously impair the environment. To that end, CFROG is concerned that the NOP provides insufficient assurance that the County’s EIR will fully and accurately evaluate the potential impacts associated with the GPU.

The recently released NOP is required to provide adequate and reliable information regarding the nature of the proposed Project and its probable environmental impacts, in order to “solicit guidance from public agencies as to the scope and content of

the environmental information to be included in the EIR.” California Environmental Quality Act (“CEQA”) Guidelines § 15375; *see also* CEQA Guidelines § 15082(a)(1).¹

Unfortunately, the NOP provides little information about some critical aspects of the proposed Project, including the GPU alternatives and anticipated cumulative impacts. This makes it difficult to provide a comprehensive response to the NOP or the scope of the EIR. Set forth below are our initial comments relating to the information that has been provided. The County must ensure that the EIR for the Project provides extensive, thorough analysis of the topics described below.

I. The EIR must evaluate all potential environmental impacts.

The NOP fails to provide a description of the probable environmental effects of the proposed General Plan Update. The NOP also gives little indication of what the County believes to be the probability that the proposed Project will result in various environmental impacts. In the absence of more information, we can only request that the EIR will provide an exhaustive and detailed analysis of the Project's impacts in all relevant environmental issue areas, including but not limited to the specific areas discussed below.

A. Climate Change

The County should pay particular attention to its evaluation of impacts related to climate change. Reducing GHG emissions in order to minimize the harms from climate change is one of the most urgent challenges of our time. Given the far-ranging impacts of climate change and the direct harms already witnessed in Ventura County, the County must acknowledge the heightened responsibility for meeting the State's ambitious (but achievable) emissions-reduction goals. Accurate information about the General Plan's climate change impacts is particularly important because we have already exceeded the capacity of the atmosphere to absorb additional greenhouse emissions without risking catastrophic and irreversible consequences.

It is critical that the County commit adequate resources to researching and developing policies for the Climate Action Plan, that it seriously consider the ramifications of any delay in implementing effective policies, and that it develop enforceable mitigation measures to reduce greenhouse gas emissions. Because of the

¹ The CEQA Guidelines are codified at title 14, California Code of Regulations, section 15000 et seq.

importance of this policy topic, and to comply with state law and requirements, the County's Climate Action Plan must be comprehensive in scope. The Climate Action Plan also must set quantitative countywide emissions reduction targets consistent with both short-term and long-term statewide goals and policies,² and must contain specific, enforceable measures sufficient to meet these targets. *See generally* CEQA Guidelines § 15183.5.

Recent scientific reports highlighting the severity of the climate crisis and the urgency of emissions reductions³ suggest that the County's greenhouse gas emissions threshold should be set either at zero (or "net zero"), or otherwise low enough to allow thorough review of development projects (including oil and gas projects) that may increase emissions. The County has an obligation to adapt its analysis to changing conditions as technology, climate impacts, and climate science evolve. *See Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497, 518. Discretionary review of development projects with special attention to greenhouse gas emissions will help the County meet this obligation and provide the necessary flexibility.

When informing the public about the County's greenhouse gas emissions, the County cannot ignore the fact that oil and gas produced within the County will result in increased emissions, wherever it is consumed. At a minimum, the General Plan must disclose this information so that the County's true contribution to climate change will be accurately portrayed. In calculating greenhouse emissions for Ventura County under the General Plan, therefore, the analysis should include not only direct emissions from mobile and stationary sources within the County, but also downstream emissions resulting from reasonable assumptions regarding use of the oil and gas produced in the County. *See, e.g., Sierra Club v. Federal Energy Regulatory Commission* (D.C. Cir. 2017) 867 F.3d 1357, 1374. Because greenhouse gas emissions from refining and

² See Health & Safety Code §§ 38560, 38566; Executive Orders S-3-05, B-30-15.

³ *See, e.g.,* IPCC, 2018: Summary for Policymakers. In: Global warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty [V. Masson-Delmotte, P. Zhai, H. O. Pörtner, D. Roberts, J. Skea, P. R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J. B. R. Matthews, Y. Chen, X. Zhou, M. I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, T. Waterfield (eds.)]. World Meteorological Organization, Geneva, Switzerland, 32 pp. Available at https://report.ipcc.ch/sr15/pdf/sr15_spm_final.pdf.

combustion of oil and gas is a reasonably foreseeable environmental consequence of their production, these emissions must be disclosed.

The Climate Action Plan also should calculate emissions from different industry sectors, including oil and gas production, that capture both combustion and fugitive emissions. The analysis should identify factors that may contribute to higher emissions, for instance drilling and related processing involved in the extraction of tar sands, and enhanced oil recovery and well stimulation techniques (including emissions from both the production activities themselves and from any additional production that might occur as a result of implementing such techniques). Finally, the Climate Action Plan must also identify feasible, enforceable measures to reduce and mitigate emissions from oil and gas operations.

B. Air Quality

Given the unique geography and air quality challenges in Ojai Valley, it is critical that the General Plan Update maintain the air quality significance threshold of 5 pounds per day for Reactive Organic Compounds (ROC) and for Nitrogen Oxides (NO_x) currently in the Ojai Area plan. In addition, to further improve air quality countywide, the General Plan Update should reduce the 25 pound countywide threshold for these pollutants.

A lower threshold of significance countywide would allow a more thorough investigation of discretionary projects with a potential to pollute, allowing the County more options to ensure the safety of the community. For instance, climate change is likely to increase harmful smog (ozone) levels and result in worsening air quality. Technology to mitigate greenhouse gas emissions is also likely to improve in the future. A more stringent threshold countywide, and discretionary review for new projects, would allow the County flexibility to adapt as circumstances related to climate change alter the environment.

C. Other Impacts of Oil and Gas Development

Exploration for and production of oil and gas may cause numerous potentially significant impacts in a wide range of areas including not only climate change and air quality, but also water quality, water supply, traffic, noise, odors, aesthetics, and hazards. To the extent that anything in the GPU affects oil and gas production, the EIR must analyze potentially significant effects in these and other relevant categories.

The EIR also must propose mitigation measures and consider alternatives that could reduce or avoid any significant effects. Specifically, to ensure that the impacts of General Plan policies regarding oil and gas development are adequately evaluated and meaningfully addressed on a case-by-case basis, the County should consider a mitigation measure requiring all new oil wells to receive discretionary permits. As CFROG has pointed out in prior comments, under Ventura County's current policies and practices, the vast majority of oil and gas development in the County is not subject to local CEQA review or conformance with current County policies and regulations. This is because the County requires only a zoning clearance for any additional oil wells drilled within the extensive areas covered by antiquated conditional use permits. Under County practices, these zoning clearances are considered to be ministerial and thus do not trigger CEQA's environmental review and mitigation requirements. We also understand that the County is not requiring compliance with updated regulations for these clearances. The General Plan Update should require discretionary review of all new drilling and expanded operations in order to ensure future drilling will comply with new policies and utilize best management practices to reduce GHG emissions and the numerous other impacts of oil and gas development. Moreover, to the extent the GPU anticipates that oil and gas development will continue under existing CUPs, the EIR should consider mitigation measures providing for comprehensive monitoring and enforcement of compliance with existing permit requirements.

II. The County should adopt thresholds of significance early in the process.

The County should prepare and publish proposed thresholds of significance for environmental impacts in advance of publishing the draft EIR for the GPU. *See* CEQA Guidelines § 15064.7. Thresholds of significance establish, for each impact area, the level of effect over which a project's impact is likely to be determined significant. The County should publish the thresholds of significance it proposes to use for each environmental impact area (e.g., air quality, biological resources, hydrology and water quality, transportation and circulation) analyzed in the EIR. In light of the County's extensive environmentally sensitive resources, and the potentially far-reaching consequences of the GPU, the public should have an opportunity to comment on the completeness and adequacy of proposed thresholds of significance at the earliest possible stage in the environmental review process. Ideally, draft proposed thresholds will be made public early, with opportunities to comment on them as part of the additional scoping sessions or workshops.

III. Project Alternatives

The County's evaluation of alternatives to the Project will be critically important. An EIR must describe a range of alternatives to the proposed project, and to its location, that would feasibly attain the project's basic objectives while avoiding or substantially lessening the project's significant impacts. Pub. Res. Code § 21100(b)(4); CEQA Guidelines § 15126.6(a). A proper analysis of alternatives is essential for the County to comply with CEQA's mandate that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126.6(a); *Citizens for Quality Growth v. City of Mount Shasta*, 198 Cal. App. 3d 433, 443–45 (1988). As the California Supreme Court has explained, “[w]ithout meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process. . . . [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials.” *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 404.

Unfortunately, the NOP fails to define the specific objectives for the proposed GPU. Without a thorough understanding of the proposed project's purpose, it is all but impossible for the County or the public to identify and evaluate reasonable and feasible project alternatives. Nor is it possible, in the absence of clearly defined project objectives, for members of the public or other public agencies to identify or provide meaningful input on alternatives or the scope of the EIR. The County must clearly articulate the project objectives, in order to systematically identify and analyze the significant effects of the proposed project and the feasible mitigation measures or alternatives that will avoid or substantially lessen such significant effects.

The County's NOP states only that the EIR will consider a reasonable range of alternatives. NOP at 7. The County must ensure that the EIR includes a robust discussion of alternatives to the proposed plan that would lessen the significant impacts of the Project. With respect to oil and gas development, those alternatives should include at a minimum adoption of specific policies to limit increases in the number of active and idle wells in the County and to reduce oil well emissions by at least 10% per year.

IV. Conclusion

We hope that the above will assist the County in preparing a thorough and legally adequate EIR for the GPU. Given the lack of detailed information in the NOP and the County's decision not to prepare an Initial Study, the public should have an opportunity to participate fully in the County's upcoming scoping process. To this end, we strongly recommend the County make information—such as proposed thresholds of

Susan Curtis
February 19, 2019
Page 7

significance—available as early as possible and continue to hold public workshops throughout the process.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in black ink, appearing to read 'Kevin P. Bundy', written over a horizontal line.

Kevin P. Bundy

cc: Citizens For Responsible Oil and Gas

1086420.4

RE: VC-GPU 2040 EIR NOP

2-19-19

To: Susan Curtis, et al.

Please address these comments as to issues for the CEQA EIR document.

1. As to Minerals: Flaring of natural gas on an ongoing basis throughout the county. Effects on air quality and GHG emissions. Inclusion of flaring in GHG/carbon emissions baseline, and possible effect of increase in oil and/or gas production. I note that flaring of natural gas is generally not permitted in Texas on an on-going basis (<https://www.rrc.state.tx.us/about-us/resource-center/faqs/oil-gas-faqs/faq-flaring-regulation/>).
2. Effect of possible phase out of oil and natural gas production. Oxnard City Council will vote on a resolution that includes looking at such a phase-out and move to renewable energy production.
3. As to Water resources: Look at the use of water by agriculture, which is often not efficient, and wasteful, done in the middle of the day, with significant run-off. Groundwater pumping also an issue, with depletion of aquifers, and affecting flows in the Santa Clara and Ventura Rivers.
4. Coastal issues include sea level rise, with potential salt water intrusion effects on agriculture and aquifers, and drinking water supply.
5. Air Quality: GHG emissions need to be accurately calculated, including transportation in and out of the County (per Sonoma County litigation); include port traffic/possibly expanding, both with the shipping, and trucking in and out of the port. Also, the Navy military traffic, ships and planes, should be included.
6. Air quality issue of dust blowing on the coast and inland, at times due to agricultural practices that leave bare dirt, causing increasing air pollution, especially inland, where air quality is already challenged.
7. Best management practices for agriculture, to favor carbon sequestration in the soils and organic materials. Effect of planting trees and other vegetation to sequester carbon, cool the air temperature, and help to lessen pollution.
8. Develop recommendation for Fire-safe plants, particularly native plants of the region.

Thank you for considering my comments.

Leslie Purcell
PO Box 815, Ventura, CA 93002

**General Plan Update
EIR Scoping Notes
Ron Whitehurst, 108 Orchard Dr, Ventura, CA 93001**

The context of the EIR must be that of a climate emergency. Business as usual is not an option.

Both the IPCC report issued in September and the California 4th Climate Assessment have stated emphatically that there is absolutely no time to lose: a transition to clean energy economy must happen as soon as possible.

The IPCC is a made up of conservative scientists working in a group which would make the outcome more conservative. Past assessments have been shown to be understated – that changes happened sooner than predicted. We may only have a couple years to bring CO2 emissions below 1990 levels. Some climate scientists say that multiple positive feedback loops have proceeded to the point that it is already not possible to turn it around.

The consequence of a 5 degree C temperature rise could be extinction of our species. Government officials are mandated to help businesses to keep making money. They have a fiduciary responsibility to support BUSINESS AS USUAL. They also hold the PUBLIC TRUST – a responsibility to take care of the health and well being of the citizens of their jurisdiction. In the context of a climate emergency, what is the goal of reviewing the Environmental Impacts of Climate Change or even of failure to mitigate Climate Change? At what point do we acknowledge that our house is on fire and focus on putting out the fire? Are we rearranging the deck chairs on the Titanic?

This is denial, California Style – yes climate change is real....now let's get back to BUSINESS AS USUAL, we have bills to pay and I need to drive my kids to soccer practice.

The cumulative effects of no action in Ventura County on reducing net CO2 emissions on global climate change (extinction) must be considered. The argument that the cost is too high, or not feasible, is not valid.

During this EIR we declare a climate emergency and call for a mobilization throughout all sectors. We are in a time of tough decisions that may be unpopular and/or deleterious to some industries, especially those of fossil fuel and industrial agriculture. The trade-off is continued health of the overall community.

We want a plan that achieves a JUST TRANSITION away from fossil fuels as quickly as possible through community engagement so that everyone will want to unite and sacrifice for the survival of living systems.

The words of 16 year old GretaThunberg speak to this situation. She gave this speech to the Economic Summit in Davos on January 25, 2019:

“Our house is on fire. I am here to say, our house is on fire.”

According to the IPCC (Intergovernmental Panel on Climate Change), we are less than 12 years away from not being able to undo our mistakes. In that time, unprecedented changes in all aspects of society need to have taken place, including a reduction of our CO2 emissions by at least 50%. When this plan is adopted we will not “have 10 years”, we only have what we actually do next and next.

We must also talk about equity, which is absolutely necessary to make the Paris agreement work on a global scale. We must be realistic about the probabilities of tipping points and feedback loops like the extremely powerful methane gas released from the thawing Arctic permafrost.

At places like Davos, people like to tell success stories. But their financial success has come with an unthinkable price tag. And on climate change, we have to acknowledge we have failed. All political movements in their present form have done so, and the media has failed to create broad public awareness.

But Homo sapiens have not yet failed.

Yes, we are failing, but there is still time to turn everything around. We can still fix this if we recognize the overall failures of our current systems, we stand a chance.

We are facing a disaster of unspoken sufferings for enormous numbers of people. And now is not the time for speaking politely or focusing on what we can or cannot say. Now is the time to speak clearly.

Solving the climate crisis is the greatest and most complex challenge that Homo sapiens has ever faced. The main solution, however, is so simple that even a small child can understand it. We have to stop our emissions of greenhouse gases and draw carbon back into soil and living systems.

Either we do that or we don't.

To say that nothing in life is black or white is a very dangerous lie. Either we prevent 1.5C of warming or we don't. Either an irreversible chain reaction is avoided or not. Either we choose to go on as a civilization or we don't. That is as black or white as it gets. There are no grey areas when it comes to survival.

We have a choice. We can create transformational action that will safeguard the living conditions for future generations. Or we can continue with our business as usual and fail.

That is up to you and me.

Some say we should not engage in activism. Instead we should leave everything to our politicians and just vote for a change instead. But what do we do when there is no political will? What do we do when the politics needed are nowhere in sight?

Here in Davos – just like everywhere else – everyone is talking about money. It seems money and growth are our main concerns.

And since the climate crisis has never once been treated as a crisis, people are simply not aware of the full consequences on our everyday life. People are not aware that there is such a thing as a carbon budget, and just how incredibly small that remaining carbon budget is. That needs to change today.

No other current challenge can match the importance of establishing a wide, public awareness and understanding of our rapidly disappearing carbon budget that should and must become our new global currency and the very heart of our future and present economics.

I'm striking from school to protest inaction on climate change – you should too

We are at a time in history where everyone with any insight of the climate crisis that threatens our civilisation – and the entire biosphere – must speak out in clear language, no matter how uncomfortable and unprofitable that may be.

We must change almost everything in our current societies. The bigger your carbon footprint, the bigger your moral duty. The bigger your platform, the bigger your responsibility.

Adults keep saying: “We owe it to the young people to give them hope.” But I don’t want your hope. I don’t want you to be hopeful. I want you to panic. I want you to feel the fear I feel every day. And then I want you to act.

I want you to act as you would in a crisis. I want you to act as if our house is on fire. Because it is.

-- Edited version of a speech given by Greta Thunberg at Davos January 25..
<https://www.theguardian.com/environment/2019/jan/25/our-house-is-on-fire-greta-thunberg16-urges-leaders-to-act-on-climate>

How can Ventura County not do its part to reverse Climate Change? That means nothing short of doing our part to keep the global temperature from rising 1.5 degrees C by 2030. The federal and state mandates will only become more urgent as 2030 approaches. It only makes sense to accept the latest science and search globally for mitigation measures for a climate emergency mobilization.

The Green New Deal is on the right track. It aims to reverse climate change focusing on the rapid transition away from using fossil fuels to clean energy. It describes a major role for management of natural resources to sequester carbon and for agriculture whose usual practices unnecessarily deplete soil carbon, pollute surface and groundwater, and exposes insects, fish, animals and humans to toxic chemicals. These negative environmental impacts absolutely can be mitigated. That the degrading and polluting practices in land and farm management cannot be mitigated is the most egregious conclusion of the EIR of the last VC General Plan. That type of conclusion is not acceptable with this update.

Industrial conventional agriculture represents BUSINESS AS USUAL, which is emitting CO₂ with every crop removed that decreases soil organic matter. Organic agriculture is slightly positive with a small yearly increase in soil organic matter. Regenerative organic agriculture can store 10 tons of CO₂ per acre per year. To reduce net CO₂ emissions, half of Ventura County's agriculture and grazing land must transition to regenerative organic practices. ARB 2030 Implementation Plan for Natural and Working Lands speaks to this.

The Terra Count aerial mapping tool developed by the CA Department of Conservation will provide the carbon sinks and flux tracking metric to be able to set a goal for 2025 of 25% transition and for 2030 of 50% transition to regenerative organic practices on working lands. Proportionate goals are provided by ARB for natural lands and there can be goals set for expanding seagrass to sequester carbon. ARB says that all of these goals will be significantly increased as experience is gained with protocols.

The background document for the VC General Plan makes no mention of carbon loss and sequestration attributed to land management that includes agriculture. In a county with \$2 billion ag income, ag must play its role in reducing net CO₂ emissions by dramatically increasing soil organic matter on a yearly basis, and reducing its fossil fuel use.

This comment concludes with how climate change can be mitigated and food security improved through regenerative agriculture. I recommend that these measures be part of the Climate Action Plan and also an immediate Ventura County Green New Deal.

Green New Deal

Regenerative Agriculture Perspective

2-19-19 Ron Whitehurst, ron@rinconvitova.com

Basically follow agroecology principles, practice regenerative organic agriculture, and give rights to nature. Shift the U.S. policy focus from “cheap food for the consumer” to “quality food for the consumer on a regenerative basis.”

Ag section from House Resolution

(G) working collaboratively with farmers and ranchers in the United States to eliminate pollution and greenhouse gas emissions from the agricultural sector as much as is technologically feasible, including—

(i) by supporting family farming;

(ii) by investing in sustainable farming and land use practices that increase soil health; and

(iii) by building a more sustainable food system that ensures universal access to healthy food

Context: climate emergency. Agriculture and horticulture can increase the organic matter in the soil through regenerative organic practices to ward off extinction. Traditionally farmers are conservative – slow to change. Historically when a farmer lost a crop he and his family had less to eat, today a crop failure means he loses the farm and has to take a job in a factory, or stocking shelves at the local Walmart. It is simply a paradigm shift from fighting nature to working with nature. It is simple, difficult, and imperative.

Education: Schools can teach the principles of agroecology and integrated pest management. Curriculum can be encouraged to teach that synthetic fertilizers and toxic pesticides are not needed to produce our food or manage our landscape. Coop Extension and Master Gardeners can help farmers and gardeners transition off of chemical fertilizers and toxic pesticides to regenerative methods. Functionally most schools are serving as marketing arms of the chemical and pesticide companies. We must now examine this in context of the role that chemicals and pesticides have in degrading ecosystem function and the urgency of facing extinction.

Support initiatives that ensure social, economic, and environmental sustainability of agriculture while balancing the following goals:

- (1) ensuring high-quality, healthy food for consumers that is free from industrial and agrichemical toxins;
- (2) promoting health and longevity in farmers and in the population as a whole;
- (3) protecting natural resources and the environment;
- (4) cushioning farmers from the natural and financial instability unique to agriculture;
- (5) enabling farmers to better pursue financial profitability; and

(6) restoring the vitality of family farms and rural communities.

Mandate the labeling of genetically engineered foods and declare a moratorium on the release of genetically engineered organisms until the ecological impact of such organisms is established.

Increase farm profits through field-tested techniques supported by scientific research, such as integrated pest management, integrated crop management, and organic methods.

Follow Organic principles:

No: synthetic pesticide, fertilizer, amendments, food additive

No GMOs (genetically engineered organisms) or products from GMOs

No radiation processing or radioactive materials

No sewage sludge

A healthy plant resists pests and disease.

Work with nature, plan to engineer ecology to support plants and animals instead of reacting with organic pesticides.

GND - NOT

Some “green new deals” have included “clean coal”, natural (actually not natural) gas as a bridge fuel, and nuclear power

Farming Carbon

Practices must increase soil organic matter

Fertilizer burns up organic matter by providing nitrogen needed by bacteria and fungi to use the carbon (carbohydrates) in the soil as food, converting it to CO₂ that enters the atmosphere. Fertilizer should be regulated or taxed to represent the contribution to atmospheric CO₂. All soils have all the minerals needed to grow crops, the limiting factor is biology (microbes) to mobilize the nutrients and supply these to the plant. - Elaine Ingham.

Most fertilizer has nitrates, and with bacterial action, the NO_x leaves the soil. NO_x are GHGs. Fertilizer should be regulated or taxed to represent the contribution to atmospheric NO_x.

Herbicides, such as Roundup, destroy beneficial fungi that gives soil its tilth, leading to water run off and reduced carbon sequestration. Roundup degrades plant immune system and leads to plant disease. Roundup causes cancer in humans and animals. Synthetic herbicide should be regulated or taxed to represent its contribution to atmospheric CO₂

Tillage increases oxidation of soil organic matter. Tillage should be regulated or taxed to represent its contribution to atmospheric CO₂..

CAFOs put an extreme burden on local ecology and human health. CAFOs produce large amounts of CO₂, methane and ammonia – all GHGs. Animals are not treated with

respect. Workers are not treated with respect. CAFOs should be phased out as soon as possible.

Corporate-owned factory hog farms, cattle feedlots, and poultry operations, as well as the corporations that supply them, while not in Ventura County, should be replaced by small integrated farms that supply meat, dairy and eggs locally in systems that maximally sequester carbon produced on the farm. Consider appropriate corporate or size restrictions.

Re-establishing small water cycles increases water in the soil, which can grow more plants, which pull CO₂ out of the air. Michal Kravcik, New Water Paradigm, www.rainforclimate.com. New Water Paradigm should be taught and encouraged.

Rotational or mob grazing (Holistic Management) builds soil organic matter and is good for animal health. Methane-utilizing bacteria (methanotrophs) living in the soil digest methane. Holistic management should be encouraged.

Food traveling many miles has a higher carbon footprint. Food moving from an area breaks nutrient cycling. Food moving from an area exports water used to grow the food. Production for and development of local markets should be encouraged.

Farming communities support farmers. Farming communities should be supported to supply services to farmers.

Subsidized food exports disrupt farm economies in the receiving country. Commodity support payments lead to destructive land practices and lock farmers in a servile relationship. Commodity price supports should be eliminated.

Plant based diet uses less land than animal production. Animals can be grazed on land unsuitable for producing grain, orchard or vegetable crops, while building soil quality. Encourage a plant based diet, while accepting animal products produced with respect to the land and the animal.

Corporations are rewarded for destructive use of the environment. Change fiduciary role of CEO to take care of nature over shareholders.

Relocalize the Food Supply

Remove subsidies for shipping food out of the country, support Community Supported Agriculture (CSAs), farmer and consumer co-ops, and require that schools, hospitals and jails purchase local regenerative organic food.

Summary:

Follow agroecology principles, practice regenerative organic agriculture, and give rights to nature.

Follow Organic principles:

Take care of farmers.

No: synthetic pesticide, fertilizer, amendments, food additives

No GMOs (genetically engineered organisms) or products from GMOs

No radiation processing or radioactive materials

No sewage sludge

A healthy plant resists pests and disease.

Work with nature, plan to engineer ecology to support plants and animals instead of reacting with organic pesticides.

Farming Carbon

Practices must increase soil organic matter

Fertilizer should be regulated or taxed to represent the contribution to atmospheric CO₂.

Fertilizer should be regulated or taxed to represent the contribution to atmospheric NO_x.

Synthetic herbicide should be regulated or taxed to represent its contribution to atmospheric CO₂

Tillage should be regulated or taxed to represent its contribution to atmospheric CO₂.

Community rights should prevail over corporations that create nuisance situations. Consider appropriate corporate or size restrictions.

New Water Paradigm should be taught and encouraged.

Holistic range management should be encouraged.

Encourage production for local markets.

Farming communities should be supported to supply services to farmers.

Commodity price supports should be eliminated.

Educate consumers about the benefits to the community from buying local regenerative organic food.

Encourage a plant based diet.

References

Natural Law <http://natural-law.org/platform/index.html>

Agroecology <https://en.wikipedia.org/wiki/Agroecology>

Green New Deal <https://assets.documentcloud.org/documents/5729033/Green-New-Deal-FINAL.pdf>

<https://www.dataforprogress.org/green-new-deal/>

<https://www.sunrisemovement.org/gnd/>



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
08EVEN00-2019-CPA-0032

February 21, 2019

Susan Curtis, Manager, General Plan Update Section
Ventura County Resource Management Agency, Planning Division
800 South Victoria Avenue, L #1740
Ventura, California 93009-1740

Subject: Notice of Preparation of a Draft Programmatic Environmental Impact Report for
the Ventura County 2040 General Plan Update

Dear Ms. Curtis:

We have reviewed the Notice of Preparation (NOP) of a Draft Programmatic Environmental Impact Report (DEIR) for the Ventura County 2040 General Plan Update (2040 General Plan Update). The 2040 General Plan Update would update the County's General Plan, which was last updated in 2005, that will set forth Ventura County's (County) vision of its future and express the goals, policies, and implementation programs that would guide future decisions concerning a variety of issues, including land use, health and safety, and resource conservation out to the year 2040.

The mission of the U.S. Fish and Wildlife Service (Service) is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. To assist in meeting this mandate, the Service provides comments on public notices issued for projects that may have an effect on those resources, especially federally-listed plants and wildlife. The Service's responsibilities also include administering the Endangered Species Act of 1973, as amended (Act). Section 9 of the Act prohibits the taking of any federally listed endangered or threatened wildlife species. "Take" is defined at Section 3(19) of the Act to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The Act provides for civil and criminal penalties for the unlawful taking of listed wildlife species. Such taking may be authorized by the Service in two ways: through interagency consultation for projects with Federal involvement pursuant to section 7, or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

We encourage you to coordinate with us to ensure that you have the most recent information regarding trust resources occurring in the County. Additionally, we believe that this is an excellent opportunity for us to assist in this planning effort in the hope that we can work together to develop a habitat conservation plan for Ventura County. Development of such a plan would

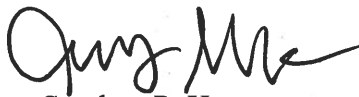
Susan Curtis

2

provide safeguards for fish, wildlife, and plants for our future generations by taking a proactive and strategic approach to development and conservation in Ventura County.

We appreciate the opportunity to provide comments on the NOP for the Ventura County 2040 General Plan Update DEIR and look forward to reviewing the draft document.. If you have any questions, please contact Mark A. Elvin of my staff at (805) 677-3317, or by electronic mail at mark_elvin@fws.gov.

Sincerely,


for Stephen P. Henry
Field Supervisor

Downing, Clay

From: Maribel.Bojorge@LW.com
Sent: Monday, February 25, 2019 11:11 AM
To: Curtis, Susan
Cc: Peter.Gutierrez@lw.com
Subject: Ventura County 2040 General Plan Update Case No. PL 17-0141
Attachments: Scanned from LA 7116 (Xerox 7855).pdf

Dear Ms. Curtis,

On behalf of Peter Gutierrez, please open the attached document. Thanks.

Maribel Bojorge
Legal Secretary

LATHAM & WATKINS LLP
355 South Grand Avenue, Suite 100
Los Angeles, CA 90071-1560
Direct Dial: +1.213.891.8521
Fax: +1.213.891.8763
Email: maribel.bojorge@lw.com
<http://www.lw.com>

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, disclosure, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies including any attachments.

Latham & Watkins LLP or any of its affiliates may monitor electronic communications sent or received by our networks in order to protect our business and verify compliance with our policies and relevant legal requirements. Any personal information contained or referred to within this electronic communication will be processed in accordance with the firm's privacy notices and Global Privacy Standards available at www.lw.com.

LATHAM & WATKINS^{LLP}

February 25, 2019

VIA E-MAIL

Susan Curtis, Manager, General Plan Update Section
Ventura County Resource Management Agency
Planning Division
800 S. Victoria Ave., L #1740
Ventura, CA 93009-1740

Re: Comments to Notice of Preparation of Draft Environmental Impact Report
for the Ventura County 2040 General Plan Update (Case No. PL 17-0141)

Dear Ms. Curtis:

We are writing on behalf of The Newhall Land and Farming Company (“Newhall”), a subsidiary of Five Point Holdings, LLC, to provide comments on the County of Ventura’s (“County”) Notice of Preparation (“NOP”) of the Draft Environmental Impact Report (“DEIR”) for the Ventura County 2040 General Plan Update (“Update”). Newhall owns approximately 16,050 acres in the County and its ownership dates back approximately 130 years. Newhall’s property in the County adjoins thousands of acres it owns in the County of Los Angeles. Newhall’s property in the County supports a variety of established uses that include commercial agriculture and grazing, mineral production, filming, habitat conservation and compensatory mitigation.

We understand the County has engaged in a substantial work effort and public outreach to identify issues of concern and that general policy guidance to prepare an Administrative Draft Update has been provided to staff by the Board of Supervisors (“Board”). Nevertheless, potential effects on the environment from the Update can be only be fully addressed after reviewing and assessing the proposed Update itself, which has yet to be released. Below we provide comments to the NOP based on our best understanding of what the Update is expected to contain.

We appreciate this opportunity to provide NOP comments, look forward to the release of the Administrative Draft Update and will supplement these comments if needed after review of that document.

355 South Grand Avenue, Suite 100
Los Angeles, California 90071-1560
Tel: +1.213.485.1234 Fax: +1.213.891.8763
www.lw.com

FIRM / AFFILIATE OFFICES

Beijing	Moscow
Boston	Munich
Brussels	New York
Century City	Orange County
Chicago	Paris
Dubai	Riyadh
Düsseldorf	Rome
Frankfurt	San Diego
Hamburg	San Francisco
Hong Kong	Seoul
Houston	Shanghai
London	Silicon Valley
Los Angeles	Singapore
Madrid	Tokyo
Milan	Washington, D.C.

Newhall's Property

Newhall's property in the County straddles Highway 126 and the Santa Clara River in the vicinity of the County's eastern boundary southeast of the unincorporated community of Piru. Most of the property is located within the Piru Planning Area and currently designated Agriculture and Open Space by Piru Area Plan. Zoning is designated primarily Agricultural Exclusive (A-E) with other portions zoned Open Space (O-S). Additionally, portions of the property are within a Mineral Resource Protection overlay zone.

Approximately 1,300 acres of Newhall's property are developed with active commercial agricultural operations that include orchards, cultivated fields, farm roads, fencing, river crossings, ranch offices and houses, maintenance and storage facilities, water wells and pipelines, drainage and flood control facilities, and related legally established structures and improvements. Undeveloped portions of the property are used for grazing and also regularly used for motion picture and television filming. Additionally, more than 100 active oil and gas wells are operated on the property pursuant to lease agreements or mineral rights ownership. All of these uses contribute to the vitality and strength of the County's economy.

According to the NOP, the proposed Update would not make changes to the Agricultural and Open Space land use designations outside of Existing Community and Urban designated areas. (NOP, pg. 5.) However, policies and goals established in the Update that will include an update to the Piru Area Plan have the potential to affect Newhall's established land uses. Again, we welcome the opportunity to review the Update including the Piru Area Plan when released to assess whether further scoping comments are warranted.

Agricultural Resources

Agriculture is critical to the County's economy and makes up a large part of Newhall's operations in the County. Critical to the success of agriculture are necessary support uses and the ability to maintain related infrastructure. The *Vision and Guiding Principles* document recognizes the importance of promoting the County's agricultural economy and recognizes its dependence on water availability, land and farmworker housing. (*Vision and Guiding Principles*, May 8, 2018, pg. 1.) Consequently, the DEIR should address the Update's potential impact on agriculture holistically including potential impact on the various support uses needed to sustain agricultural operations such as ranch offices and houses, roads, wells and water delivery systems and farmworker housing. Policies that support and promote agriculture should ensure that these necessary ancillary uses are recognized and supported.

Biological Resources

The DEIR is required to assess potential conflict with local policies and ordinances that protect biological resources. Newhall's property includes land in the County within the Salt Creek Corridor that is the subject of a settlement agreement between Newhall and the County ("Settlement Agreement") that covers wildlife corridor management and dedication of land to the public. The Settlement Agreement, approved by the Board in 2003, expresses the County's policy with respect to wildlife movement and conservation in the Salt Creek Corridor. The

Settlement Agreement promotes and implements local habitat conservation on Newhall's property. Attached is a letter and attachments sent on behalf of Newhall to the County Planning Commission dated January 31, 2019 that explains in detail the history and purpose of the Settlement Agreement and its conservation commitments as well as other conservation commitments made by Newhall through various conservation instruments and development restrictions. The letter was prepared in response to the County's proposed Wildlife Movement Ordinance.

The DEIR should assess potential Update conflicts with the Settlement Agreement and any other such agreements or conservation plans applicable in the County. Because the Settlement Agreement establishes wildlife movement and conservation policies and commitments, the DEIR should address whether proposed Update policies as well as existing or proposed ordinances, including the County's proposed Wildlife Movement Ordinance, would conflict with the Settlement Agreement. A significant impact with respect to local policies and conservation plans contained in the Settlement Agreement would occur if the Update's proposed policies and related ordinances conflict with it.

Land Use

Like the Biological Resources section, the Land Use/Planning section of the DEIR requires analysis of any potential conflict with habitat conservation plans. Here again, the Update's potential impact on policies and conservation plans established by the Settlement Agreement need to be considered and assessed and potential conflicts disclosed and analyzed.

Housing

The Update's Housing Element will map future housing and population growth in the County. Consequently, the DEIR's Population/Housing analysis is critical to assess whether housing sufficient to accommodate the anticipated workforce needed for growth in local industries, including agriculture, is being planned. The *Vision and Guiding Principles* promote "economic and job growth" that is responsive to the evolving needs of the County. (*Id.*, pg. 1.) The Guiding Principles in that document related to agriculture recognize the importance of farmworker housing to support the County's agricultural economy. (*Id.*, pg. 1.) Job growth and housing go hand in hand. To adequately address the impact of potential job growth in the agricultural sector, the DEIR should assess the potential effect on the need and supply of adequate farmworker housing. Policies that encourage the growth of the agricultural industry should be accompanied by policies that ensure an adequate housing supply for the workers that support the industry.

Mineral Resources

The County's General Plan, Piru Area Plan and zoning currently allow mineral resource extraction and ancillary uses on Newhall's property. The DEIR should assess whether the Update, including the Piru Area Plan revisions, would affect mineral resources and their production. Since more than 100 active oil and gas wells are operated on the Newhall property,

potential impacts to such resources and the ability to extract them is important not only to Newhall, but to the County's economy as well.

Water Resources

The NOP states that the Update will include a Water Resources Element. (NOP, pg. 3.) Since water is vital to agriculture, water policies are critical to maintaining a healthy and vibrant agricultural industry. The DEIR's assessment of water resources should include assessment of water delivery systems and the balance between urban and agricultural water needs.

Climate Action Plan

The NOP states that the Update will include a Climate Action Plan that will describe how the County plans to reduce greenhouse gas emissions and adapt to the changing climate. (NOP, pg. 4.) The County should consider how to promote the development of renewable energy resources and assess potential impacts from such development. Development of renewable energy resources to harness solar and other potential renewable power sources should be analyzed.

Future Notices

We request that the following persons be added to your notice list to receive future mailings related to the Update:

Michael Alvarado
Chief Legal Officer
FivePoint
15131 Alton Parkway, 4th Floor
Irvine, CA 92616

Sandy Sanchez
Director Community Development
FivePoint
25124 Springfield Court, 3rd Floor
Valencia, CA 91355

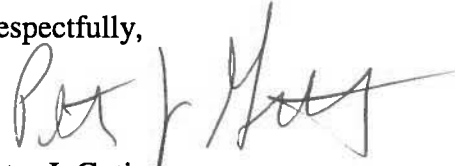
Peter J. Gutierrez
Latham & Watkins
355 South Grand Avenue, Suite 100
Los Angeles, CA 90071-1560

LATHAM & WATKINS LLP

Conclusion

We recognize that all of the Update sections are important and thank you for the opportunity to comment on the NOP and scope of the DEIR. Again, we look forward to the release of the Administrative Draft Update and working with staff as you prepare the DEIR and move forward with the Update.

Respectfully,

A handwritten signature in black ink, appearing to read "Peter J. Gutierrez", with a long horizontal flourish extending to the right.

Peter J. Gutierrez
of LATHAM & WATKINS LLP

Attachment

cc: Michael Alvarado

ATTACHMENT

January 31, 2019

File Number: 23BX-259117

VIA HAND DELIVERY

Ventura County Planning Commission
Hall of Administration
Resource Management Agency/Planning
Division
800 S. Victoria Ave., L#1740
Ventura, CA 93009-1740

Re: Comments on Proposed Wildlife Movement Ordinance Amending the Ventura County General Plan and Articles 2, 3, 4, 5, 9 and 18 of the Ventura County Non-Coastal Zoning Ordinance, PL 16-0127

Dear Honorable Planning Commissioners:

We write on behalf of The Newhall Land and Farming Company (Newhall), a subsidiary of Five Point Holdings, LLC, to provide comments on the County of Ventura's (County) proposed amendments to the Ventura County General Plan and Articles 2, 3, 4, 5, 9 and 18 of the Ventura County Non-Coastal Zoning Ordinance, PL 16-0127 (collectively, the Ordinance). Newhall owns approximately 16,050 acres in Ventura County, including 8,792 acres that could be subject to the Ordinance as currently proposed (Exhibit 1). Newhall has owned the property for approximately 130 years, and its property supports a variety of established uses that are important to the County's economy and way of life, including commercial agriculture and grazing, filming, habitat conservation and compensatory mitigation.

I. Introduction and Summary

Newhall has a long history of supporting conservation efforts and promoting habitat values on its Ventura County property. Approximately 11,975 acres, or nearly 75 percent, of the property are already subject to various conservation instruments and binding commitments that restrict development and protect habitat values (Exhibit 2), **including a settlement agreement with the County that establishes a wildlife corridor on the property**. Newhall has worked with state and federal resource agencies, environmental advocacy organizations, and Native American tribes to preserve and enhance habitat values on the property, including wildlife movement and connectivity, while protecting valid existing uses that have been ongoing for decades.

Newhall's Ventura County property is also adjacent to property that Newhall owns in Los Angeles County, which includes thousands of acres dedicated to open space, habitat conservation, wildlife movement and related purposes. Much of this property is not only

protected from development but subject to active management, **in conjunction with the wildlife corridor already established on Newhall's Ventura County property**, to maintain and enhance its habitat functions and values. The proposed Ordinance does not appear to take into account either the County's settlement agreement with Newhall, or the larger habitat management strategy of which the agreement is a part.

Newhall shares the County's desire to protect wildlife habitat values, and has committed substantial resources to ensure that its property will provide opportunities for wildlife movement on a local and regional scale, now and in the future. Nonetheless, Newhall does not support the adoption of the Ordinance as currently proposed, due to serious concerns about (i) violation of the existing Newhall settlement agreement, (ii) the process the County has followed in developing the Ordinance, (iii) conflicts with existing uses and other legal requirements, and (iv) the outdated and incomplete factual basis for the proposed zoning overlay boundaries and the restrictions imposed by the Ordinance.

Conflict with settlement agreement. The County entered into a settlement agreement with Newhall in 2003 to resolve the County's claims that development on the Newhall Ranch property would adversely affect wildlife movement on Newhall's property within Ventura County. Newhall agreed to dedicate 1,517 acres of its Ventura County property to the public for a wildlife movement corridor, and to provide for perpetual management of that corridor. The agreement provides, among other things, that Newhall's existing agricultural uses within the corridor may continue. The proposed Ordinance would burden those existing uses, impose permitting requirements and restrictions on management of the conserved property, and exact thousands of additional acres of Newhall's property for wildlife corridor purposes, all in violation of the agreement.

Unlawful burdens on existing uses and property rights. The conflicts between the Ordinance and Newhall's existing uses are not limited to the area covered by the Newhall settlement agreement. As currently proposed, the Ordinance would burden thousands of additional acres of Newhall's property, imposing new restrictions that would arbitrarily restrict new development and impermissibly interfere with valid existing uses, including long-established commercial agricultural operations and legally required conservation activities on Newhall's property. It would obstruct important activities routinely undertaken for public safety and property protection, including vegetation management conducted to mitigate fire hazard and to maintain drainage and flood control infrastructure. As a result, in addition to violating the Newhall settlement agreement, the Ordinance will raise valid claims for due process violations and regulatory takings.

Process. Although nearly 9,000 acres of its property would be burdened by the Ordinance, Newhall received no notice of the proposed Ordinance and no opportunity to participate in workshops or meetings with Planning staff in 2017 and 2018. This lack of notice alone is a fatal flaw in the County's legislative process, and requires that the Planning Commission postpone any action on the Ordinance and direct Planning staff to obtain Newhall's input. In addition, the County has not complied with CEQA in developing the Ordinance, thereby depriving property owners, the public and County decision makers of important information about the environmental effects of adopting the Ordinance.

Basis for Ordinance. The Ordinance would define the boundaries of wildlife movement corridors based on dated information that was developed without field verification, does not account for current conditions and land uses, and was not intended to form the basis for regulatory action. The Ordinance also does not account for existing conservation commitments or the protections provided by state and federal law and permitting requirements, which make many of the restrictions in the Ordinance unnecessary to achieving the County's objectives. Newhall, and possibly other property owners, could have provided more accurate and up-to-date information to better inform the County's proposal, but the County's deficient process has foreclosed that opportunity.

In light of these concerns, Newhall requests that the Planning Commission:

(i) Delay consideration of any action on the proposed ordinance by at least six months, or longer if needed to remedy the procedural and substantive deficiencies identified in this letter;

(ii) Analyze and disclose the potential environmental effects of the County's action in compliance with CEQA;

(iii) Instruct Planning staff to work with Newhall (and other stakeholders, as appropriate) to evaluate possible revisions to the overlay zone boundaries in light of existing uses, conservation commitments and development constraints, including removing Newhall's property from the Habitat Connectivity and Wildlife Corridors (HCWC) overlay zone; and

(iv) Revise the language of the Ordinance as suggested below, to clarify exemptions for existing uses, avoid conflict with Newhall's settlement agreement and other laws and regulatory requirements, and allow activities necessary for public safety and related purposes.

II. Description of Newhall's Property and the County Settlement Agreement

This section provides an overview of Newhall's property in Ventura County and adjacent property within Los Angeles County, and describes the settlement agreement affecting the Ventura County property.

A. Ventura County Property

Newhall owns approximately 16,050 acres in eastern Ventura County, primarily south of SR126, including areas within the Santa Clara River and its adjacent floodplain, as well as rugged hill country (Exhibit 1). Approximately 1,300 acres of the property are developed with commercial agriculture uses, including orchards, cultivated fields, farm roads, fencing, river crossings, ranch offices and houses, maintenance and storage facilities, water wells and pipelines, drainage and flood control facilities, and related, legally established structures and improvements (Exhibit 3). Many of these improvements, including river crossings and drainage facilities, require regular maintenance, including vegetation modification, to preserve their functions and minimize safety risks. In particular, vegetation management in the vicinity of

roads, bridges, river crossings and areas around structures is important to minimize risks associated with wildfire, not only for fuel modification purposes but also to maintain clearance for access by emergency vehicles and safe egress in case of emergency.

Undeveloped portions of the property are also regularly used for filming of motion pictures, television programs and advertisements. In addition, oil and gas developers operate more than 100 active oil and gas wells within the property, pursuant to lease agreements or outright ownership of mineral rights. Easement holders such as Southern California Edison and SoCal Gas use and maintain utilities, water diversion facilities and related infrastructure on the property, including unpaved access roads.

B. Los Angeles County Property: the Newhall Ranch

Newhall's Ventura County property is adjacent to the 11,999-acre Newhall Ranch property, located in western Los Angeles County. The Newhall Ranch is subject to the Newhall Ranch Resource Management and Development Plan (RMDP), a conservation and development plan approved by the California Department of Fish and Wildlife (CDFW), U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), Regional Water Quality Control Board (RWQCB) and other regulatory agencies. The RMDP and associated permits facilitate development of the Newhall Ranch Specific Plan approved by the County of Los Angeles. RMDP permit conditions and conditions of approval require Newhall to permanently conserve more than 8,000 acres of the Newhall Ranch property as natural open space, including 227 acres dedicated to conserving the San Fernando Valley spineflower, a 977-acre Special Management Area (SMA) that includes the Santa Clara River, and a 4,205-acre High Country SMA that includes the portion of the Salt Creek watershed (a tributary to the Santa Clara River that straddles the Los Angeles – Ventura County line) within Los Angeles County.

C. County Settlement Agreement

In 2000, the County sued Newhall, the County of Los Angeles and other parties, challenging Los Angeles County's determination that development of the Newhall Ranch Specific Plan would not impair the wildlife corridor functions of the portion of the Salt Creek watershed within Ventura County. *United Water Conservation District v. County of Los Angeles*, Kern County Sup. Ct., No 239324-RDR. To resolve the County's concerns, Newhall entered into a settlement agreement with the County in 2003 (the Wildlife Corridor Agreement, attached as Exhibit 5), by which Newhall agreed to dedicate to the public the portion of the Salt Creek watershed within Ventura County — an additional 1,517 acres of Newhall's property — and to ensure that the additional land would be managed "in conjunction with and in the same manner as the High Country [SMA]." (Wildlife Corridor Agreement, ¶ 6.) The Wildlife Corridor Agreement is intended to "give primary consideration to preservation of the wildlife corridor located within the Ventura County portion of the Salt Creek Corridor" (Wildlife Corridor Agreement, ¶ 9.)

The Wildlife Corridor Agreement requires Newhall to grant a conservation easement over the Salt Creek Corridor and to provide funding for management of the Corridor consistent

with the rest of the High Country SMA, which includes a management endowment and a per-unit assessment fee imposed on development. (Wildlife Corridor Agreement, ¶ 11.) The Wildlife Corridor Agreement provides that the Salt Creek Corridor, like the rest of the High Country SMA, will be managed according to the Resource Management Plan contained in the Newhall Ranch Specific Plan. The Agreement specifically provides (among other things) that, consistent with the Resource Management Plan, “**existing agricultural field operations within the Ventura County portion of the Salt Creek Corridor are permitted to continue,**” though they cannot be expanded or intensified. (Wildlife Corridor Agreement, ¶ 8, emphasis added.) The Agreement includes an exhibit that identifies the boundaries of the Salt Creek Corridor and the existing agricultural field operations within the Corridor. (Wildlife Corridor Agreement, Exh. B.)

D. Additional Conservation Commitments

The Wildlife Corridor Agreement is not the only conservation commitment that Newhall has made on its Ventura County property. A total of approximately **11,975 acres** of Newhall’s Ventura County property is subject to various conservation instruments, development restrictions and other conservation commitments, including the 1,517 acres required by the Wildlife Corridor Agreement. (Exhibit 2.)¹ These include:

- RMDP permit conditions and restrictive covenants that permanently prohibit new development within **595 acres** of the Santa Clara River and its floodplain;
- A settlement agreement with conservation organizations and Native American groups that restricts Newhall from proposing or undertaking residential, commercial or industrial development on approximately **9,100 acres** of its property;
- RMDP permit conditions that require a wildlife corridor conservation easement and a compensatory mitigation site and habitat enhancement project located in the Salt Creek Corridor;
- Restrictive covenants recorded under a candidate conservation agreement with the U.S. Fish and Wildlife Service, which permanently preserve approximately **700 acres** in a natural condition for the benefit of the San Fernando Valley spineflower and provide for habitat enhancement and spineflower introduction within portions of those areas; and
- An offer of dedication for a public access pedestrian trail easement running the length of Newhall’s property along the Santa Clara River (allowing daytime use only).

¹ Note: areas described below may overlap to some extent with each other and/or with the area covered by the Wildlife Corridor Agreement; total affected acreage in Ventura County is approximately 11,975 acres (see Exhibit 2).

Importantly, these existing restrictions recognize and allow for continuation of existing uses within Newhall's property, including agricultural uses.

Considered together, the requirements of the Wildlife Corridor Agreement, the RMDP and these existing conservation commitments are more than adequate to ensure that Newhall's property will continue to provide wildlife habitat and movement opportunities on both local and regional scales.

III. The Ordinance Would Violate the Settlement Agreement.

As explained above, the Wildlife Corridor Agreement resolved the County's concerns about wildlife movement on Newhall's property. The Agreement explicitly provides that existing agricultural uses may continue within the Salt Creek Corridor and that the Corridor will be managed according to the Resource Management Plan that applies to the High Country SMA. The proposed Ordinance would violate those commitments.

A. The Ordinance Burdens Existing Agricultural Uses.

The Ordinance contains new permitting requirements, substantive standards and prohibitions that apply to outdoor lighting, wildlife-impermeable fencing, vegetation modification, new land uses or structures, and invasive plant species. These restrictions apply to all land uses within the HCWC overlay zone, as defined, regardless of the underlying zoning, except for activities that the ordinance specifically exempts.² Nearly 9,000 acres of Newhall's Ventura County property, including most of the 1,517 acres subject to the Wildlife Corridor Agreement, is within the proposed HCWC overlay zone. (Exhibit 2.) Additional restrictions apply to land within the Critical Wildlife Passage Areas (CWPA) overlay zone, which is a subset of the HCWC overlay zone.³

Among other restrictions that could interfere with Newhall's agricultural operations, the Ordinance establishes new permitting requirements, setback requirements from "surface water features" and wildlife crossing structures, and substantive standards that apply to all "development." (Ordinance, § 8109-4.8.3.1.) "Development" includes "vegetation modification," defined as "[h]uman-caused alteration of vegetation through direct actions including, but not limited to, complete removal, mowing, thinning or chaining." (Ordinance, § 8102-0.)

With limited exceptions, vegetation modification or other development requires a Planning Director-approved Planned Development Permit (PDP) if *any portion* of the development, including any related fuel modification, occurs within 200 feet of a wildlife crossing

² In discussions with Planning staff, Newhall has been told that the Ordinance does not apply to commercial agriculture, but the language of the Ordinance does not reflect such a general exemption. If the County intends to provide a general exemption from the Ordinance for land zoned for agricultural use, and/or used for commercial agriculture, it should revise the Ordinance to clearly reflect this intention.

³ Based on the County's Web-based GIS tool and the maps provided with the proposed Ordinance, Newhall understands that none of its property lies within the CWPA overlay zone.

structure or within a “surface water feature.” (Ordinance, § 8109-4.8.3.4 – 4.8.3.5.) A surface water feature includes not only the actual extent of stream, river, wetland, seep or pond, but also the “riparian habitat area associated with the feature, as well as a development buffer that is 200 feet as measured from the farthest extent of the surface water feature and its associated riparian area.” (Ordinance, § 8102-0.) Vegetation modification that is limited exclusively to removal of invasive plants within a surface water feature does not require a PDP, but still requires a Zoning Clearance, and the application for the Zoning Clearance imposes extensive and burdensome new information requirements including photographs of all vegetation proposed to be removed, identification of all invasive plants to be removed, the methods of removal, and measures to ensure “no native vegetation is damaged or removed.” (Ordinance, § 8109-4.8.3.5(b).)

Any vegetation modification or other development requiring a discretionary permit (or modification thereto) must comply with new “development guidelines,” which include: development must occur outside of surface water features and the buffer zones around wildlife crossing structures to the extent feasible; development must be “sited and conducted to minimize the removal and disturbance of biological resources, landscape features and undeveloped areas that have the potential to support functional connectivity and wildlife movement;” and development must be “sited and conducted to provide the largest possible contiguous undeveloped portion of land.” (Ordinance, § 8109-4.8.3.8(b).)

The Ordinance includes exemptions for vegetation modification associated with certain activities, including planting or harvesting of commercial crops. (Ordinance, § 8109-4.8.3.2.) But it does not exempt other activities that are necessary components of Newhall’s agricultural operations, including maintenance of farm roads and crossings of the Santa Clara River, vegetation modification to maintain adequate passage for emergency services vehicles and equipment, vegetation maintenance in drainage and flood control facilities necessary to prevent erosion and flood damage to existing agricultural fields and facilities, and fuel modification activities around structures and critical egress routes. Without the ability to perform these activities, Newhall cannot enjoy the right to continue its agricultural operations as guaranteed by the Wildlife Corridor Agreement.

The Ordinance provisions regarding wildlife-impermeable fencing and outdoor lighting also have the potential to significantly impact Newhall’s agricultural operations. Significantly, the outdoor lighting restrictions not only apply to new lighting, but require replacement of existing lighting that is clearly part of Newhall’s established operations within the area covered by the Wildlife Corridor Agreement.

B. The Ordinance Restricts Management of the Salt Creek Corridor.

The Wildlife Corridor Agreement states that the Salt Creek Corridor will be managed according to the Resource Management Plan contained in the Newhall Ranch Specific Plan. That Management Plan provides for a public entity or qualified conservation organization to hold and manage the land for purposes consistent with the RMDP approvals, including habitat conservation, wildlife movement and compensatory mitigation. Within the Salt Creek Corridor

are certain areas, such as habitat restoration sites, that will be subject to specific mitigation implementation and management plans. (See Exhibit 2).

The Ordinance would give the County Planning Director veto power over management of the Salt Creek Corridor, contrary to the management provisions of the Wildlife Corridor Agreement. Habitat enhancement activities, mitigation implementation, public trail maintenance, and other activities required by the RMDP permits that involve vegetation removal or other “development” would require a discretionary permit and would be subject to the Planning Director’s judgment on whether the activities meets the County’s “development guidelines.” The same is true of fencing that may be required for such purposes as cattle exclusion and limiting public access to sensitive areas. Not only would this impose unnecessary costs and delay on a process that already includes oversight by the expert agencies charged with natural resource protection, but the County’s refusal to authorize vegetation modification or other actions necessary to carry out the Resource Management Plan could prevent Newhall or another entity from complying with its legal obligations under the RMDP permits and approvals.

C. The Ordinance Seeks a Second Bite at Newhall’s Property.

The County entered into the Wildlife Corridor Agreement to resolve its concerns about wildlife movement on Newhall’s property and ensure that wildlife would have access to high quality habitat within the property, and be able to cross the property to access habitat in adjacent areas. The Salt Creek Corridor, managed in conjunction with the extensive habitat conserved within the Newhall Ranch, accomplishes that goal. The County cannot now impose new restrictions on thousands of *additional* acres of Newhall’s property to accomplish the same goal — at minimum, the County’s actions would violate the spirit of the Wildlife Corridor Agreement and deprive Newhall of the benefit of the bargain the parties made 15 years ago. Moreover, the fact that Newhall has already *dedicated outright* more than 1,500 acres of its Ventura County property to establish a wildlife corridor raises serious questions about whether the County has a rational basis for restricting *additional* thousands of acres to accomplish the same purpose, and whether doing so would constitute an uncompensated regulatory taking or unlawful exaction that lacks “nexus” and “proportionality” to an identified harm, as required by Supreme Court precedent. See *Nollan v. Cal. Coastal Comm’n*, 483 U.S. 825, 839 (1987); *Dolan v. City of Tigard*, 512 U.S. 374, 391 (1994).

To address these concerns, the Planning Commission should direct Planning staff to evaluate the need for including Newhall’s property within the HCWC overlay zone, and consider removing Newhall’s property from the zone if it finds that the existing Salt Creek Corridor provides effective opportunities for wildlife movement. To the extent the Planning Commission finds that portions of Newhall’s property should remain in the overlay zone, it should consider, at minimum, the specific changes to the exemptions found in the Ordinance that are proposed below.

IV. The Ordinance Unlawfully Burdens Existing Uses and Property Rights.

As explained above, the Ordinance would restrict Newhall from carrying out critical activities related to its long-established agricultural uses that are protected by the Wildlife

Corridor Agreement, and would interfere with management of conservation lands within the Salt Creek Corridor. The same concerns apply to the thousands of acres of Newhall's property that are not subject to the Wildlife Corridor Agreement but would be within the proposed HCWC overlay zone (see Exhibit 2).

Among other issues, the restrictions on vegetation modification and other development would limit Newhall's ability to protect its property, including agricultural fields and facilities, against flooding, erosion and related threats, and from wildfire. The Ordinance would also limit Newhall's ability to use its property to provide compensatory mitigation for habitat impacts elsewhere — a right that existing restrictions on the property recognize and preserve. Such activities would now be subject to the County's new development guidelines and the Planning Director's discretionary approval.

Moreover, the development guidelines would severely restrict and limit Newhall's ability to develop its property with new uses. The Ordinance would create a new "buffer zone" within 200 feet of any riparian vegetation associated with the Santa Clara River (which traverses Newhall's entire property) and its tributaries, placing large areas of the most suitable lands off-limits to development. It would also impose a new presumption *against* development by requiring any new land use or structure to preserve the "largest possible contiguous undeveloped portion of land" (Ordinance, § 8109-4.8.3.8(b)) — a vague and unworkable standard that gives unfettered discretion to County Planning authorities.

These features of the Ordinance raise serious concerns about regulatory takings and due process violations. As explained in the comment letter dated January 28, 2019, and submitted by the law firm of Jeffer Mangels Butler & Mitchell LLP on behalf of the Ventura County Coalition of Labor, Agriculture, and Business (CoLAB Letter), property owners have a constitutionally protected right to maintain current uses of their property, and undue interference with that right may violate due process. *E.g., Livingston Rock and Gravel Co. v. County of Los Angeles*, 43 Cal.2d 121, 127 (1954). In addition, regulatory actions that impose excessive restrictions on a property owner's use of their property may work a regulatory taking. *See Penn Central Transp. Co. v. City of New York*, 438 U.S. 104 (1978). This letter incorporates by reference the comments and legal analysis found in the CoLAB Letter.

V. The County has not complied with applicable law in developing the ordinance.

In addition to the specific violations of the Wildlife Corridor Agreement, the County's development of the Ordinance has not complied with state law. Although the proposed Ordinance would burden nearly 9,000 acres of Newhall's property with new development restrictions and permitting requirements, the County failed to provide Newhall with notice that the Planning Commission intended to consider the Ordinance. Even more remarkable, given the extent of Newhall's property ownership within the proposed HCWC overlay zone, the County has not once consulted with Newhall, invited Newhall to participate in stakeholder meetings or workshops, or otherwise notified Newhall of the County's desire to develop a sprawling regional wildlife corridor running through the heart of Newhall's property. The County also has failed to undertake *any* compliance with CEQA, further limiting opportunities for Newhall, other property owners and the public to participate in the development of this major regional planning effort.

The Planning Commission must correct these fatal flaws before considering any action on the Ordinance.

1. The County did not provide notice to Newhall.

Before the County may adopt or amend a zoning ordinance such as the Ordinance, the Planning Commission must hold a public hearing and, thereafter, make a written recommendation to the County's Board of Directors. (Govt. Code §§ 65854, 65855.) Because the Ordinance affects the permitted uses or intensity of uses of real property, the Planning Commission must provide written notice to each affected property owner, at least 10 days in advance of the hearing. (Govt. Code §§ 65854, 65091(a)(1).) The notice must be mailed or hand-delivered, and must include the date, time, and place of the public hearing on the proposed ordinance, the hearing body, a general explanation of the matter, and a general description of the affected real property. (Govt. Code §§ 65091, 65094.)

Although Newhall owns more than 20 parcels within the proposed HCWC overlay zone (Exhibit 4), the County provided Newhall with no notice of the Planning Commission's hearing to consider the Ordinance on January 31, 2019. When questioned, County staff asserted that at least one postcard was sent to Newhall's office address, but Newhall has not received any such notice. Particularly given the extent of Newhall's landholdings and the potential effect on Newhall's interests, the County's efforts fall short of complying with the law, and have prejudiced Newhall's ability to protect its interests by participating in the County's development of the Ordinance.

Not only has the County failed to comply with specific requirements of the Planning and Zoning Law, but its failure to notify Newhall of proposed actions significantly affecting Newhall's property rights raises due process concerns. See *Calvert v. County of Yuba*, 145 Cal.App.4th 613, 622-23 (2006). We note that the lack of notice appears to be part of a larger pattern, as the County also has not provided Newhall with any notice of its ongoing General Plan update process, which Newhall learned of only through its research into the Ordinance.

B. The County Must Comply with CEQA.

To date, the County has asserted that the adoption of the Ordinance is exempt from CEQA. As explained in the CoLAB letter, the Ordinance does not qualify for a CEQA exemption, because its adoption may have significant direct and indirect environmental effects. See *Union of Medical Marijuana Patients, Inc., v. City of San Diego*, 4 Cal.App.5th 103 (2016). See also CEQA Guidelines § 15300.2 (exceptions to CEQA exemptions). Those potential effects include, but are not limited to, increased fire hazards due to limits on fuel management, impacts to mineral resources from new restrictions applicable to mineral extraction operations, impacts to agricultural resources from restrictions on lighting, fencing, and other "development," impacts to traffic, circulation and community character from new restrictions on development that may shift development to other locations, and impacts to air quality and greenhouse gas emissions from those changes and from increased severity and frequency of wildfires. The County must prepare an Environmental Impact Report to analyze these and other potential environmental effects of its action, before considering adoption of the Ordinance.

VI. The County Has Not Identified a Valid Basis for the Ordinance.

The Ordinance proposes to establish the new HCWC overlay zone for wildlife movement based on habitat linkages mapped in a 2008 report titled *South Coast Missing Linkages (SCML)*. (Planning Commission Staff Report for PL16-0127, p. 5 (Staff Report).) The linkages mapped in *SCML* are, in turn, based on linkages identified in the 2001 report titled *Missing Linkages*. (Staff Report, p. 4.) As the CoLAB Letter explains, these documents were intended to be used as a starting point for regional planning, not as regulatory tools. Both the methods and the data on which the reports are based are outdated and, by current standards, scientifically flawed.

Because the County has conducted no CEQA review on the Ordinance, the reports have not been subject to appropriate review and scrutiny. However, an ECorp analysis of the biological modeling on which the reports and the Ordinance are based reveals serious problems, such as inaccurate classification of vegetation communities and habitat types, and outdated infrastructure mapping. (See CoLAB Letter, pp. 25-26.) The treatment of Newhall's property under the Ordinance highlights these concerns – as explained above, the proposed HCWC overlay zone includes portions of the property that have been used for commercial agriculture for decades, while the Ordinance and proposed overlay zone entirely fail to acknowledge the existing wildlife corridor that the County sought and obtained under the Wildlife Corridor Agreement, or the thousands of acres of adjacent open space associated with the Newhall Ranch RMDP.

The Ordinance and supporting materials also fail to acknowledge existing legal and regulatory protections for wildlife and its habitat, or to explain why these protections are not adequate and the County's action is needed. For example, both existing and future uses of Newhall's Ventura County property are subject to extensive regulation and oversight by the CDFW, USFWS, USACE, RWQCB, and other agencies charged with protecting wildlife and other natural resources. Fill activities within the Santa Clara River or its tributaries would require authorization from the USACE, RWQCB and CDFW; CDFW also regulates vegetation modification in those areas and adjacent riparian habitat to protect fish and wildlife values. Any activity that is likely to cause "take" of endangered or threatened species also requires authorization from the USFWS and/or CDFW under the federal Endangered Species Act and/or California Endangered Species Act. It is unclear what the Ordinance adds to the efforts of these expert agencies, other than additional delay and confusion.

The cumulative effect of these errors and oversights is that the record does not support the findings that are required by law to adopt the Ordinance. Among other issues, Government Code section 65358 requires the County to determine that the proposed General Plan amendment is in the public interest. In order to amend the County's zoning ordinance, the County must find that the proposed amendments would not be detrimental to the public health, safety or general welfare and would constitute good zoning practice. See NCZO § 8115-0. Due to the County's reliance on inaccurate, outdated information, and its failure to account for existing conservation mechanisms, the County's analysis overstates the potential benefits of the Ordinance, while understating its costs, and cannot provide a rational basis for these required findings.

VII. At Minimum, the County Must Clarify the Exemptions from the Ordinance.

The Ordinance suffers from many flaws that warrant reconsideration of the County's approach. However, if the Planning Commission intends to proceed with the Ordinance as proposed, it should, at minimum, direct revisions to the language of the Ordinance to minimize conflicts with existing uses and with important public safety and property management activities.

The following revisions to the draft Ordinance are proposed to clarify the scope and application of the vegetation modification exemptions in Section 8109-4.8.3.2.

Subsection (a). Revise to read as follows: "Vegetation modification or the installation of wildlife impermeable fencing that is required to comply with any federal, state or local law or regulation, or any condition or requirement of any permit, approval or order issued by any federal, state or local agency."

Subsection (l). Revise to read as follows: "Development, or a portion thereof, to the extent dependent upon being located within a surface water feature or a wildlife crossing structure setback area as described in Sec. 8109-4.8.3.4. Examples include instream mining, flood control improvements, road crossings and bridges, roadway improvements, and vegetation modification associated with the construction, maintenance, repair or replacement of such structures.

New subsection (o). Add a new subsection (o) that reads: "Vegetation modification reasonably required to maintain, repair or replace existing transportation, utility and public safety infrastructure. Examples include roads, bridges, pipelines, utility lines, flood control improvements, and drainage and irrigation ditches."

New subsection (p). Add a new subsection (p) that reads: "Development, including but not limited to vegetation modification, within any surface water feature that is authorized by any permit or approval issued by the California Department of Fish and Wildlife, Regional Water Quality Control Board, State Water Resources Control Board, U.S. Army Corps of Engineers, any of their successor agencies, or other local, state or federal agency responsible for protection of aquatic resources."

New subsection (q). Add a new subsection (q) that reads: "Vegetation modification carried out as part of a habitat preservation, restoration or enhancement project when specified by a mitigation plan, habitat conservation plan, or similar plan approved by the California Department of Fish and Wildlife, Regional Water Quality Control Board, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, or other local, state or federal agency responsible for conservation of wildlife resources."

Section 8109-4.8.3.5(b). Add the underlined language to acknowledge the possible application of vegetation modification exemptions: "A Zoning Clearance issued pursuant to Sec. 8111-1.1 is required to authorize any vegetation modification subject to and not prohibited by this Sec. 8109-4.8.3 that is limited exclusively to invasive plants within a surface water feature. ..."

These revisions will not cure the legal flaws in the Ordinance, but they will help to make implementation of the Ordinance more manageable and less burdensome on property owners.

VIII. Conclusion

The County's proposed Ordinance would violate the Wildlife Corridor Agreement and raise serious due process and takings concerns, by restricting existing uses and arbitrarily limiting Newhall's ability to use its property. The County has failed to provide Newhall with adequate notice of its proposed actions or an opportunity to participate in development of the Ordinance, and has failed to comply with CEQA. Due to these flaws, and the County's inability to identify a valid basis for the proposed overlay zone and restrictions, the Ordinance faces serious legal vulnerabilities if adopted in its current form. Newhall has many other concerns about the proposed Ordinance, but, due to the County's failure to provide notice to Newhall or to engage Newhall in any stakeholder outreach, we have not had sufficient time to fully evaluate all flaws and potential defects of the Ordinance.

Newhall hopes to address its concerns with the Ordinance by working cooperatively with Planning staff to resolve the conflicts with the Wildlife Corridor Agreement and existing uses, and to revise the boundaries of the HCWC overlay zone as appropriate. As stated above, Newhall requests that the Planning Commission defer any action on the Ordinance until it has complied with CEQA, and that it direct Planning staff to engage with Newhall and other stakeholders to address the issues identified in this letter.

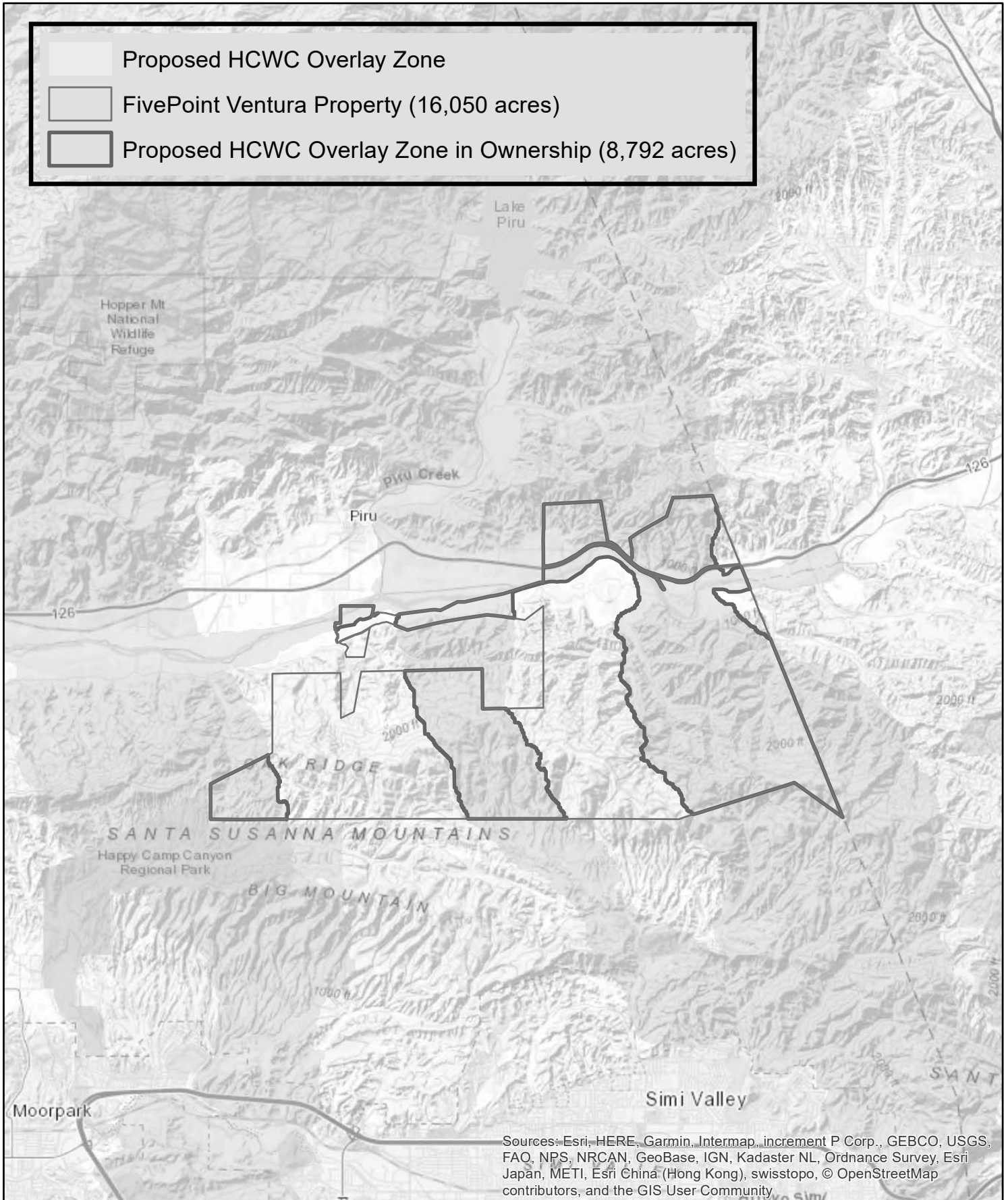
Sincerely,

James F. Rusk
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:489353112.2
Attachments: Exhibits 1-5


cc: Don Kimball, Newhall Ranch Community President, FivePoint
Matt Carpenter, Vice President Environmental Resources, FivePoint

EXHIBIT 1



FIVEPOINT VENTURA COUNTY PROPERTY OWNERSHIP Ventura County Habitat Connectivity and Wildlife Corridor Ordinance

EXHIBIT 2

	Ventura County Salt Creek Corridor (Ventura County Settlement Area) - 1,517 acres		High Country Development Restrictions - 9,100 acres
	Spineflower CCA Additional Conservation Areas - 692 acres		Agricultural Conservation Areas - 124 acres
	Floodplain Restrictive Covenants - 558.25 acres		Salt Creek Drainage Preserved/Enhanced - 27 acres
	Turkey Ranch Army Corps Conservation Instrument - 36 acres		RMDP Salt Creek Wildlife Corridor Easement - 3.08 acres



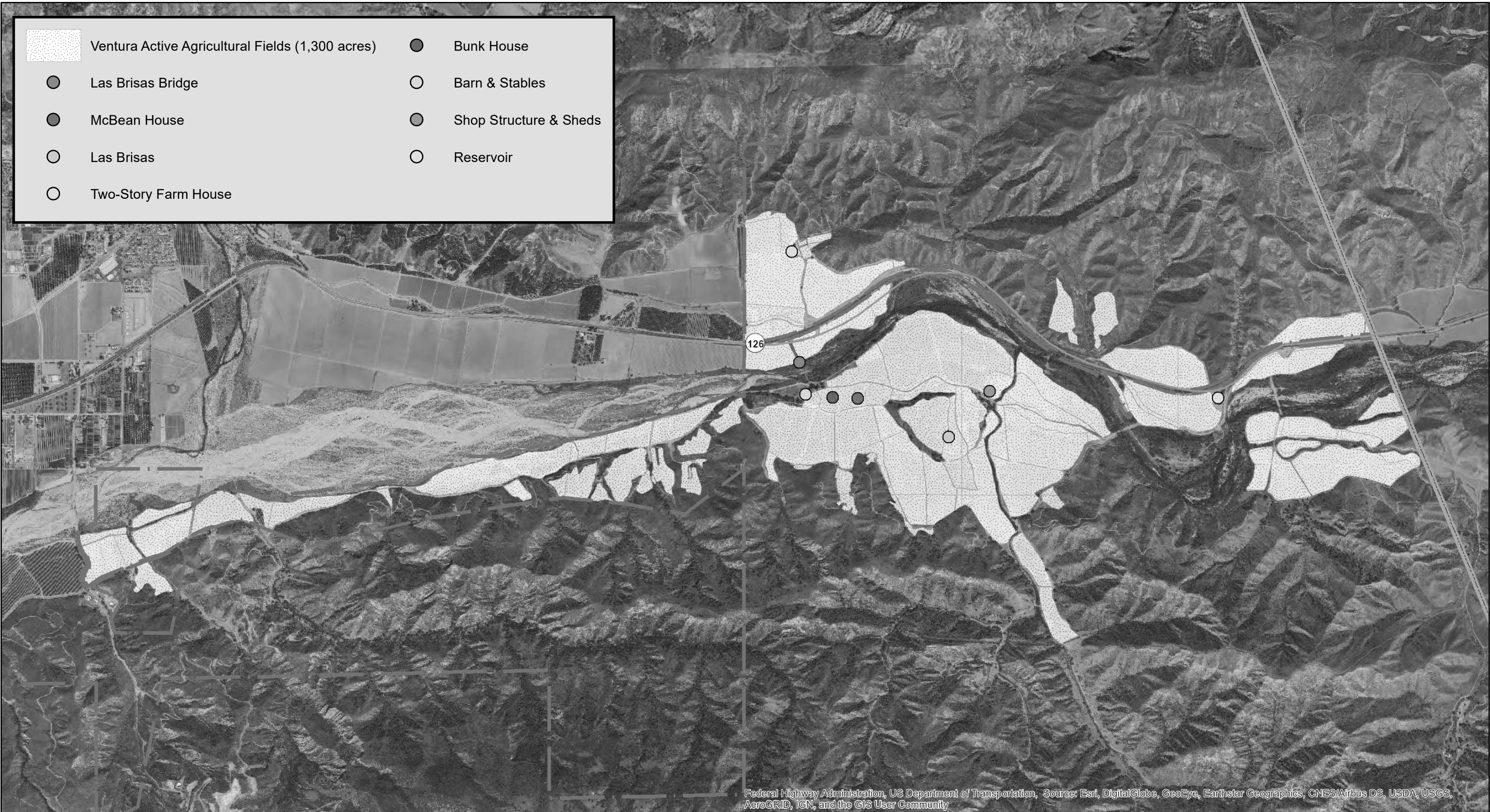
Aerial Source on Property: Eagle Aerial Solutions, 2019



Federal Highway Administration, US Department of Transportation, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



**FIVEPOINT VENTURA COUNTY PROPERTY OWNERSHIP
Ventura County Habitat Connectivity and Wildlife Corridor Ordinance
FivePoint Existing Conservation Areas**

EXHIBIT 3



- | | | | |
|--|--|---|------------------------|
|  | Ventura Active Agricultural Fields (1,300 acres) |  | Bunk House |
|  | Las Brisas Bridge |  | Barn & Stables |
|  | McBean House |  | Shop Structure & Sheds |
|  | Las Brisas |  | Reservoir |
|  | Two-Story Farm House | | |

Federal Highway Administration, US Department of Transportation, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

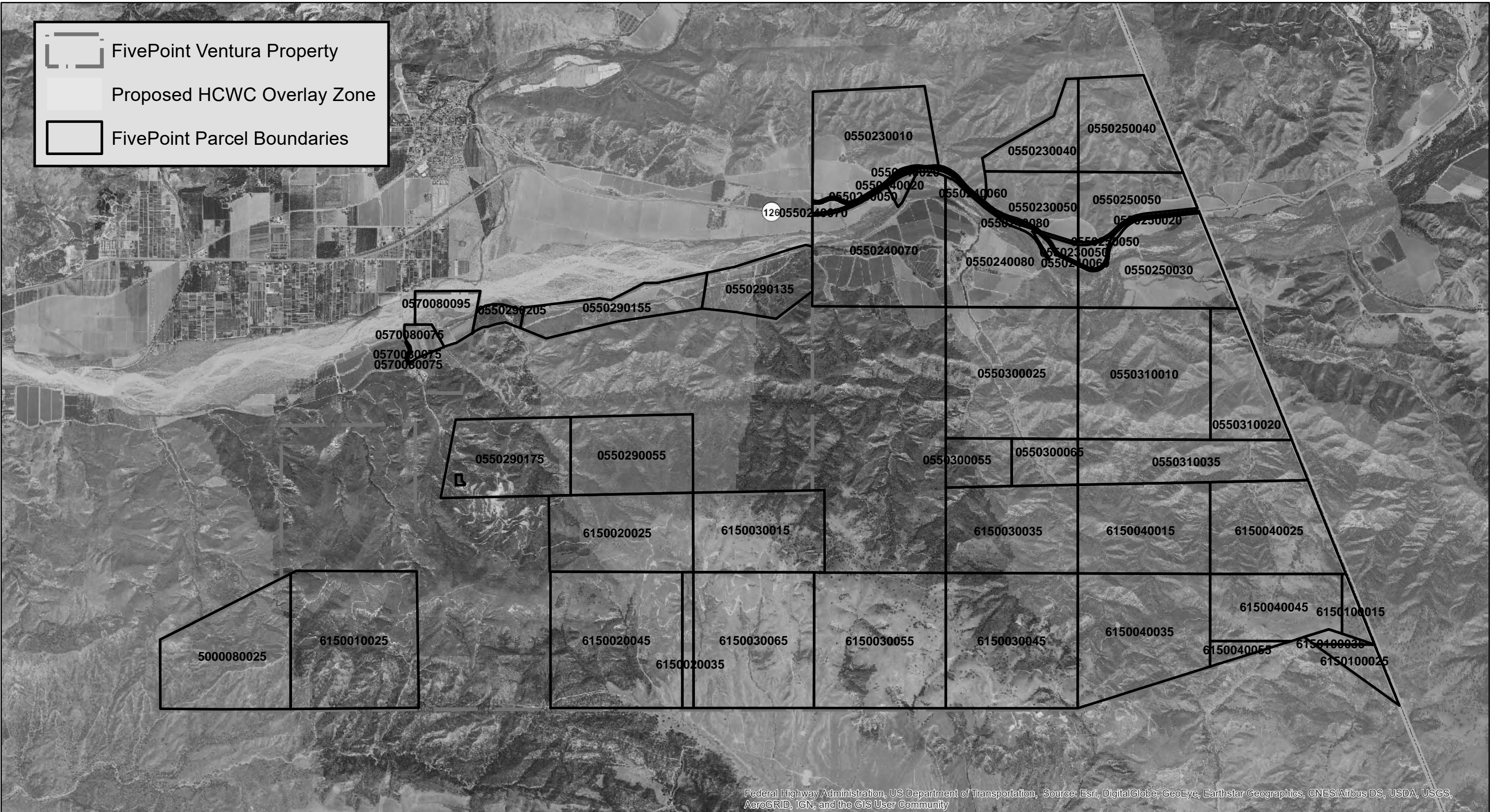


0 0.25 0.5 1 1.5 2 Miles

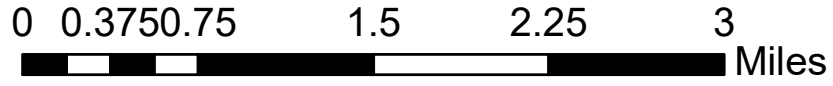
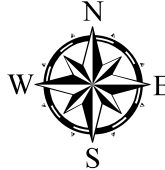
FIVEPOINT VENTURA COUNTY PROPERTY OWNERSHIP
Ventura County Habitat Connectivity and Wildlife Corridor Ordinance
FivePoint Ventura Agricultural Operations

EXHIBIT 4

FivePoint Ventura Property
Proposed HCWC Overlay Zone
FivePoint Parcel Boundaries



Federal Highway Administration, US Department of Transportation, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



FIVEPOINT VENTURA COUNTY PROPERTY OWNERSHIP
Ventura County Habitat Connectivity and Wildlife Corridor Ordinance
FivePoint Ownership APNs

EXHIBIT 5

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF KERN

UNITED WATER CONSERVATION DISTRICT,

Petitioner,

v.

COUNTY OF LOS ANGELES, *et al.*,

Respondents.

Case No. 239324-RDR
(Consolidated w/239325, 239326 and 239327-RDR)

Assignment for all purposes:
Honorable Roger D. Randall

STIPULATION RE: DISCHARGE OF COURT'S WRIT; AND [PROPOSED] ORDER

THE NEWHALL LAND AND FARMING COMPANY, *et al.*,

Real Parties in Interest.

Date: October 14, 2003
Time: 8:30 a.m.
Place: Department 6

MARIA VEGA, *et al.*,

Petitioners,

v.

COUNTY OF LOS ANGELES, *et al.*,

Respondents.

THE NEWHALL LAND AND FARMING COMPANY, *et al.*,

Real Parties in Interest.

[Continued on next page]

EXHIBIT 5

1 The County of Los Angeles, *et al.*, The Newhall Land and Farming Company, *et al.*, and
2 the County of Ventura, *et al.*, parties to the captioned action ("the Parties"), through their
3 authorized counsel, stipulate as follows:

4 **I. THE PARTIES AND PURPOSE OF THIS STIPULATION**

5 1. The County of Ventura, the Ventura County Flood Control District, the Ventura
6 County Air Pollution Control District, the City of Oxnard, the City of San Buenaventura, the City
7 of Santa Paula and Fox Canyon Groundwater Management Agency (collectively, "Ventura
8 County") are the named petitioners in Kern County Superior Court Case No. 239327 RDR ("the
9 Ventura County Action"). Ventura County and the other entities are represented by Frank O. Sieh,
10 County Counsel, County of Ventura, Dennis L. Slivinski, Assistant County Counsel.

11 2. The County of Los Angeles and the Board of Supervisors of the County of Los
12 Angeles (collectively, "the County") are named respondents in the Ventura County Action. The
13 County is represented by Lloyd W. Pellman, County Counsel, Richard D. Weiss, Principal Deputy,
14 and Peter Gutierrez, Senior Deputy County Counsel.

15 3. The Newhall Land and Farming Company, a California limited partnership,
16 Valencia Corporation, the Newhall Ranch Company, Newhall Management Limited Partnership
17 and The Newhall Land and Farming Company, a California corporation (collectively, "Newhall")
18 are the named real parties in interest in the Ventura County Action. Newhall is represented by
19 Mark J. Dillon and Michael S. Haberkorn of Gatzke Dillon & Ballance LLP.

20 4. The purpose of this stipulation ("Stipulation") is to set forth the Parties' agreement
21 with respect to the Salt Creek Corridor, one of the issues set forth in the Court's Peremptory Writ of
22 Mandate, dated August 1, 2000 ("Writ"), and the issue raised by Ventura County in its written
23 opposition to the County/Newhall's Return to Writ, filed on August 4, 2003. If approved by this
24 Court, this Stipulation, set forth below, will result in the discharge of the Writ with respect to any
25 and all issues raised, or that could have been raised, by Ventura County.
26
27
28

EXHIBIT 5

1 **II. TERMS OF DISCHARGE OF WRIT ON SALT CREEK CORRIDOR**

2 **A. Newhall Ranch Additional Analysis**

3 5. The Parties stipulate that, pursuant to the Writ, the Newhall Ranch Additional
4 Analysis determined the effect caused by the shifting of wildlife into that portion of the Salt Creek
5 Corridor situated in Ventura County. The Parties further stipulate that, pursuant to the Writ, the
6 County's Board of Supervisors considered the Additional Analysis and adopted new Findings and a
7 Statement of Overriding Considerations, pursuant to the California Environmental Quality Act
8 ("CEQA"), including the imposition of an off-site condition (hereafter, "the Salt Creek Condition")
9 requiring dedication in fee and/or conservation easement of 1,517 acres of land in the remaining
10 Salt Creek watershed in Ventura County, adjacent to the Newhall Ranch Specific Plan.

11 **B. Salt Creek Condition**

12 6. The Salt Creek Condition adopted by the County's Board of Supervisors provides as
13 follows:

14 **"Salt Creek Condition.** Upon approval of the first tract map adjacent to
15 Ventura County in the Oak Valley Village of the Newhall Ranch Specific
16 Plan, the applicant has agreed to grant to the public in perpetuity the
17 approximately 1,517 acres of land encompassing the Salt Creek watershed
18 in Ventura County. The applicant, or its designee, shall satisfy this
19 condition by dedicating said land in fee and/or by conservation easement,
20 as determined by the County in its sole discretion, to the joint powers
21 authority, which is responsible for overall recreation and conservation of
22 the Newhall Ranch High Country Special Management Area (SMA). Said
23 land *shall be managed in conjunction with and in the same manner as the*
24 *High Country SMA.*" (See, Newhall Ranch Additional Administrative
25 Record ("AAR") 69:64392; *emphasis added.*)

22 The County and Newhall clarify that the above Salt Creek Condition will be triggered upon
23 approval of the first tract map within the Oak Valley Village of the Newhall Ranch Specific Plan.

24 In addition, Ventura County desires, and the County and Newhall are willing to provide,
25 confirmation that the Ventura County portion of Salt Creek Corridor "*shall be managed in*
26 *conjunction with and in the same manner*" as the High Country Special Management Area ("High
27

EXHIBIT 5

Country SMA"). For a map depicting the Salt Creek Condition area, described as the "1,517-Acre Off-Site Salt Creek Conservation Easement/Dedication Area," please see Exhibit A, attached hereto and made a part of this Stipulation. The balance of this Stipulation addresses specific issues raised by Ventura County requiring confirmation by the County and Newhall.

C. Cattle Grazing

7. Pursuant to the Resource Management Plan contained in the adopted Newhall Ranch Specific Plan (Section 2.6), cattle grazing in the High Country SMA shall be prohibited, except when such activities are associated with long-term resource management programs:

"The High Country SMA conservation and public access easement shall prohibit grazing within the High Country, except for those grazing activities associated with long-term resource management programs, and shall restrict recreation to the established trail system." (AAR 69:63360.)

In addition, the Resource Management Plan also specified that upon dedication of the High Country SMA, commercial grazing operations will cease within the phase dedicated, and grazing will only be permitted for the purpose of resource conservation. (AAR 69:63412, fn. 20.)

The County and Newhall confirm that upon dedication of the fee and/or conservation easement pursuant to the timing set forth in the Salt Creek Condition, the cattle grazing prohibitions contained in the Resource Management Plan shall be applied to the Ventura County portion of the Salt Creek Corridor in conjunction with and in the same manner as the High Country SMA.

D. Existing Agricultural Operations

8. The permitted uses and development standards for the High Country SMA are governed by the Development Regulations contained in the adopted Newhall Ranch Specific Plan (Chapter 3). (AAR 69:63358.) Under the Development Regulations, existing agricultural operations are permitted to continue within the High Country SMA (AAR 69:63402), however, if

EXHIBIT 5

1 such operations are proposed to be expanded beyond the historical areas of operation, any such
2 proposed expansion must be reviewed under the County General Plan significant Ecological Area
3 ("SEA") criteria, and Section 22.56.215 of the Los Angeles County Planning and Zoning Code
4 (AAR 69:63402, 63412 fn. 18). Furthermore, any such proposed expansion of existing agricultural
5 operations may require a Conditional Use Permit (AAR 69:63412, fn. 16).

6 The County and Newhall confirm that, because the Ventura County portion of the Salt
7 Creek Corridor is to be managed in conjunction with and in the same manner as the High Country
8 SMA, existing agricultural field operations within the Ventura County portion of the Salt Creek
9 Corridor are permitted to continue; however, effective as of the date this Stipulation is signed by
10 the Court, Newhall will not expand or intensify its existing agricultural field operations within the
11 Ventura County portion of the Salt Creek Corridor. In order to clarify the location of Newhall's
12 existing agricultural field operations within the Ventura County portion of the Salt Creek Corridor,
13 the parties have attached the Figure entitled, "Salt Creek Condition," as Exhibit B, which is made a
14 part of this Stipulation. Currently, the existing agricultural field operations within the Newhall
15 County portion of the Salt Creek Corridor, as shown on Exhibit B, consists of row crops and
16 orchards. These are the "existing agricultural field operations" within the Ventura County portion
17 of the Salt Creek Corridor that will neither be intensified, nor expanded.

18 **E. Conservation and Management Easement**

19 9. Under the Resource Management Plan, prior to dedication of the High
20 Country SMA, a conservation and management easement must be offered to the Center for Natural
21 Lands Management ("the Center"). (AAR 69:63359.) The High Country SMA shall then be
22 offered for dedication in fee to a joint powers authority consisting of Los Angeles County (four
23 members), the City of Santa Clarita (two members) and the Santa Monica Mountains Conservancy
24 (two members). *Ibid.* The Joint Powers Authority will have overall responsibility for recreation in
25 and conservation of the High Country SMA. *Ibid.*

EXHIBIT 5

1 (two members). *Ibid.* The Joint Powers Authority will have overall responsibility for recreation in
2 and conservation of the High Country SMA. *Ibid.*

3 The County and Newhall confirm that, prior to dedication of the Ventura County portion of
4 the Salt Creek Corridor, a conservation and management easement must be offered to the Center.
5 The Ventura County portion of the Salt Creek Corridor shall then be offered for dedication in fee
6 and/or conservation easement to the Joint Powers Authority having overall responsibility for the
7 High Country SMA. The timing of the Salt Creek dedication is specified in the Salt Creek
8 Condition above (*i.e.*, upon approval of the first tract map in the Oak Valley Village of the Specific
9 Plan).

10 It is the intent of this stipulation to give primary consideration to preservation of the
11 wildlife corridor located within the Ventura County portion of the Salt Creek Corridor, and to
12 discourage any activities inconsistent with this preservation policy.

13 **F. Candidate Riparian Restoration/Enhancement Areas**

14 10. Under the Resource Management Plan, mitigation for impacts of the
15 Specific Plan on riparian resources will include restoration of riparian habitat and may include
16 enhancement activities as well. (AAR 69:63336.) The general areas in which riparian
17 restoration/enhancement activities may take place are shown in the Specific Plan's Resource
18 Management Plan, Exhibit 2.6-3, entitled, "Candidate Riparian Restoration/Enhancement Areas."
19 (AAR 69:63336-63337.)

20 The County and Newhall confirm that, like the High Country SMA, the Ventura County
21 portion of the Salt Creek Corridor will include a "Candidate Riparian Restoration/ Enhancement
22 Area," even though not required as mitigation for impacts of the Newhall Ranch Specific Plan.
23 This candidate area is depicted on Exhibit B, referenced above.

24 ///

25 ///

EXHIBIT 5

1 **G. Funding Provisions**

2 11. Funding for management of the High Country SMA consists of a \$2 million
3 endowment (in 1997 dollars) to the Center by Newhall for the perpetual conservation management
4 of the resources in the High Country, the River Corridor and Open Area, by that certain
5 "Agreement for the Donation and Management of the Open Area, High Country and River
6 Corridor of Newhall Ranch" ("the Newhall/Center Agreement;" AAR 69:70404-473). In addition,
7 the Resource Management Plan includes a per unit assessment fee for the High Country SMA to be
8 established under the authority of the County's Board of Supervisors. (AAR 69:63360, 64406.)

9 In order to treat the Ventura County portion of the Salt Creek Corridor in the same manner
10 as the High Country SMA, the County and Newhall confirm that Newhall and the Center will
11 amend the existing Newhall/Center Agreement to include the Ventura County portion of the Salt
12 Creek Corridor for perpetual conservation management. In addition, the County and Newhall
13 confirm that, like the High Country SMA, the Ventura County portion of Salt Creek Corridor will
14 be included in the proposed assessment to be established under the authority of the County's Board
15 of Supervisors.

16 **H. Other Provisions**

17 12. The agreement outlined above shall have no force or effect unless and until
18 the Court issues an order approving this Stipulation. If the Court approves this Stipulation, the
19 Parties mutually request that the Court find that the Writ has been satisfied with respect to the Salt
20 Creek Corridor issue and, therefore, discharge the Writ with respect to any and all issues raised, or
21 that could have been raised, by Ventura County.

22 13. The Parties to this Stipulation shall bear their own attorneys fees and costs in
23 connection with this return to writ proceeding. Nothing contained in this Stipulation is intended to
24 waive or otherwise affect in any way the County and Newhall's right to recover costs against the
25 other named petitioners in this proceeding.
26
27
28

EXHIBIT 5

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

14. This Stipulation may be executed by facsimile signatures and executed in counterparts.

Lloyd W. Pellman, County Counsel

September __, 2003

By: _____
Peter J. Gutierrez, Senior Deputy
County Counsel

Attorneys for Respondents, the County of Los Angeles and Board of Supervisors

Gatzke Dillon & Ballance LLP

September __, 2003

By: _____
Mark J. Dillon

Attorneys for Real Parties in Interest, The Newhall Land and Farming Company, et al.

Frank O. Sieh
County Counsel, County of Ventura
Dennis L. Slivinski, Assistant County Counsel

~~September~~ *October*
September 8, 2003

By: *Dennis L. Slivinski*
Dennis L. Slivinski
Assistant County Counsel

Attorneys for Petitioners, the County of Ventura, et al.

///

///

////

///

EXHIBIT 5

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER




After having considered this Stipulation, and for good cause shown, the Court finds that the Writ has been satisfied with respect to the Salt Creek Corridor issue and, therefore, discharges the Writ as to any and all issues raised, or that could have been raised, by Ventura County.

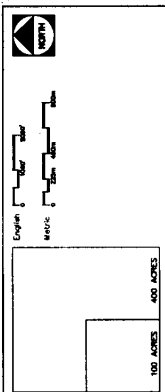
Dated: _____

Honorable Roger D. Randall
Judge of the Kern County Superior Court

EXHIBIT 5

L E G E N D

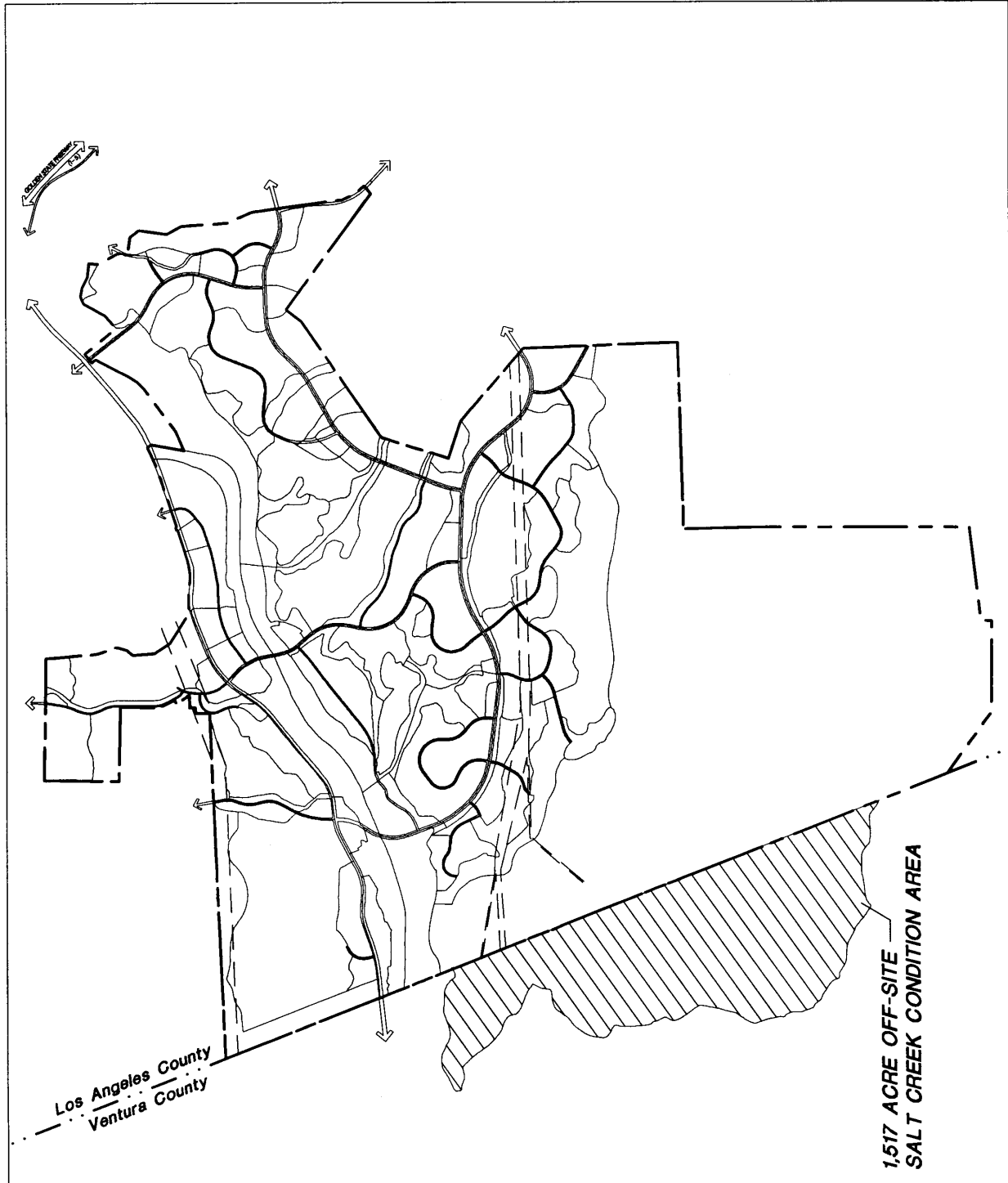
-  1,517 ACRE OFF-SITE SALT CREEK CONDITION AREA
-  SPECIFIC PLAN BOUNDARY
-  COUNTY LINE









Graphic scale bar showing 0, 100, and 200 feet. Includes a north arrow and the text 'NORTH'.

EXHIBIT A
OFF-SITE SALT CREEK
CONDITION AREA IN RELATION TO
NEWHALL RANCH SPECIFIC PLAN

MAY 2005
m:\vlandall\map\1517\1517-offsite-salt-creek.dwg



LEGEND

-  CANDIDATE RIPARIAN RESTORATION AREAS
-  EXISTING AGRICULTURAL FIELDS IN SALT CREEK DEDICATION AREA
-  OPEN AREA
-  RIVER CORRIDOR SPECIAL MANAGEMENT AREA
-  HIGH COUNTRY SPECIAL MANAGEMENT AREA
-  WILDLIFE CORRIDOR

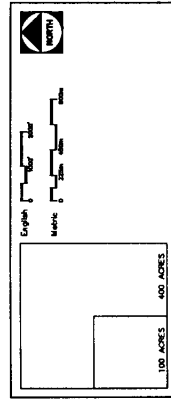


EXHIBIT B
SALT CREEK CONDITION

MAY 2003
 n:\newhall\sp\1048-040\vert_4pt_48104803103.dwg

