2.4 AGENCIES

Coastal Conservancy

SENT VIA EMAIL

Letter A1

February 27, 2020

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

Re: DEIR for Ventura County 2040 General Plan

Dear Ms. Curtis:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the County's General Plan update. The Coastal Conservancy has been involved in planning and funding habitat restoration, public access and other projects in Ventura County for several decades. A1-1

Our comments relate to Section 4.2 Agriculture and Forestry. The DEIR identifies potential impacts and mitigation measures for agricultural resources. Specifically, the DEIR identifies Impact 4.2-1: Loss of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance (4.2-9) and two mitigation measures which would be added to the General Plan. These policies call for avoidance of direct loss of farmland and call for mitigation of loss at a 2:1 ratio through the establishment of an offsite agricultural conservation easement.

The Coastal Conservancy is currently working with local partners at Ormond Beach and on the Satna Clara River to develop and implement habitat restoration and public access plans for those areas. Ormond Beach, an area with especially important coastal wetland habitat, has been identified as being very much at risk from sea level rise. As a consequence, the Coastal Conservancy, The Nature Conservancy, and the City of Oxnard have been looking to acquire neighboring agricultural properties to allow the dunes, wetlands, and uplands to migrate inland as sea level rises. These properties would transition from agriculture to these threatened coastal habitats which would ensure the survival of the Ormond Beach wetlands complex and would act to provide a buffer to neighboring communities in South Oxnard at risk from sea level rise. A1-2

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California State Coastal Conservancy

Similarly, the Coastal Conservancy has been funding the acquisition of thousands of acres of river-fronting land by The Nature Conservancy along the Santa Clara River since 2001 for ultimate habitat restoration and public access purposes to realize a Santa Clara River Parkway from the mouth of the river to the county line. The river is one of the last largely free flowing coastal rivers in southern California. But many areas have been encroached upon by development and adversely impacted by invasive non-native species such as *Arundo donax*. The Nature Conservancy has acquired some properties intended for habitat restoration and public access which currently support agriculture.

The proposed mitigation measures mentioned above may add significant additional costs and hurdles to implementing long-range planning for habitat restoration at Ormond Beach and along the Santa Clara River. These costs may be prohibitive to moving forward with implementing restoration plans for these areas.

We recommend that the County include exclusions to the above referenced mitigation measures for habitat restoration projects and related public access projects such as outlined above at Ormond Beach and the Santa Clara River.

A1-2 cont.

Thank you for your consideration. Please contact me if I can provide additional information.

Sincerely

Christopher Kroll
Project Manager

Letter A1	**California Coastal Conservancy** Christopher Kroll, Project Manager February 27, 2020

A1-1 The California Coastal Conservancy's involvement in planning and funding projects in Ventura County is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

A1-2 The commenter refers to two mitigation measures. Mitigation Measure AG-1, as included on page 4.2-16 of the draft EIR, would require that the County include a policy in the 2040 General Plan that requires discretionary development on Important Farmland be conditioned to avoid direct loss of Important Farmland as much as feasibly possible. Mitigation Measure AG-2, as included on page 4.2-16 of the draft EIR, would require that the County include a policy in the General Plan that requires discretionary projects resulting in a certain acreage of loss of Important Farmland protect offsite farmland at a 2-to-1 ratio of acres preserved to acres converted. The commenter does not specify how it believes these mitigation measures would add significant costs to its habitat restoration and public access plans for Ormond Beach and the Santa Clara River. It appears, however, that the commenter is suggesting that these projects would require conversion of agricultural lands, which then may be subject to the conservation easement requirements outlined in Mitigation Measure AG-2, increasing costs of restoration projects.

Mitigation Measures AG-1 and AG-2 outline requirements that are triggered for discretionary projects subject to the County's jurisdiction. Discretionary approvals are needed from the County for certain projects, including commercial and industrial projects, conditional use permits, variances, tract and parcel maps, and zoning ordinance and general plan amendments. Within the Coastal Zone, a Coastal Development Permit may be required for habitat restoration projects to authorize the methodology and removal of invasive plants in and amongst sensitive plants or Environmentally Sensitive Habitat Areas. Outside the Coastal Zone restoration projects may require discretionary approval if a subdivision action (such as approval of a conservation subdivision) was needed. Other than projects involving the creation of a conservation subdivision, habitat restoration projects in the non-coastal zone generally do not trigger the need for a discretionary approval by the County. The acquisition of lands for wildlife conservation and certain small habitat restoration projects are among the classes of categorically exempt projects as provided in Sections 15313 and 15333 of the California Environmental Quality Act Guidelines, respectively.

Without a discretionary approval from the County, the requirements of Mitigation Measure AG-1 and Mitigation Measure AG-2 would not apply. Therefore, it is unlikely that these measures would add to the costs of habitat restoration and associated projects. Nonetheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

Regarding the general feasibility of Mitigation Measure AG-2, including cost of implementation, refer to Master Response MR-5.

California
Department of Conservation
Division of Mine Reclamation

Gavin Newsom, Governor
David Shabazian, Director

Letter A2

February 27, 2020

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

Copy sent via email: GeneralPlanUpdate@ventura.org

SUBJECT: Ventura County 2040 General Plan (SCH # 2019011026); Draft Environmental Impact Report (EIR)

Dear Ms. Curtis:

Thank you for including the Department of Conservation's Division of Mine Reclamation (Division) in the environmental review process for the Ventura County 2040 General Plan Draft EIR. The project as described in the Draft EIR proposes to update the County of Ventura's 2040 General Plan and will identify the goals, policies, and implementation programs that will guide future decisions concerning a variety of issues, including but not limited to land use, climate change, agriculture, transportation, hazards, public facilities, health and safety, environmental justice, and resource conservation.

The Division has review responsibilities associated with lead agency implementation of the Surface Mining and Reclamation Act of 1975 (SMARA; Public Resources Code [PRC] Section 2710 et seq.). SMARA provides a comprehensive surface mining and reclamation policy to assure that adverse environmental impacts are minimized, and mined lands are reclaimed. The Division's primary focus is on existing surface mining operations and the return of those mined lands to a usable and safe condition while giving consideration to environmental and recreational values; however, the Division also addresses issues related to abandoned (pre-1976) legacy mines.

A2-1

The Division has reviewed the subject Draft EIR pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines and offers these comments.

1. The Division recommends editing Section 1.4: Lead, Responsible, and Trustee Agencies (Page 1-5) from, "…the Department of Conservation, which has responsibility for approving mining Reclamation Plans…" to "…the Department of Conservation, which has responsibility for reviewing and commenting on surface mine Reclamation Plans…", as this better reflects the Division's role and SMARA statutes (PRC Section 2772.1).

A2-2

State of California Natural Resources Agency | Department of Conservation
801 K Street, MS 09-06, Sacramento, CA 95814
conservation.ca.gov | T: (916) 323-9198 | F: (916) 322-4862

2. The County should consider updating surface mining ordinances, which were last certified by the State Mining and Geology Board on November 10, 1999. As a result of Assembly Bill 1142 and Senate Bill 209, significant statutory changes to SMARA went into effect January 1, 2017. These changes provided updates to the statutes governing approval of reclamation plans and financial assurances. Additionally, during the recent Lead Agency Review and Assistance (LARA) Program review, the Division recommended the County update their surface mining ordinance.

   PRC Section 2774(a) states that "[E]very lead agency shall adopt ordinances in accordance with state policy that establish procedures for the review and approval of reclamation plans and financial assurances and the issuance of a permit to conduct surface mining operations…[T]he ordinances shall establish procedures …to ensure that the ordinances continue to be in accordance with state policy." Additionally, PRC Section 2757 states that the SMARA statutes "shall be used as standards by lead agencies in preparing specific and general plans, including the conservation and land use elements of the general plan and zoning ordinances."

A2-3

Please include the Division on the distribution list for this project and send the Division any subsequent project documents (e.g., hearing notices or supplemental environmental documents), as well as a copy of the certified final Environmental Impact Report, to the address below, attention to Carol E. Atkins, Division of Mine Reclamation.

A2-4

If you have any questions, please contact either of us at (916) 323-9198.

Sincerely,

Carol E. Atkins, Manager
Environmental Services Unit

Paul Fry, Manager
Engineering and Geology Unit

cc (sent by email):
State Clearinghouse (state.clearinghouse@opr.ca.gov)

Department of Conservation, Office of Legislative and Regulatory Affairs
(OLRA@conservation.ca.gov)

Letter A2	**California Department of Conservation, Division of Mine Reclamation** Carol E. Atkins, Manager, Environmental Services Unit Paul Fry, Manager, Engineering and Geology Unit February 27, 2020

A2-1 The Department of Conservation, Division of Mine Reclamation's responsibilities and primary focus are noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

A2-2 As suggested by the comment, the text of the second paragraph of Section 1.4, "Lead, Responsible, and Trustee Agencies," on page 1-5 of the draft EIR is revised as follows:

> Responsible agencies are agencies other than the lead agency that have discretionary power over carrying out or implementing a specific component of the general plan or for approving a project (such as an annexation) that implements the goals and policies of the general plan. Agencies that may be responsible agencies include: the California Department of Transportation, which has responsibility for approving future improvements to the state highway system; the Department of Conservation, which has responsibility for ~~approving~~reviewing and commenting on surface mine~~ing~~ Reclamation Plans pursuant to the Surface Mining and Reclamation Act; and the Local Agency Formation Commission of Ventura County, which has responsibility for approving any annexations within the county that might occur over the life of the 2040 General Plan.

A2-3 The comment addresses the County's existing surface mining ordinance and is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

A2-4 The comment provides the preferred contact for the agency. The County has noted the information appropriately for future reference.

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Letter A3

February 26, 2020

Mrs. Susan Curtis
Ventura County
800 South Victoria Lane
Ventura, CA 93009

Subject: Draft Environmental Impact Report for the Ventura County 2040 General Plan Update, Ventura County

Dear Mrs. Susan Curtis:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Draft Environmental Impact Report (DEIR) for the Ventura County 2040 General Plan Update (GPU). Thank you for the opportunity to provide comments and recommendations regarding those activities detailed in the GPU that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the GPU that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. Further, CDFW understands that future development projects may be tiered off this environmental document. As such, future development projects, as detailed in the GPU, will be collectively referred to as "Projects." This is not to say that each comment below is relevant to each of the Projects discussed in the GPU, but that the comments listed below should be considered when a specified project may impact any of the biological resources discussed below. A3-1

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 *et seq.*). Likewise, to the extent implementation of the GPU as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 *et seq.*), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 et seq.), CDFW recommends the GPU proponent obtain appropriate authorization under the Fish and Game Code, as necessary. A3-2

Project Description and Summary

Objective: 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 GPU 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.

A3-3

Location: Ventura County (county-wide).

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the County in adequately identifying, avoiding, and/or mitigating Projects' (as detailed in the GPU) significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document.

Project Description and Related Impact Shortcoming

Comment #1: Impacts to Special-Status Plant Species

Issue: The summation of incremental impacts from the Projects and land use strategies, disclosed in the GPU, may result in a significant cumulative impact with regards to biological resources. Further, the Projects may contribute to an increase in habitat fragmentation and development upon native habitats.

Specific impact: CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3 and S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). An S3 ranking indicates there are 21-80 occurrences of this community in existence in California, S2 has 6-20 occurrences, and S1 has less than 6 occurrences. The Projects may have direct or indirect effects to these sensitive species.

A3-4

Why impact would occur: The implementation of Projects may include grading, vegetation clearing for construction, road maintenance, and other activities that may result in direct mortality, population declines, or local extirpation of sensitive plant species.

Evidence impact would be significant: Impacts to special status plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to these sensitive plant species will result in a project(s) continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

A3-5

Mitigation Measure #1: CDFW recommends including avoidance, minimization, and/or mitigation measure language articulating the need to perform focused surveys for sensitive/rare plants on-site and disclosing the results prior to the implementation of Projects. Based on the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, 2018) (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959), a qualified biologist should "conduct surveys in the field at the time of year when species are both evident and identifiable. Usually this is during flowering or fruiting." Final CEQA documentation, for a specified project, should provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from project-related direct and indirect impacts.

Mitigation Measure #2: In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the State (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), found online at http://vegetation.cnps.org/. To determine the rarity ranking of vegetation communities on a specific project site(s), the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.

A3-5 cont.

Mitigation Measure #3: CDFW recommends avoiding any sensitive natural communities found within or near Projects. If avoidance is not feasible, mitigating at a ratio of no less than 5:1 for impacts to S3 ranked communities and 7:1 for S2 communities should be implemented. This ratio is for the acreage and the individual plants that comprise each unique community. All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (Assembly Bill 1094; Government Code, §§ 65965-65968).

Comment #2: Survey Protocols for Special-Status Wildlife

Issue: There is no mention of protocol surveys for special-status wildlife. Projects proposed to occur within the geographical limits of the GPU may impact special status species. As such, we recommend including special-status protocol survey language as an avoidance, minimization and/or mitigation measure(s).

A3-6

Why impacts would occur: A lack of protocol surveys will likely lead to impacts to a variety of sensitive species. Protocol surveys are necessary to identify listed species and supporting habitat necessary for their survival.

Evidence impact would be significant: Ground clearing and construction activities could lead to the direct mortality of a listed species or species of special concern (SSC). The loss of occupied habitat could yield a loss of foraging potential, nesting sites, basking sites, or refugia

and would constitute a significant impact absent appropriate mitigation. CDFW considers impacts to CESA-listed and Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

A3-6 cont.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends that Projects follow appropriate survey protocol for a given species. The survey(s) should be performed based on the species found, or likely to occur, on a respective project site(s), the mitigative response to which will vary.

The following mitigation measures are suggested by CDFW for impacts to reptiles:

Mitigation Measure #1: To mitigate impacts to SSC, CDFW recommends focused surveys for the species. Surveys should typically be scheduled when these animals are most likely to be encountered, usually conducted between June and July. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on-site in appropriate habitat suitable for each of these species. Suitable habitat consists of areas of sandy, loose and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.

Mitigation Measure #2: In consultation with qualified biologist familiar with the life history of each of the SSC, a relocation plan (Plan) should be developed. The Plan should include, but not be limited to, the timing and location of the surveys that will be conducted for this species, identify the locations where more intensive survey efforts will be conducted (based on high habitat suitability); identify the habitat and conditions in any proposed relocation site(s); the methods that will be utilized for trapping and relocating the individuals of this species; and the documentation/recordation of the number of animals relocated. CDFW recommends the Plan be submitted to the Lead Agency for approval 60 days prior to any ground disturbing activities within potentially occupied habitat.

A3-7

Mitigation Measure #3: If construction is to occur during the low activity period (generally December through February), surveys should be conducted prior to this period, if possible. Exclusion fencing should be placed to limit the potential for re-colonization of the site prior to construction. CDFW further recommends a qualified biologist be present during ground-disturbing activities immediately adjacent to or within habitat, which supports populations of this species.

The following mitigation measures are suggested by CDFW for impacts to nesting birds:

Mitigation Measure #1: To protect nesting birds that may occur on-site, CDFW recommends that the final environmental document for Projects (as necessary) include a measure that no construction shall occur from January 1 through September 15. If construction is unavoidable during January 1 through September 15, a qualified biologist shall complete a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests shall be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction.

The following mitigation measures are suggested by CDFW for impacts to raptors:

Mitigation Measure #1: To protect nesting birds that may occur on-site, CDFW recommends that the final environmental document, for each project (as necessary), include a measure that no construction shall occur from January 1 through September 15. If construction is unavoidable during January 1 through September 15, a qualified biologist shall complete surveys for nesting bird activity the orders *Falconiformes* and *Strigiformes* (raptors and owls) within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests shall be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction. Pursuant to FGC Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey.

Mitigation Measure #2: CDFW cannot authorize the take of any fully protected species as defined by state law. State fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, §§ 3511, 4700, 5050, 5515). CDFW has advised the Permittee that take of any species designated as fully protected under the Fish and Game Code is prohibited. CDFW recognizes that certain fully-protected species are documented to occur on, or in, the vicinity of project areas, or that such species have some potential to occur on, or in, the vicinity of project areas, due to the presence of suitable habitat.

A3-7 cont.

The following mitigation measures are suggested by CDFW for impacts to bats:

Mitigation Measure #1: The CEQA document should provide a discussion of potential impacts to bats, which may occur as a result from the construction and/or operation of Projects. The language should adequately disclose potential impacts and identify appropriate avoidance and mitigation measures.

Mitigation Measure #2: Measures to mitigate impacts to bats should include pre-construction surveys to detect species, use of bat roost installations, and preparation of a bat protection and relocation plan to be submitted to CDFW for approval prior to commencement of project activities, as necessary.

Comment #3: Impacts to CESA-Listed Species

Issue: There are multiple listed species with the potential to occur within the GPU footprint.

Specific Impacts: Projects related activities, such as grading, road construction, or housing construction could lead to the direct or indirect mortality of listed animal and/or plant species.

A3-8

Why impact would occur: Take of special status plant species, including ESA and CESA-listed species, may occur without adequate detection, avoidance and mitigation measures.

Evidence impacts would be significant: CDFW considers adverse impacts to special status species protected by CESA and the federal Endangered Species Act (ESA, 16 U.S.C. §1531 *et*

seq.), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any state endangered, threatened, candidate species, or listed rare plant species pursuant to the NPPA that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Take is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill". Projects may result in substantial adverse effects, either directly or through habitat modifications, on a species protected under CESA. A3-8 cont.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: If Projects will result in take of a plant or animal species designated as rare, endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the proponent seek appropriate take authorization under CESA prior to project implementation. Appropriate authorization from CDFW may include an ITP or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. [b], [c]). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain CESA authorization. Revisions to the Fish and Game Code, effective January 1998, may require CDFW issue a separate CEQA document for the issuance of an ITP unless the project(s) CEQA document addresses all impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the fully mitigated requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. A3-9

Comment #4: Impacts to Streams

Issue: As indicated in the Hydrology/Water Quality section of the DEIR, Projects may result in impacts to State Waters. As such, the Department offers the following measures for activities that may result in significant impacts to State Waters. The following language supports streams subject to notification under Fish and Game code section 1600 *et seq*.

Specific impacts: Projects may result in the loss of streams and associated watershed function and biological diversity. Grading and construction activities will likely alter the topography, and thus the hydrology, of a Projects site. A3-10

Why impacts would occur: Ground disturbing activities from grading and filling, water diversions and dewatering would physically remove or otherwise alter existing streams or their function and associated riparian habitat. Downstream waters and associated biological resources beyond a project(s) development footprint may also be impacted by Projects related releases of sediment and altered watershed effects.

Evidence impacts would be significant: Projects may substantially adversely affect the existing stream pattern of the site through the alteration or diversion of a stream, which absent specific mitigation, could result in substantial erosion or siltation on-site or off-site.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Projects may result in the alteration of streams. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to section A3-11

1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at www.wildlife.ca.gov/habcon/1600.

CDFW's issuance of an LSA for Project that are subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for a project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, project specific CEQA documents should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.

A3-11 cont.

Mitigation Measure #2: Any LSA permit issued for Projects by CDFW may include additional measures protective of streambeds on and downstream of the project. The LSA may include further erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA may include the following: avoidance of resources, on-site or off-site creation, enhancement or restoration, and/or protection and management of mitigation lands in perpetuity.

Comment #5: Potential Land Use Changes Specific to Cannabis

Issue: If the County allows the cultivation of cannabis in the future through the General Plan Update or otherwise CDFW recommends the following procedures and measures to minimize impacts from cannabis cultivation.

To obtain a state license to cultivate cannabis, written verification that a 1600 streambed agreement is not needed or that one has been obtained is required. Some of the issues CDFW has been challenged with during the review of cannabis cultivation applications included:

- Shallows wells, diversions and other conveyance facilities and potential effects to surface flows, riparian habitat resources that are needed for wildlife species such as steelhead, least Bell's vireo, southwestern willow flycatcher and yellow-billed cuckoo.
- Conversion of native habitat to cultivation with no replacement habitat conserved and managed in perpetuity.
- Inadequate identification and mapping of the full extent of stream resources on-site.
- Buffers and setbacks from streams that may not be sufficient over time to protect existing wildlife habitat.
- Need to integrate surveys for and impacts to plants from conversion of natural land to cultivation.

A3-12

Filing Fees

Projects, as proposed in the GPU, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

A3-13

Conclusion

A3-14

We appreciate the opportunity to comment on the GPU to assist Ventura County in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines; § 15073(e)]. If you have any questions or comments regarding this letter, please contact Baron Barrera, Environmental Scientist, at Baron.Barrera@wildlife.ca.gov or (858) 354-4114.

A3-14 cont.

Sincerely,

Erinn Wilson
Environmental Program Manager I

cc: CDFW
Steve Gibson – Los Alamitos
Baron Barrera – Los Alamitos
Brock Warmuth – Los Alamitos
Randy Rodriquez – Los Alamitos
Malinda Santonil – Los Alamitos

Susan Curtis – (Ventura County)

Scott Morgan (State Clearinghouse)

Letter A3	**California Department of Fish and Wildlife** Erinn Wilson, Environmental Program Manager I February 26, 2020

A3-1 The California Department of Fish and Wildlife's (CDFW's) role and jurisdiction is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

A3-2 This comment outlines CDFW's role as a responsible agency under California Environmental Quality Act (CEQA) and regulatory authority provided by Fish and Game Code and other State regulations. This comment is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

A3-3 The information summarizing the proposed 2040 General Plan is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

A3-4 This comment summarizes potential impacts to special-status plant species, as well as plant communities, alliances, and associations that could result from implementing the 2040 General Plan. The comment further defines when impacts to these resources would be significant under CEQA. The County agrees with the summary of impacts to these resources, and this comment is noted. Impacts to special-status plants, and plant communities, alliances, and associations have been analyzed in Impacts 4.4-1 and 4.4-2 of the draft EIR. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

A3-5 This comment provides recommendations for mitigation to reduce impacts on special-status plants and sensitive natural communities. The comment recommends the inclusion of avoidance, minimization, and/or mitigation measure language and requirements for focused surveys for special-status plants following CDFW protocols. These suggestions regarding mitigation measures to reduce impacts to special-status plant species were addressed in the draft EIR, and are addressed by the revised version of Mitigation BIO-1 (which is provided in full at the end of this response) as explained below.

Mitigation Measure BIO-1 (New Implementation Program COS-X: Protection of Sensitive Biological Resources) on pages 4.4-23 through 4.4-25 of the draft EIR, and as revised, states that focused surveys for special-status plants would be conducted at the project level following the most recently updated protocols recommended by natural resource agencies, including "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities [CDFW 2018]." Further, Mitigation Measure BIO-1 states that if special-status species are identified during protocol-level surveys, mitigation measures "…should adhere to the following priority to reduce adverse impacts of a proposed project to the resource: avoid impacts, minimize impacts, and compensate for impacts."

This comment also references a State-level vegetation mapping standard (i.e., the Manual of California Vegetation) and recommends that this standard be used to define sensitive natural communities in future projects under the 2040 General Plan. The draft EIR incorporates the Background Report by reference, which includes a description of sensitive natural communities (page 8-25). The draft EIR also addresses the need to use the current mapping standard on page 4.4-8: "The sensitive natural communities included in the CNDDB are based on the Holland 1986 classification which is not consistent with the State's current vegetation mapping and classification standards and this legacy data is currently being validated by CDFW." However, use of this classification standard was not explicitly described in Mitigation Measure BIO-1 in the draft EIR.

Mitigation Measure BIO-1 (New Implementation Program COS-X: Protection of Sensitive Biological Resources) on pages 4.4-23–4.4-25 of the DEIR has been updated to reflect the requirement of mapping vegetation communities using the Manual of California Vegetation standards before project implementation, as shown below.

This comment also recommends that sensitive natural communities should be avoided and recommends a mitigation ratio of 5:1 for S3 ranked communities and 7:1 for S2 ranked communities. The comment further describes requirements for revegetation/restoration areas, including restoration plans and requirements therein. The commenter did not provide any regulatory basis (e.g., California Fish and Game Code) or other justification for these recommended mitigation ratios, and the County is not aware of any official guidance regarding mitigation ratios for S2 or S3 ranked communities other than reducing impacts to less than significant under CEQA.

Mitigation Measure BIO-1 on pages 4.4-23 through 4.4-25 of the draft EIR, and as revised, states that if sensitive natural communities are identified during field surveys, that implementation of mitigation measures would be required that would adhere to the following priority: "avoid impacts, minimize impacts, and compensate for impacts." Avoidance of sensitive resources, including sensitive natural communities, would include implementation of no-disturbance buffers. Further, the mitigation measure requires compensation for loss of sensitive habitats, including sensitive natural communities, through restoration, enhancement, or preservation of these resources within or outside of the project site. The CEQA requirement for sensitive natural communities is to reduce impacts to these resources to less than significant. Mitigation Measure BIO-1 is sufficient to reduce impacts to sensitive natural communities to less than significant, because it requires avoidance of these habitats, and compensation for impacts to these habitats. For additional clarity, language has been added to this measure to emphasize that compensatory mitigation ratios will be established based on various factors (e.g., rarity of the habitat, quality of the habitat) in consultation with a qualified biologist and applicable resources agencies, as shown below.

Mitigation Measure BIO-1 also includes discussion regarding the compensation options that would be available , including habitat restoration, conservation easements, or in lieu fees. The comment regarding restoration plans and the

requirements therein is noted and is included as an option to achieve the no-net-loss standard in the revised text of the mitigation measure. It is not currently possible to know the types of compensation (e.g., conservation easements, in lieu fee opportunities, onsite habitat restoration) that will be available for specific future projects under the 2040 General Plan. Thus, including several options in Mitigation Measure BIO-1 is appropriate and further response is not required.

In response to the concerns raised in this and other comments, to clarify the relationship of the measure to the County's ISAG, Mitigation Measure BIO-1 beginning on page 4.4-23 has been revised as follows:

Mitigation Measure BIO-1: New Implementation Program COS-X: Protection of Sensitive Biological Resources

The County shall include the following new implementation program in the 2040 General Plan.

~~**Implementation Program COS-X: Protection of Sensitive Biological Resources**~~

~~The County shall update the Initial Study Assessment Guidelines, Biological Resources Assessment report criteria to evaluate discretionary development that could potentially impact sensitive biological resources with the following:~~

- ~~The qualified biologist shall conduct an initial data review to determine the sensitive biological resources (i.e., special-status plant, special-status wildlife, sensitive habitats [e.g., riparian habitat, sensitive plant communities, ESHA, coastal beaches, sand dunes, other sensitive natural communities], wetlands and other non-wetland waters, native wildlife nursery sites, or wildlife corridors) that have the potential to occur within the project footprint. This will include but not be limited to review of the best available, current data including vegetation mapping data, mapping data from the County and California Coastal Commission, and database searches of the CNDDB and the CNPS Inventory of Rare and Endangered Plants of California.~~

- ~~The qualified biologist shall conduct a reconnaissance-level survey for sensitive biological resources within the project footprint (including proposed access roads, proposed staging areas, and the immediate vicinity surrounding the project footprint) to determine whether sensitive biological resources identified during the initial data review have potential to occur.~~

- ~~If the reconnaissance-level survey identifies no potential for sensitive biological resources to occur, the applicant will not be subject to additional mitigation measures.~~

~~If sensitive biological resources are observed or determined to have potential to occur within or adjacent to the project footprint during the reconnaissance-level survey, then the following measures shall apply:~~

Special-Status Species

- If special-status species are observed or determined to have potential to occur within or adjacent to the project footprint, a qualified biologist shall conduct focused or protocol-level surveys for these species where established, current protocols are available (e.g., Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities [CDFW 2018], Staff Report on Burrowing Owl Mitigation [CDFG 2012]). If an established protocol is not available for a special-status species, then the qualified biologist will consult with the County, and CDFW or USFWS, to determine the appropriate survey protocol.

- If special-status species are identified during protocol-level surveys, then the County shall require implementation of mitigation measures that fully account for the adversely affected resource. When feasible, mitigation measures should adhere to the following priority: avoid impacts, minimize impacts, and compensate for impacts.

- If impacts on special-status species are unavoidable, then the project proponent shall obtain incidental take authorization from USFWS or CDFW (e.g., for species listed under ESA or CESA) prior to commencing development of the project site, apply minimization measures or other conditions required under incidental take authorization, and shall compensate for impacts to special-status species by acquiring or protecting land that provides habitat function for affected species that is at least equivalent to the habitat function removed or degraded as a result of project implementation; generally at least a 1:1 ratio. Compensation may include purchasing credits from a USFWS- or CDFW-approved mitigation bank or restoring or enhancing habitat within the project site or outside of the project site.

Sensitive Habitats, Wetlands, Other Non-wetland Waters, Native Wildlife Nursery Sites, and Wildlife Corridors

- If sensitive habitats, wetlands, other non-wetland waters, native wildlife nursery sites, and wildlife corridors are identified within or adjacent to the project footprint, these features shall be avoided, if feasible, by implementing no-disturbance buffers around sensitive habitats, wetlands, other non-wetland waters, or native wildlife nursery sites, and avoiding development within wildlife corridors or implementing project-specific design features (e.g., wildlife-friendly fencing and lighting) within wildlife corridors, such that direct and indirect adverse effects of project development are avoided.

- A delineation of aquatic habitat within a project site (including waters of the United States and other waters including those under State jurisdiction) including identification of hydrology, hydric soils, and hydrophytic vegetation, by a qualified biologist may be required to identify the exact extent of wetlands or other water features identified within or adjacent to the project footprint.

- ~~If impacts to sensitive habitats, wetlands, other non-wetland waters, native wildlife nursery sites, and wildlife corridors cannot be avoided, then the project proponent shall obtain required regulatory authorization (e.g., Section 404 permits for impacts to waters of the United States, 401 water quality certification from the Regional Water Quality Control Board, a Streambed Alteration Agreement for impacts to aquatic or riparian habitats within CDFW jurisdiction under Fish and Game Code Section 1602, a coastal development permit for impacts to ESHA), and shall compensate for unavoidable losses of these resources. Compensation may include restoration of sensitive habitats, wetlands, other non-wetland waters, native wildlife nursery sites, and wildlife corridors within or outside of the project site, preserving the aforementioned resources through a conservation easement at a sufficient ratio to offset the loss of acreage and habitat function, or purchasing credits at an existing authorized mitigation bank or in lieu fee program. The County shall require restoration or compensation for loss of sensitive habitats, wetlands, other non-wetland waters, native wildlife nursery sites, and wildlife corridors at a minimum of a 1:1 ratio or "no-net-loss."~~

Implementation Program COS-X: Protection of Sensitive Biological Resources
For any future discretionary development project that could potentially impact sensitive biological resources, the project shall be evaluated pursuant to the methodology described in the Ventura County Initial Study Assessment Guidelines which shall be amended within one year of 2040 General Plan adoption to include the following:

- A preliminary assessment of the project shall be completed by County staff, in consultation with a qualified biologist, using available mapped biological resource data and aerial imagery to determine if the project has the potential to impact sensitive biological resources in the defined impact area (direct and indirect impacts). County staff will determine if project conditions or mitigation measures can be developed and implemented that would reduce or avoid those impacts to a less than significant level without requiring a more comprehensive biological resource assessment, otherwise known as an Initial Study Biological Assessment. Examples of projects that would not require a biological resource assessment may include but are not limited to: Projects that occur in previously developed areas, if additional vegetation removal is not required or the use may not impact surrounding natural areas; or projects on land consisting of non-native grasslands totaling less than one acre that are completely surrounded by existing urban development (such as urban infill lots).

- If County staff find that the project may adversely affect sensitive biological resources, then a County approved qualified biologist shall prepare a biological resource assessment to assess and mitigate the adverse impacts of the proposed project. The procedures detailed in Step 3 of the County of Ventura Initial Study Guidelines, Biological Resources Chapter,

Methodology Section shall be followed to prepare this biological resource assessment.

- The biological resource assessment shall be conducted by a County approved qualified biologist that meets the minimum qualifications for biological consultants listed in Attachment 1 to the County of Ventura Initial Study Assessment Guidelines. The qualified biologist shall have expertise in the taxonomic group or species on which the surveys are focused as well as the County's data review procedures and survey methods recommended by natural resource agencies or commonly accepted standards in the taxonomic group, community, or species (e.g., California Native Plant Society survey protocols).

- The biological field survey area will be determined by the County agency responsible for administering the project with consideration of recommendations from the qualified biologist. The survey area will include all areas of proposed disturbance, including associated equipment or personnel staging areas, and the surrounding area of potential sensitive biological resources that may be indirectly adversely affected by the project. The size of the survey area will be based on the characteristics of surrounding habitat, the potential for sensitive biological resources to occur, and the nature of the project. For example, an infill project within an already developed area may not require a large survey area; however, a development project adjacent to natural habitat may require a larger survey area based on the potential for disturbance. The procedure for delineating the size of the survey area will follow Step 1 of the County of Ventura Initial Study Guidelines, Biological Resources Chapter, Methodology Section.

- Prior to conducting any field surveys, the qualified biologist shall conduct an initial data review to determine the type of sensitive biological resources that may occur within the survey area using the procedures detailed in Step 3 (a) of the County of Ventura Initial Study Guidelines, Biological Resources Chapter, Methodology Section. This will include but not be limited to review of the best available, current data including: vegetation mapping data, mapping data from the County (Locally Important Species, Habitat Connectivity and Wildlife Corridor, Water Protection District data, past biological reports in the area, etc.); National Wetland Inventory Database (NWI); USGS National Hydrographic Dataset; EcoAtlas; and database searches of the US Fish and Wildlife Service Critical Habitat, Environmental Conservation Online System (ECOS) and Information, Planning, and Conservation System (IPaC); California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB); and California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California; Audubon Important Bird Areas and Red Lists, Xerces Society, etc.

Biological Inventory -Special Status Species, Sensitive Habitats, Wetlands, Other Non-wetland Waters, Native Wildlife Nursery Sites, and Wildlife Corridors

- The biological inventory shall be conducted as detailed in Step 3 (b) Conduct Field Survey and (c) biological inventory, of the County of Ventura Initial Study Guidelines, Biological Resources Chapter, Methodology Section, which includes a general floristic survey of the project impact areas.

- Vegetation communities within the survey area shall be inventoried using the CDFW vegetation classification standards (Manual of California Vegetation) and the most recent version of CDFW vegetation mapping standards "Survey of California Vegetation Classification and Mapping Standards [CDFW, 2019].

- If the initial data review shows a wetland or water occurring within 300 feet (in non-coastal zone) or 500 feet (in coastal zone) from the edge of the proposed disturbance areas, then a qualified biologist shall delineate the aquatic habitat (including waters of the United States and other waters including those under State jurisdiction). A summary of the type of aquatic habitat, primary water source, species diversity, connectivity to off-site habitat or other hydrological features, hydric soils, and hydrophytic vegetation, and the boundary of the feature (based upon the outermost limit of associated vegetation (canopy drip line or scrub line), hydric soils, bank and bed – whichever is greater) shall be included in the biological resource assessment.

- If the initial data review indicates that sensitive biological resources have the potential to occur within the survey area, a qualified biologist shall conduct additional focused surveys for these species or other protected habitats using the most recently updated protocols recommended by natural resource agencies (e.g., Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities [CDFW 2018]. Staff Report on Burrowing Owl Mitigation [CDFG 2012]), or if not available, standards accepted in the professional biological community to survey that taxonomic group, community, or species . If an established protocol is not available for a special-status species then the qualified biologist will consult with the County, and CDFW or USFWS, to determine the appropriate survey protocol.

Mitigation for Special-Status Species, Sensitive Habitats, Wetlands, Other Non-wetland Waters, Native Wildlife Nursery Sites, and Wildlife Corridors

- If a sensitive biological resource is identified during field surveys, then the County shall require implementation of mitigation measures at the project level that fully account for the adversely affected resource. To the maximum extent feasible, mitigation measures should adhere to the following priority to reduce adverse impacts of a proposed project to the resource: avoid impacts, minimize impacts, and compensate for impacts.

- Mitigation measures shall be used on a project level basis and be tailored to on site conditions and sensitive biological resources present as follows:

  - Priority 1. Avoid of Impacts: Proposed development shall avoid impacts to the maximum extent feasible by not taking certain actions or parts of an action. Projects shall be sited to avoid direct or indirect impacts on the resource, and include measures such as implementing no-disturbance buffers (e.g., nesting bird buffer areas during construction, siting staging areas outside buffer area), or implementing project-specific design features (e.g., wildlife-friendly fencing and lighting in a wildlife corridor), such that indirect adverse effects of project development are avoided.

  - Priority 2. Minimize Impacts: Proposed development shall be conditioned to minimize adverse impacts by limiting the degree or magnitude of the action and its implementation to less than significant to the maximum extent feasible. Other mitigation measures may include reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

    - Measures to mitigate the spread of invasive plant species and invasive wildlife species (e.g., New Zealand mudsnail) shall include but will not be limited to: cleaning of equipment, footwear, and clothing before entering a construction site and the identification and treatment of significant infestations of invasive plant species within a project site.

  - Priority 3. Compensate for Impacts: Compensating for the impact can be done by replacing or providing substitute resources or by rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

    - Compensatory mitigation ratios for protected sensitive resources will be established based on the rarity of the resource, quality of affected habitat associated with the resource, temporary and permanent losses to habitat function, the type of mitigation proposed (restoration, enhancement, preservation, establishment), and other requirements associated with state or federal permits. Mitigation ratios will be determined at the project level in consultation with the County, the qualified biologist, and, where applicable, federal or state agencies with jurisdiction over the resource (e.g., CDFW, USACE, USFWS).

- If impacts on a protected sensitive biological resource are unavoidable, then the project proponent shall mitigate for the type of resource as follows:

- Endangered, Rare, Threatened, or Candidate Species: The applicant shall obtain incidental take authorization from USFWS (16 U.S. Code [U.S.C.] Section 1531 et seq.) or CDFW (California Fish and Game Code Sections 2050–2115.5) prior to commencing development of the project site, apply minimization measures or other conditions required under the incidental take authorization, and shall provide equivalent compensation for the unavoidable losses of these resources, generally at a minimum ratio of 1:1, or greater. Compensation may include purchasing credits from a USFWS- or CDFW-approved mitigation bank or restoring or enhancing habitat within the project site or outside of the project site.

- Special-Status Species (includes Locally Important Species): The applicant shall provide equivalent compensation for impacts on special-status species by restoring or significantly enhancing existing habitat where the species occurs, acquiring or protecting land that provides habitat function for affected species that is at least equivalent to the habitat function removed or degraded as a result of project implementation.

- If impacts on sensitive habitats, wetlands, other non-wetland waters, riparian habitats, native wildlife nursery sites, and wildlife corridors cannot be avoided, then the project applicant shall:

  - Federal or State Protected Sensitive Habitats: Obtain the required regulatory authorization (e.g., Section 404 permits for impacts on waters of the United States, 401 water quality certification from the Regional Water Quality Control Board, a Streambed Alteration Agreement for impacts on aquatic or riparian habitats within CDFW jurisdiction under Fish and Game Code Section 1602, a coastal development permit for impacts on ESHA), and provide equivalent compensation for the unavoidable losses of the above mentioned resources such that there is no net loss.

  - Other Protected Sensitive Habitats (includes locally important plant communities, sensitive natural communities, habitat connectivity and wildlife corridors, native wildlife nursery or overwintering sites): Provide compensation for other protected sensitive habitats which may include the restoration, enhancement, or preservation of the aforementioned habitats within or outside of the project site, or the purchasing of credits at an existing mitigation bank or in lieu fee program deemed acceptable by the County Planning Director.

- All compensatory mitigation sites shall be protected in perpetuity through a conservation easement (if off-site), or deed restriction (or other comparable legal instrument) if on-site.

The County shall, in harmonizing the 2040 General Plan with the Ventura County Initial Study Assessment Guidelines, add definitions for the habitat

types included in this mitigation measure, including which components are subject to compliance with the County's Local Coastal Program and Coastal Zoning Ordinance versus non-coastal areas.

1. "Feasible" means that this mitigation measure shall be applied to future discretionary projects under the 2040 General Plan when and to the extent it is "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors" as determined by the County in the context of such future projects based on substantial evidence. This definition is consistent with the definition of "feasible" set forth in CEQA (Pub. Res. Code, § 21066.1) and the CEQA Guidelines (§ 15164). The County shall be solely responsible for making this feasibility determination in accordance with CEQA.

2. "Mitigation, No-Net-Loss" A principle where if a development project cannot avoid the loss of a valued natural resource, the project mitigates the impacts by replacing the impacted habitat with a newly created or restored habitat of the same size and similar functional condition so that there is no loss of ecological functions and values of that habitat type for a defined area. Similar functional condition means the relative ability to support and maintain the same species composition, diversity, and functional organization as the impacted habitat.

A3-6 This comment states that there is "no mention of protocol surveys for special-status wildlife."

However, Mitigation Measure BIO-1 on pages 4.4-23 through 4.4-25 of the draft EIR, and as revised (refer to the full text of revised Mitigation Measure BIO-1 in response to comment A3-5), states that additional focused surveys would be conducted if special-status species have potential to occur within a project site following established protocols. Protocol-level surveys for special-status wildlife have already been addressed in the draft EIR, and further response is not required.

A3-7 This comment includes recommendations for specific language regarding focused surveys for special-status species with potential to occur within the plan area (e.g., special-status reptiles, nesting birds, raptors, bats). As explained below, the draft EIR does require protocol-level or focused surveys as part of Mitigation Measure BIO-1, which is identified, in part, to address the potentially significant impacts of the 2040 General Plan on special-status species. The issues raised in this comment also are addressed by the revised version of Mitigation BIO-1 (which is provided in full in the response to comment A3-5).

Section 4.4.1, "Background Report Setting Updates," of the draft EIR and associated Background Report include a full description of special-status wildlife species that could occur within plan area of the 2040 General Plan, including the status, life history, distribution, and potential for these species to occur. A total of 100 special-status wildlife species were identified as having potential to occur within the plan area of the 2040 General Plan. Because the exact location and timeframe of

potential future projects over an approximately 20-year period under the 2040 General Plan are currently unknown, it is not possible at this time to determine specific details regarding which of these species would be avoided or would be adversely affected at the project level. As a result, impacts to special-status species in the draft EIR were determined to be significant and unavoidable, due to this uncertainty and the possibility that the impact of some future projects would not be reduced to less than significant after implementation of Mitigation Measure BIO-1.

Mitigation Measure BIO-1 on pages 4.4-23 through 4.4-25 of the draft EIR, and as revised, was designed to apply to future development under the 2040 General Plan and to all of the special-status wildlife species that could be adversely affected by these projects. This mitigation measure requires project-level analysis, including data review to determine which special-status wildlife species may occur, a reconnaissance-level survey to ground truth the required data review, and protocol-level or focused surveys for special-status wildlife species that could occur within an individual project. Project-level data review, reconnaissance-level surveys, determination of the need for protocol-level surveys or focused surveys, and the surveys would all be implemented by a qualified biologist. This mitigation measure also requires the County and the qualified biologist to consult with CDFW or the U.S. Fish and Wildlife Service if established protocols are not available. The draft EIR requires implementation of mitigation measures that focus on avoiding impacts, minimizing impacts, and compensating for impacts, potentially through incidental take authorization from CDFW or the U.S. Fish and Wildlife Service.

The mitigation measure in this programmatic draft EIR for special-status wildlife, and as revised, contains sufficient detail to require impact avoidance, minimization, or compensation and the use of appropriate protocol-level surveys at the project level. This issue has been adequately addressed, and further response is not required.

A3-8 This comment pertains to potential impacts to California Endangered Species Act (CESA)-listed species as a result of 2040 General Plan implementation. See response to comment A3-5, above, regarding mitigation for impacts to all special-status species (including those listed under CESA).

A3-9 This comment recommends that if an individual project will result in take of a plant or animal species listed under CESA, the project proponent should seek take authorization from CDFW.

Mitigation Measure BIO-1 on pages 4.4-23 through 4.4-25 of the DEIR, and as revised, states that incidental take authorization will be obtained for projects that cannot avoid impacts on species listed under CESA or ESA.

This issue has been addressed, and further response is not required.

A3-10 Section 4.10, “Hydrology and Water Resources,” of the draft EIR concludes that there would be less than significant impacts to State waters with implementation of the 2040 General Plan. This conclusion is supported by numerous existing State regulations that require review and permitting at a project level. For example, the

analysis of the potential for the 2040 General Plan to affect identified beneficial uses of a surface water, as identified in the applicable basin plan, due to an increase water demand (Impact 4.7-10) concludes that the impact would be less than significant based upon existing regulations, including compliance with Urban Water Management Plans (refer to draft EIR page 4.10-15).

A significant impact related to watershed function and biodiversity is identified in Section 4.4, "Biological Resources," of the draft EIR, however. The analysis of Impact 4.4-3 (Disturb or Result in Loss of Wetlands and Other Waters) concludes that the effect of implementing the 2040 General Plan would be potentially significant. As described on page 4.4-28 of the draft EIR, "[u]nder the 2040 General Plan, each discretionary project that could result in impacts on biological resources would require project-specific environmental review. Impacts on State and federally protected wetlands would be reduced through existing federal and State laws which address potential impacts through site-specific environmental review and permitting (e.g., Clean Water Act Section 404, California Fish and Game Code, California Coastal Act)." The analysis also acknowledges that "there would still be potential for impact because presence and extent of wetlands may only be determined through focused surveys, specific avoidance measures to prevent disturbance or direct loss of wetlands would be required, and specific compensation requirements would be necessary if impacts cannot be avoided. The Conservation and Open Space Element of the 2040 General Plan does not include policies that specifically outline wetland delineation requirements, specific avoidance measures, or compensation requirements" (draft EIR page 4.4-29).

As summarized on page 4.4-30 of the draft EIR, implementation of Mitigation Measure BIO-1 would substantially lessen significant impacts on wetlands because it would require identification these features during reconnaissance-level surveys, avoidance where feasible, and appropriate regulatory authorization. As a result, this mitigation measure, including as revised, would routinely reduce project-level impacts. However, due to the wide variety of future project types, site conditions, and other circumstances associated with future development, it is possible that there may be instances in which this mitigation measure would not reduce impacts to a less-than-significant level. Therefore, this is a significant and unavoidable impact of the 2040 General Plan.

A3-11 As indicated in response to comment A3-10, above, the analysis of Impact 4.4-3 (Disturb or Result in Loss of Wetlands and Other Waters) in Section 4.4, "Biological Resources," of the draft EIR concludes that the effect of implementing the 2040 General Plan would be potentially significant. Although existing regulations (including the Clean Water Act Section 404, California Fish and Game Code, California Coastal Act) are acknowledged, the 2040 General Plan does not include policies that specifically outline wetland delineation requirements, specific avoidance measures, or compensation requirements. Mitigation Measure BIO-1, as recommended in the draft EIR, and as revised, would substantially lessen significant impacts on wetlands because it would require identification these features during reconnaissance-level surveys, a delineation of waters of the United States and other waters (including those under State jurisdiction), avoidance of these features as feasible and as required

by State and federal law, or regulatory authorization as required by State and federal law.

Through a proposed implementation program outlined in Mitigation Measure BIO-1, the County would update the Biological Resources Assessment report criteria in the Initial Study Assessment Guidelines to evaluate discretionary development that could potentially impact sensitive habitats, wetlands and other non-wetland waters. Consistent with the mitigation measures outlined in the comments, Mitigation Measure BIO-1, including as revised, would require delineation of State waters and avoidance where possible. If impacts cannot be avoided, then the project proponent would obtain required regulatory authorization (e.g., Section 404 permits for impacts to waters of the United States, 401 water quality certification from the Regional Water Quality Control Board, a Streambed Alteration Agreement for impacts to aquatic or riparian habitats within CDFW jurisdiction under Fish and Game Code Section 1602, a coastal development permit for impacts to Environmentally Sensitive Habitat Areas), and compensate for unavoidable losses of these resources. Compensation may include restoration of sensitive habitats, wetlands, other non-wetland waters, native wildlife nursery sites, and wildlife corridors within or outside of the project site, preserving the aforementioned resources through a conservation easement at a sufficient ratio to offset the loss of acreage and habitat function, or purchasing credits at an existing authorized mitigation bank or in lieu fee program. The County would require restoration or compensation for loss of sensitive habitats, wetlands, other non-wetland waters, native wildlife nursery sites, and wildlife corridors at a minimum of a 1:1 ratio or “no-net-loss” (see pages 4.4-23 through 4.4-25 of the draft EIR and revised Mitigation Measure BIO-1 provided in response to comment A3-5).

As stated on page 4.4-30 of the draft EIR, “this mitigation measure would routinely reduce project-level impacts to less than significant. However, due to the wide variety of future project types, site conditions, and other circumstances associated with future development, it is possible that there may be instances in which this mitigation measure would not reduce impacts to a less than significant level. Therefore, this impact would be significant and unavoidable.” This impact conclusion is unaffected by the revisions to Mitigation Measure BIO-1.

A3-12 The comment addresses the draft 2040 General Plan and is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

A3-13 The County understands and acknowledges the requirement to submit a CDFW filing fee for this and any subsequent document prepared pursuant to CEQA.

A3-14 The comment provides the preferred contact for the agency. The County has noted the information appropriately for future reference.

Letter A4

From: Lin, Alan S@DOT <alan.lin@dot.ca.gov>
Sent: Tuesday, February 25, 2020 10:36 AM
To: Downing, Clay <clay.downing@ventura.org>
Cc: Duong, Frances M@DOT <Frances.Duong@dot.ca.gov>; Edmonson, Miya R@DOT <miya.edmonson@dot.ca.gov> **Subject:** Ventura General Plan Review-Deadline Extension Request

Clay,

Per our phone conversation today and discussion with management, we would like to request an extension to send Caltrans comment letter. Please extension CEQA deadline to March 18, 2020 if possible. A4-1

All future correspondences should send to Ms. Miya Edmonson, Branch Chief, for review. A4-2

Thank you!

Alan Lin, P.E.
Project Coordinator
State of California
Department of Transportation
District 7, Office of Transportation Planning
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(213) 897-8391 Office
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Letter A4	**California Department of Transportation, District 7** Alan Lin, P.E., Project Coordinator February 25, 2020

A4-1 The draft EIR was available for a 45-day review period from January 13, 2020, to February 27, 2020, in compliance with CEQA (Pub. Res. Code, § 21091). The commenter's request for extension of the comment period has been noted. No extension of the comment period was granted.

A4-2 The comment provides the preferred contact for the agency. The County has noted the information appropriately for future reference.

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY Gavin Ne

DEPARTMENT OF TRANSPORTATION
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Letter A5

Making Conservation a California Way of Life.

February 27, 2020

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

RE: Ventura County 2040 General Plan Update
Vic. Countywide
SCH # 2019011026
Ref. GTS # VEM-2017-00228AL-NOP
GTS # VEN-2017-00388AL-DEIR

Dear Ms. Curtis:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project is a comprehensive update of the County of Ventura General Plan, also known as the 2040 General Plan. The 2040 General Plan will set forth the County's vision of its future and identify the goals, policies, and implementation programs that will guide future decisions concerning a variety of issues, including but not limited to land use, climate change, agriculture, transportation, hazards, public facilities, health and safety, environmental justice, and resource conservation out to the year 2040.

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) 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. For future project, you may reference to The Governor's Office of Planning and Research (OPR) for more information.

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

A5-1

The Lead Agency has provided a VMT analysis for this project and using 2012 Baseline Model, 2040 Ventura County General Plan Land Use Model, 2040 VCTC and 2040 SBCAG travel demand model. For further review and feedback, it would be helpful if the County can share all models and assumptions with Caltrans to validate the model results (including 2040 General Plan results on page 4.16-24) provided in section 4.16 Transportation and Traffic.

A5-2

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, in general Caltrans concurs the County's policies for future developments that

A5-3

should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets and policies for bicycling, pedestrian, and public transit which can allow streets to transport more people in a fixed amount of right-of-way.

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. Moreover, we encourage mixed-use development with smart growth principle to shorten travel distance for different land uses to achieve job-and-housing balance within the County boundary.

We have the following comments and recommendations for the following policies:

A5-3 cont.

Policy CTM-1.7: Pro Rata Share of Improvements. We concur that "the County shall require discretionary development that would generate additional traffic to pay its pro rata share of the cost of added vehicle trips and the costs of necessary improvements to the Regional Road Network pursuant to the County's Traffic Impact Mitigation Fee Ordinance." Caltrans recommend the improvements shall include the State facilities identified and approved by both agencies.

Policy CTM-2.9: State Route 118 Improvement in Saticoy Area. When the final list of improvement is approved by Caltrans and Ventura County Transportation Commission (VCTC), we recommend this list be a part of the fair share program in the County's Traffic Impact Mitigation Fee Ordinance.

Policy CTM-2.19: Safety Metrics. We concur that "the County shall continue to examine and update safety metrics for California Environmental Quality Act (CEQA) impact analysis as appropriate. Option include but are not limited to: queue spill-back at intersections: midblock unprotected crossings; and increased crossing distances." Caltrans recommend the safety impact analysis shall also include off-ramps, State intersections, and weaving areas on the freeway mainlines. Caltrans will provide separate consultation for any queuing analysis when needed.

Policy CTM-4.1: Reduce Vehicle Miles Traveled (VMT). We concur that "the County shall work with Caltrans and Ventura County Transportation Commission (VCTC) to reduce VMT by…". We recommend future projects to consider additional Traffic Demand Management (TDM) options referencing 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

We recommend the County to develop a monitoring program to monitor the effectiveness of TDM or Vehicle Miles Traveled (VMT) Reduction Program.

We would like the County to invite Caltrans to review and to provide consultation/feedback when the County is developing or updating the following Implementation Programs in the future.

Implementation Program A: Traffic Impact Mitigation Fee Program.
Implementation Program B: Initial Study Assessment Guidelines.
Implementation Program C: Vehicle Miles Traveled (VMT) Reduction Program.
Implementation Program D: Regional Road Network Coordination.
Implementation Program L: Master Bicycle Network Plan.

A5-3 cont.

For Land Use and Community Character Element, we concur "**Policy LU-11.3: Design.** The County shall require new commercial and industrial developments to be designed to be generally compact, grouped and consolidated into functional units providing for sufficient off-street parking and loading facilities, maximize pedestrian and vehicle safety, reduce vehicle miles traveled (VMT), encourage electric vehicle charging, and minimize land use conflicts and traffic congestion. The County shall require that commercial and industrial discretionary development is designed to provide adequate buffering (e.g., walls, landscaping, setbacks) and operational conditions (e.g., noise, glare, and odors) on adjoining and adjacent residential area." Again, this is where we would encourage the County to promote mixed-use development with smart growth principle to shorten travel distance for different land uses to achieve job-and-housing balance within the County boundary.

Policy HAZ-10.8: Alternative Transportation Modes. We concur that "the County shall promote alternative modes of transportation that reduce single-occupancy vehicle (SOV) travel and enhance "last-mile" transportation option to improve air quality." We recommend

the County to develop a program to promote the alternative modes of transportation for new development projects.

For **Mitigation Measure CTM-3: Revised Implementation Program CTM-C: Vehicle Miles Traveled (VMT) Reduction Program,** we concur that "During implementation of the 2040 General Plan, the County shall review and update the VMT Reduction Program as warranted to provide additional mitigations and Programs." Again, we recommend the County to include Caltrans in the review and update process whenever is available.

A5-3 cont.

For **Mitigation Measure CTM-4: New Implementation Program CTM-X; Updated Traffic Impact Fee Mitigation Program**, we concur that "the County shall require that development which adds traffic to roadways traversing within a County designated substandard roadway impact area contribute the fair share costs of any safety counter-measures that improve the safety of the impacted roadways by paying the applicable fees under the County's Traffic Impact Fee mitigation program prior to issuance of Zoning Clearance." Again, we recommend such safety improvements include the State facilities.

A5-4

After this mitigation, we understand that "traffic volume would increase on existing roadways already identified as substandard facilities. Substandard roadways must be improved to meet County road standards to mitigate impact significance. Further, analysis of trips added by discretionary development to roadways identified as facilities with high collision/incidence rates must be explored at the project-level to ensure safety standards are met. No other feasible mitigation is available to eliminate safety concerns associated with the identified substandard roadways. Therefore, this impact would remain significant and unavoidable."

On page 5-19 of the 2040 General Plan Draft Environmental Impact Report, we acknowledge that "the VMT impact analysis relies on existing and future growth accommodated through the 2040 General Plan and accounts for the projected growth of the incorporated cities and surrounding counties. Therefore, the transportation and traffic impacts identified in Section 4.16, are inherently cumulative. The VMT and County road standards and safety impacts would remain significant and unavoidable even with mitigation measures due to the increased development, new roadways, and increased numbers of users on the county's transportation system that would result from implementation of the 2040 General Plan. Therefore, the potential for cumulative impacts related to transportation and traffic would be cumulatively significant, and the project would have a considerable contribution." In the end, we recommend the County to work with Caltrans closely for each specific large project in the future to identify safety improvements on the State facilities and also in achieving to reduce VMT with land use balance principle.

A5-5

Ms. Susan Curtis
February 27, 2020
Page 5

If you have any questions, please feel free to contact Alan Lin the project coordinator at (213) 897-8391 and refer to GTS # 07-VEN-2017-00388AL-DEIR. A5-6

Sincerely,

MIYA EDMONSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Letter A5	**California Department of Transportation, District 7** Miya Edmonson, IGR/CEQA Branch Chief February 27, 2020

A5-1 This comment is introductory in nature and provides a summary of the 2040 General Plan, mission of the commenting agency, and information about Senate Bill 743 that can be referenced for future projects. This information is noted and does not raise a significant environmental issue for which a response is required.

A5-2 The comment notes that access to all models and assumptions used in the draft EIR vehicle miles traveled (VMT) analysis would be helpful to further review and validate the analysis and conclusions.

As described on pages 4.16-3 and 4.16-4 in the draft EIR, an empirically based VMT estimate was developed using the Highway Performance Monitoring System to establish the baseline condition (i.e., ground-truth VMT estimate). This includes both a boundary-based VMT estimate (Table 4.16-1) and a Senate Bill 743 compliant full trip length VMT estimate (Table 4.16-2). To project the full trip length baseline VMT as a result of the planned growth both within the unincorporated county and the cities, the draft EIR relied on two travel demand models: Ventura County Transportation Commission's Travel Demand Model and the Santa Barbara County Association of Government's Travel Demand Model. Use of the Santa Barbara County Association of Government's model was necessary to estimate the full trip length of inter-county trips between Ventura and Santa Barbara counties. The description of this analysis and the two travel demand models used are provided in Appendix F to the draft EIR.

A5-3 The comment summarizes challenges facing the region, encourages integration of transportation and land use in ways that reduce VMT, and provides commentary on specific polices proposed in the 2040 General Plan. The agency also requests that the County invite the California Department of Transportation (Caltrans) to review and provide feedback when the County is developing or updating several 2040 General Plan implementation programs. The comment also includes a general statement of agreement with draft EIR Mitigation Measure CTM-3 and recommends that the County include Caltrans in future review and update processes related to this measure. The agency's comments and offer to assist in the County with these programs and mitigation measure are noted and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan. Because the comments are not related to the adequacy of environmental analysis, no revisions to the draft EIR have been made in response to this comment.

A5-4 The comment acknowledges and confirms the conclusion of draft EIR Impact 4.16-2 (Transportation Infrastructure Needed to Accommodate Growth Would Result in Adverse Effects Related to County Road Standards and Safety). The comment recommends that the safety improvements required through Mitigation Measure CTM-4 also include State facilities. However, this mitigation is designed to address effects of future development on unincorporated county roadways that

do not meet County standards (based on an adopted threshold in the County's Initial Study Assessment Guidelines) through a traffic impact mitigation fee administered by the County. Because the Initial Study Assessment Guidelines and draft EIR threshold of significance address County roadways there is no nexus for the County to include such a requirement for State facilities as CEQA mitigation for the identified impact. Implementation Program D in the 2040 General Plan describes the County's commitment to continue working with the cities, Caltrans, and regional partners to identify and fund needed roadway improvements (refer to page 4-35). Implementation Program A in the 2040 General Plan goes further and commits the County to update its Traffic Impact Mitigation Fee Program every 5 years. As in the past, these updates are done in concert other cities in Ventura County, as well as Caltrans, to ensure that all needed projects are identified and sufficient funding is collected among all jurisdictions.

No changes to the draft EIR have been made in response to this comment. The agency's concerns are noted and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

A5-5 In this comment, Caltrans acknowledges the statement made in the draft EIR that "the VMT impact analysis relies on existing and future growth accommodated through the 2040 General Plan and accounts for the projected growth of the incorporated cities and surrounding counties. Therefore, the transportation and traffic impacts identified in Section 4.16, are inherently cumulative."

The suggestion that the County work with Caltrans to identify appropriate safety improvements on State facilities and methods of reducing VMT at the project level when individual, larger developments are under review is noted.

A5-6 The comment provides the preferred contact for the agency. The County has noted the information appropriately for future reference.

Letter A6

CALLEGUAS MUNICIPAL WATER DISTRICT

web site: www.calleguas.com

2100 OLSEN ROAD • THOUSAND OAKS, CALIFORNIA 91360-6800 805/526-9323 • FAX: 805/522-5730

February 24, 2020
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

Dear Ms. Curtis:

Calleguas Municipal Water District (Calleguas) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR; SCH# 2019011026) for the Ventura County 2040 General Plan, released for public review on January 13, 2020.

Calleguas is one of twenty-six member agencies of the Metropolitan Water District of Southern California (Metropolitan) and the primary urban water supplier in Ventura County, providing potable water service to three quarters of County's population. Through 19 retail water agencies and companies, Calleguas provides water to the cities of Oxnard, Camarillo, Moorpark, Simi Valley, Thousand Oaks, and Port Hueneme as well as surrounding areas of unincorporated Ventura County. A6-1

The Water Resources Element of the General Plan includes new and updated policies regarding water use efficiency, conservation, and supply in unincorporated Ventura County, including those areas within Calleguas' service area. We support these policies that encourage water conservation and water use efficiency, and regional collaboration and diversifying water sources to ensure a reliable supply of potable water while protecting water quality and environmental resources.

We offer the following specific comments regarding water resources:

Background Report (Appendix B of the DEIR)

The Background Report provides the basis for the environmental setting presented in the DEIR. However, there are several technical clarifications that should be made with regard to Calleguas' service area and retail water purveyors. A6-2

On page 10-47 (Figure 10-4, Water Purveyors in Santa Clara River Watershed), "Calleguas Wholesale District" is identified with Casitas as the supplier and Sisar MWC as the Water Company. Casitas is not a supplier to Calleguas, and Sisar MWC is not a Calleguas purveyor.

On page 10-59 (Figure 10-5, Water Purveyors in Calleguas Creek Watershed), several of the Water Companies listed for Calleguas either no longer exist or are not member retail purveyors of Calleguas. Please review the Calleguas 2015 Urban Water Management Plan for the current list of member purveyors (Section 3.0 System Description): http://www.calleguas.com/images/docs-documents-reports/cmwdfinal2015uwmp.pdf. Note that Figure 10-5 also includes the Oxnard Plain, a subwatershed of the Santa Clara River. A6-2 cont.

Lake Sherwood/Hidden Valley Area Plan

The proposed Lake Sherwood/Hidden Valley Area Plan contains several policies that address water supply. LS-58.2 (Water System Service Area) states that the water system serving the Lake Sherwood Community shall be sized to only serve the Lake Sherwood Community and existing or replacement single-family dwellings outside the Lake Sherwood Community which will be directly connected by a private lateral water line. LS 58.3 (Water Distribution System Sizing) requires that the water distribution system for the Lake Sherwood Community must be sized no larger than necessary to serve the community (see also Goal LS-60). However, LS 58.4 (Requirement for Publicly Operated Water Supplier) states: "The County shall require discretionary development to be served by a publicly operated water supplier. The County shall require all facilities to meet or exceed County Waterworks Standards." This appears to conflict with LS-58.2, LS-58.3, and LS-60. Discretionary development within the Area Plan that is outside of the Lake Sherwood Community may need to be annexed to Calleguas and Metropolitan in order to access imported water via our local publicly operated water purveyor, Ventura County Waterworks District 38. Further, if existing properties within the Plan Area but outside of the Lake Sherwood Community wish to receive imported water due to issues with the quality or quantity of available groundwater, Policies LS-58.2 and LS-58.3 may present an obstacle for them to do so. Allowing property owners to pursue annexation to Calleguas and Metropolitan in order to access imported water would support Goal LS-64 (To protect against overdrafting of the area's groundwater basins). It would also support General Plan Policies WR-1.1 (Sustainable Water Supply), WR-1.3 (Portfolio of Water Sources), and WR-1.4 (State Water Sources). A6-3

Ideally, a comprehensive planning effort should be undertaken by stakeholders to understand the water issues facing Hidden Valley. A piecemeal approach toward annexation of parcels and an area plan that restricts extension of water utility service are not prudent pathways to achieve future development goals.

Draft EIR Section 4.17 (Utilities)

Table 4.17-2 (Existing Water Supplies and Demands) segments water providers, supplies, and annual water demands by each major watershed within the County. The report states that "the small portion of the Malibu Creek Watershed that falls in Ventura County is included with the A6-4

information on the Calleguas Creek Watershed for the purposes of this document." This table should include Ventura County Waterworks District No. 38 under "Municipal Water Suppliers" for the Calleguas Creek.

Annual water demands characterized in Table 4.17-2 may be significantly higher than current water agency forecasts. New statewide water use efficiency regulations – also known as *Make Water Conservation a California Way of Life* – will soon be implemented. Each year, starting in 2023, retail water agencies will be held responsible for ensuring their system-wide, aggregate water use falls within a calculated water budget. Under the new law, the State may assess penalties on water suppliers that don't meet their objectives beginning in 2027. We recommend the DEIR reference the upcoming water efficiency standards that will be developed by Department of Water Resources and the State Water Resources Control Board.

A6-4 cont.

We appreciate the opportunity to comment on the DEIR for the Ventura County 2040 General Plan. Should you have any questions regarding these comments, please do not hesitate to contact me at (805) 579-7185 or by email at ddrugan@calleguas.com. We look forward to reviewing the Final EIR.

A6-5

Sincerely,

Dan Drugan
Manager of Resources

cc: Anthony Goff, General Manager
Jennifer Lancaster, Principal Resource Specialist

Letter A6	**Calleguas Municipal Water District** Dan Drugan, Manager of Resources February 24, 2020

A6-1 The description of the commenting agency's role and support for policies regarding water use efficiency, conservation, and supply in unincorporated Ventura County are noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

A6-2 The comment suggests technical clarifications of the information about water purveyors provided in Figure 10-4 and Figure 10-5 of the Background Report. In response, the following text is added to Section 4.17.1, "Background Report Setting Updates," in Section 4.17, "Utilities," under the subheading "Environmental Setting," on page 4.17-1:

> Water Purveyors – Calleguas Municipal Water District
>
> Most of Ventura County residents (approximately three quarters) rely on Calleguas Municipal Water District (MWD) for at least a portion of their potable water supply. Calleguas MWD distributes high quality drinking water to 19 cities, local water agencies, and investor-owned and mutual water companies (listed below) throughout southeast Ventura County. These retail purveyors receive water through 140 miles of large-diameter pipeline operated and maintained by Calleguas MWD. In turn, these purveyors deliver water to area residents, businesses, and agricultural customers. Only a small portion of the water (approximately 5 percent) is used for agricultural purposes. Agricultural demands are generally met by other agencies or private entities using untreated surface water, recycled wastewater, and groundwater from various basins underlying the area (Calleguas MWD 2016).
>
> The following water purveyors obtain all or a portion of their water from Calleguas MWD:
>
> - Berylwood Heights Mutual Water Company
> - Brandeis Mutual Water Company
> - Butler Ranch Mutual Water Company
> - California-American Water Company
> - California Water Service Company
> - Camrosa Water District
> - City of Camarillo
> - City of Oxnard

- City of Port Hueneme
- City of Thousand Oaks
- Crestview Mutual Water Company
- Golden State Water Company
- Oak Park Water District
- Pleasant Valley Mutual Water Company
- Solano Verde Mutual Water Company
- Ventura County Waterworks District No. 1 (VCWWD No. 1)
- Ventura County Waterworks District No. 8 (VCWWD No. 8)
- Ventura County Waterworks District No. 19 (VCWWD No. 19)
- Ventura County Waterworks District No. 38 (VCWWD No. 38) – formerly Lake Sherwood Community Services District (CSD)
- Zone Mutual Water Company

This additional information clarifies and updates the language in the Background Report, but does not substantially change the content, analysis, or conclusions of the draft EIR.

A6-3 The comment addresses the draft 2040 General Plan and is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

A6-4 The comment references the content of Table 4.17-2, which is provided in the draft EIR as part of the analysis of whether implementation of the 2040 General Plan could result in development that would adversely affect water supply during normal and dry years (Impact 4.17-4). Mitigation is proposed for "water-demand projects" (as defined in Section 15155 of the State CEQA Guidelines) that require service from a public water system. Such projects would be required to prepare a water supply assessment before project approval. Although this mitigation measure, together with the County's existing water availability letter (WAL) and "will serve" letter (WSL) requirements and 2040 General Plan policies and programs, would reduce the potential for future development to adversely affect water supplies, the analysis concludes that adequate water supplies may be unavailable during normal, single-, and multiple dry years to meet future demand. Evaluation of all potential future development projects in all locations of the county through 2040 is not possible at this program level of analysis. Therefore, this impact would be significant and unavoidable.

The comment states that Table 4.17-2 in the draft EIR should include Ventura County Water Works District No. 38 as a municipal supplier for the Calleguas Creek watershed. In response to this comment, Ventura County Water Works District No. 38 has been added to Table 4.17-2 on page 4.17-15 of the draft EIR, as indicated below. This revision clarifies the draft EIR text but does not affect the adequacy of the draft EIR analysis or conclusions.

4.17-2 Existing Water Supplies and Demands

Watershed	Municipal Water Suppliers	Other Water Suppliers	Water Supplies	Annual Water Demand
Ventura River	Casitas Municipal Water District Ventura Water Golden State Water Company Ventura River Water District Meiners Oaks Water District	11 mutual water companies	23,051 AF Surface Water 14,600 to 21,300 AF Groundwater (37,700 – 44,400 AF total)	32,700 AF
Cuyama	None	None	22,000 AF	10,000 AF agriculture/8 AF domestic
Santa Clara River	Castaic Lake Water Agency City of Fillmore City of Oxnard City of Santa Paula United Water Conservation District Ventura Water	74 smaller water systems and irrigation companies	12,000 AF Imported Water 10,200 to 19,700 AF Recycled Water 136,400 to 171,000 AF Groundwater (158,400 – 202,700 AF Total)	182,600 AF
Calleguas Creek	Calleguas Municipal Water District City of Simi Valley/Ventura Co. Waterworks City of Oxnard City of Thousand Oaks City of Camarillo Port Hueneme Water Agency Camrosa Water District Ventura County Waterworks District No. 1 Ventura County Waterworks District No. 19 <u>Ventura County Water Works District No. 38</u> Triunfo Water and Sanitation District California American Water Company – Ventura District California Water Service Company – Westlake District Golden State Water Company – Simi Valley Pleasant Valley Mutual Water Company Crestview Mutual Water Company Zone Mutual Water Company	52 small water systems and irrigation companies	11,324 AF Surface Water 119,417 AF Imported Water 13,931 Recycled Water 51,300 to 82,300 AF Groundwater (196,000 – 227,000 AF total)	224,660 AF[1]

Note: AF=acre-feet.

1: Calleguas Municipal Water District imports water into the watershed through the State Water Project to meet basin demand in most years.

Source: Appendix B

The comment also notes that the water demand estimates provided in Table 4.17-2 could overstate future demand in light of recent regulatory efforts to reduce water use and recommends that the new statewide efficiency measures are incorporated into the analysis. As noted by the commenter, water conservation legislation was signed into law in 2018 that lays out a long-term water conservation framework for California that applies to the actions of the California Department of Water Resources, the State Water Resources Control Board, and water suppliers. The handbook that summarizes this legislation is entitled *Making Water Conservation a California Way of Life – Primer of 2018 Legislation on Water Conservation and Drought Planning, Senate Bill 606 (Hertzberg) and Assembly Bill 1668 (Friedman)*. The legislation also made changes to existing urban and agricultural water management planning, and enhanced drought preparedness and water shortage contingency planning for urban water suppliers, small water systems, and rural communities. Pursuant to this legislation, the California Department of Water Resources is developing standards, guidelines and methodologies, performance measures, web-based tools and calculators, data and data platforms, reports, and recommendations to the State Water Resources Control Board for adoption of new regulations.

The draft EIR analysis (pages 4.17-16 through 4.17-18) acknowledges that current water demand projections could be high if water efficiency measures are employed. However, the results of these actions, including those outlined in 2040 General Plan policies, depend “on where conservation activities occur, the location of future demand, and how it would affect a particular water supplier.” Furthermore, existing County standards in the Ventura County Waterworks Manual do not guarantee that water supplies will be available to serve all future development during normal, single-dry, and multiple-dry years. The analysis does not include consideration of the 2018 water conservation legislation because the regulatory framework for implementation has not been adopted.

Therefore, although recent water conservation legislation could have a real and positive impact on water demand in the unincorporated county over the life of the 2040 General Plan, projected demand based on implementation of these new regulations is not available. Moreover, this information alone would not change the analysis or conclusions with respect to the potential for there to be development somewhere in the county that would adversely affect water supply during normal and dry years.

As indicated above, Table 4.17-2 provides existing water demand. It would not be appropriate to adjust these numbers based on speculative results of anticipated, future regulation. Existing demand provides a reasonable basis for the analysis. If water demand is reduced, then the County has been conservative in its assessment of potential impacts.

A6-5 The comment provides the preferred contact for the agency. The County has noted the information appropriately for future reference.

REC'D FEB 27

Letter A7

City of Camarillo

601 Carmen Drive • P.O. Box 248 • Camarillo, CA 93011-0248

February 21, 2020

Ventura County Resource Management Agency Via E-Mail: GeneralPlanUpdate@ventura.org
Planning Division
Susan Curtis, Manager, General Plan Update Section
800 S. Victoria Ave., L #1740
Ventura, CA 93009-1740

RE: Response to Ventura County 2040 General Plan EIR (SCH No. #2019011026)

Dear Ms. Curtis:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (EIR) for the Ventura County 2040 General Plan that has been prepared by the County of Ventura for public review pursuant to the California Environmental Quality Act (CEQA) Guidelines. After reviewing the EIR, we submit the following comments for your consideration. A7-1

Agricultural Land and Buffers to Protect Sensitive Receptors
City's Position: The EIR should require buffers around City jurisdictions and require farming techniques that will protect existing sensitive receptors from strong, unpleasant odors associated with hemp farming.

Reasoning: The EIR only addresses agricultural odors from the standpoint of ensuring that new sensitive receptors are not placed in proximity to existing agricultural uses without providing disclosure to new uses and that it does not limit the right to farm. The EIR should address odor impacts associated with types of agricultural crops – and how they are farmed – that may have a substantial odor impact on existing sensitive receptors. The County should ensure that existing sensitive receptors will not be adversely impacted based on the introduction of new types of crops being farmed such as industrial hemp. A7-2

Very Low Density Residential (VLDR)
City's Position: To ensure that development in the County adjacent to development in the City is compatible, the VLDR designation should have a maximum density of three units per acre.

Reasoning: The General Plan Land Use Element proposes a land use category of predominantly Very Low Density Residential (VLDR) within the Camarillo Sphere of Influence north of the City limits. Page 2-21 of the County Land Use and Community Character Element indicates this designation would have a maximum density of four dwelling units per acre with a minimum lot size of 10,000 square feet. This is in conflict with Page 2-36, which indicates the VLDR designation has a maximum density of three dwelling units per acre. The City of Camarillo A7-3

General Plan Land Use Element designates this area in the Sphere of Influence, north of the City limits, as Rural Density Residential (2.5 dwelling units per acre). This is consistent with the designation of most of the land that is in the City adjacent to the City boundary line, which is designated Rural Density Residential.

A7-3 cont.

Local Infrastructure

City's Position: Policies in the County General Plan should ensure new development on County land within and adjacent to the City Sphere of Influence is compatible with surrounding land uses in the City and that the use will not adversely impact local infrastructure.

Reasoning: The increase in density and 10,000 square foot minimum lot size in the VLDR designation adjacent to City limits within the City's Sphere of Influence needs to be analyzed in the EIR with respect to land use compatibility with adjacent development within the City, and impacts on City utilities and streets, as these areas may be annexed and connected to City infrastructure.

A7-4

Wireless Communication Facilities

City's Position: The General Plan should encourage cooperation between the County and Cities for the proper placement and design of wireless communication facilities.

Reasoning: The City has provided comments to the County to oppose the placement of an 80-foot tall mono-Eucalyptus along Pleasant Valley Road at Bridgehampton Way, which divides the City and County boundaries. Pleasant Valley Road is a designated scenic corridor in the Camarillo General Plan Community Design Element and the proposed wireless facility would not be consistent with the City General Plan. The County should have policies discouraging new macro wireless facilities adjacent to City boundaries, unless they are stealth and consistent with height structures in the surrounding area. The County General Plan should have policies to ensure new wireless facilities are properly sited and designed to avoid land use incompatibility; that it will not be inconsistent with the City General Plan; and that it will not result in an adverse aesthetic impact.

A7-5

SCAG Data Forecasts

City's Position: The County should use data consistent with the SCAG population forecasts.

Reasoning: Table 5-2 – Forecasted Growth of Incorporated Cities within Ventura County indicates Camarillo's population to be 79,900 in 2040. The City has verified that SCAG has incorporated the data provided to SCAG during the Local Input Process for the 2020 RTP/SCS. The population forecasts that are being used by SCAG are: 75,240 in 2035 and 76,093 in 2045.

A7-6

Thank you, once again, for the opportunity to comment.

Respectfully,

Dave Norman
City Manager

Letter A7	**City of Camarillo** Dave Norman, City Manager February 21, 2020

A7-1 The City of Camarillo's opportunity to review and comment on the draft EIR is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

A7-2 The comment asserts that the draft EIR should address odor impacts to existing sensitive receptors associated with types of agricultural crops and how they are farmed. CEQA Guidelines Section 15126.2(a) explains that "[a]n EIR shall identify and focus on the significant effects of the proposed project on the environment." Therefore, only the impacts of agricultural changes caused by adoption of the 2040 General Plan need to be addressed in the EIR. The 2040 General Plan does not modify the types of crops that can be grown in unincorporated Ventura County, nor does it contain policies or implementation programs that would encourage a shift to growing a particular crop or crops. As demonstrated by the policies and implementation programs of the 2040 General Plan listed on draft EIR pages 4.2-6 through 4.2-9, the 2040 General Plan policies focus on agriculture as a category, and there are no policies regarding specific crops. Additionally, the County is unaware of any evidence that supports an assertion that more industrial hemp would be grown in the unincorporated County as a result of adoption of the 2040 General Plan. Therefore, the draft EIR odor analysis does not need to address odors from industrial hemp farming.

Although not related to the 2040 General Plan, the Ventura County Board of Supervisors adopted an urgency ordinance on February 25, 2020, extending, for a period of 10 months and 15 days, a prohibition on the outdoor planting of industrial hemp in any part of the unincorporated area within 0.5 mile of (i) any land within a city zoned for residential use, (ii) any existing residential community in the unincorporated area of Ventura County or (iii) any school.

To the extent that additional agricultural odors may result from agricultural operations in the future and affect existing sensitive receptors, the County's existing process would address these odors. This process is explained under Impact 4.3-6 in Section 4.3, "Air Quality," of the draft EIR. For clarification, the text on page 4.3-24 has been revised as shown below.

> To deter ~~from~~ potential conflicts with existing agricultural land uses, as part of the Right to Farm ordinance, ~~the County~~ sellers of real property ~~is~~ are required to give notice of this ordinance to buyers of real property located in the county. The County also has a mediation process for any disputes involving agricultural land uses and issue opinions on whether certain agricultural land uses constitute a nuisance. The County's "Right to Farm" ordinance serves to mitigate issues regarding exposure of sensitive receptors to odors from agricultural land and operations while protecting agricultural land uses in the county. This ordinance would serve to protect agricultural lands in the county during implementation of the 2040 General

Plan and mitigate issues regarding exposure of sensitive receptors to odors from agricultural land operation that may be considered a nuisance.

The draft EIR odor impact analysis therefore adequately addresses agricultural odor impacts of the proposed project.

A7-3 The comment addresses the draft 2040 General Plan and is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

A7-4 The comment addresses the draft 2040 General Plan and is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

A7-5 The comment addresses the draft 2040 General Plan and is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

A7-6 Table 5-2 in the draft EIR uses county-specific demographic projections prepared by Southern California Association of Governments (SCAG) for the Final 2016 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) to describe forecasted growth within the incorporated cities as part of the analysis of cumulative impacts. This reflects the data in the adopted RTP/SCS that was available at the time the notice of preparation for the draft EIR was published in January 2019 (the 2020 RTP/SCS had not yet been adopted). Note also that the population estimates provided by the City are roughly 4,000 less than those provided in the 2016 RTP/SCS over a 20-year time span. This variation would not change the cumulative analysis or conclusions in the draft EIR. Refer to Master Response MR-2 for further discussion of population projections.

CITY OF MOORPARK

COMMUNITY DEVELOPMENT DEPARTMENT | 799 Moorpark Avenue, Moorpark, Calif
Main City Phone Number (805) 517-6200 | Fax (805) 532-2540 | www.moorparkca.gov

Letter A8

February 27, 2020

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

Subject: Comments Regarding the Draft Environmental Impact Report (EIR) for the County of Ventura Draft 2040 General Plan

Mrs. Curtis,

Thank you for providing the opportunity to provide comments regarding the Draft EIR for the County of Ventura Draft 2040 General Plan. The City of Moorpark requests that you consider the following:

Comment 1

The City of Moorpark had previously provided comments on July 3, 2015 and August 16, 2019 regarding a desire to have certain regional roadway improvements acknowledged as priorities in the Circulation Element and, by extension, the EIR. These items do not appear to be included, either directly or indirectly, in the current draft. Our City Council has identified traffic improvements as a strategic priority. We are therefore resubmitting our request that the following projects are identified within the goals and policies of the Circulation Element and EIR: A8-1

- Improvements to Grimes Canyon Road, including the realignment of Hitch Boulevard at Los Angeles Avenue; and
- Construction of the Broadway Road connection to the State Route 23 bypass, as outlined in the 2009 Ventura County Congestion Management Plan.

Additionally, the Draft Circulation Element (page 4-3) establishes a Level of Service (LOS) standard of "E" for State Route (SR) 118, immediately west of the City of Moorpark. This condition should be addressed and improved in the General Plan and can be mitigated with the construction of an additional lane of travel in each direction. The draft EIR and General Plan Circulation Element should consider mitigation the LOS E condition and circulation on this corridor of SR118. A8-2

Comment 2

Page 4.13-1 states the following (emphasis added):

> ENVIRONMENTAL SETTING
>
> In addition to the information provided in Section 11.6, "Noise and Vibration," of the Background Report (Appendix B), the following information is relevant to understanding and evaluating the potential noise and vibration impacts of the 2040 General Plan.
>
> The existing traffic noise evaluation included in the Background Report (Appendix B) analyzed a number of roadway segments that are located outside of the County's jurisdiction. In addition, the traffic noise assessment included in the Background Report (pages 11-88 to 11-97) was based on traffic data from 2014 and 2015. Since the preparation of the Background Report, more recent traffic data are available. **For the purposes of the analysis, the traffic noise modeling was updated to only evaluate roadway and highway segments within the unincorporated portions of the county that are regularly counted by the County's Public Works Agency and to include updated traffic counts conducted in 2017 and 2018.** Table 4.13-1 provides the modeled existing noise levels at 50 feet from the roadway, as well as distances to the 60, 65, and 70 A-weighted decibel (dBA) community noise equivalent level (CNEL) contour for all modeled roadways. Detailed noise modeling inputs are provided in Appendix E.

A8-3

Pursuant to the requirements of the California Environmental Quality Act, the EIR must evaluate traffic noise modeling for <u>all</u> roadway and highway segments that are within the scope of the DEIR and Draft General Plan. The scope of analysis in the EIR should not be limited to roadways that may or may not be "counted" by the County Public Works Agency.

<u>Comment 3</u>

Table 4.13-1 Existing Noise Contour Distances and Table 4.13-6 Projected 2040 Noise Levels and Contours: Please update this section to include a map or exhibit that more clearly indicates the limits of each "corridor and segment". In many cases, the scope of each corridor and segment are not clearly identified. Additional comments may be provided when the limits of the corridors are fully understood.

A8-4

<u>Comment 4</u>

Table 4.13-1 Existing Noise Contour Distances and Table 4.13-6 Projected 2040 Noise Levels and Contours: Corridor and Segment 105 references "Walnut Avenue north of Los Angeles Avenue (SR 118)". "Walnut Street" is not within the City of Moorpark; please clarify whether this is intended to reference Walnut Avenue or Walnut Canyon Road. As mentioned in Comment 3, a map or exhibit would also assist in identifying what this corridor includes.

A8-5

<u>Comment 5</u>

Page 4.13-8 states the following:

> Generate new or additional transit uses or heavy vehicle (e.g., semi-truck or bus) trips **on uneven roadways** located within proximity to sensitive uses that has the

A8-6

> potential to either individually or when combined with other recently approved, pending, and probable future projects, exceed the threshold criteria of the transit use thresholds shown in Table 4.13-3 below.

A8-6 cont.

This section should be updated to identify the thresholds used to determine an uneven roadway or include a map or exhibit that identifies where these conditions exist.

Comment 6

Page 4.13-9 identifies Policy HAZ-9.2 for Noise Compatibility Standards and provides the following mitigation:

> **4. New noise generators**, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor, measured at the exterior wall of the building, do not exceed any of the following standards:
>
> a. Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.;
>
> b. Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.; and
>
> c. Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.

A8-7

This mitigation measure may not be sufficient to address noise impacts presented by increased operations of *existing* noise generators. This language should be updated to clarify that the mitigation measure will apply to all new noise generators and also existing noise generators that may be modified to expand or intensify the noise generated.

Comment 7

Page 4.13-10 includes Policy HAZ-9.3:

> **Policy HAZ-9.3: Development Along Travel Routes.** The County shall evaluate discretionary development for noise generated by project-related traffic along the travel route to the nearest intersection which allows for movement of traffic in multiple directions. In all cases, the evaluation of project-related roadway noise shall be evaluated **along the travel route(s) within 1,600 feet of the project site**.

A8-8

The use of a 1,600 foot boundary in order to determine whether or not a proposed development will impact roadway noise is not clearly explained and can appear arbitrary. The term “travel routes” is also not clearly defined and open to interpretation (i.e. private driveways, access easements, public rights-of-way). The noise impacts associated with major new development do not cease when trucks travel 1,600 feet beyond the project site. Accordingly, this policy should be developed further to evaluate and mitigate the noise impacts along the likely travel routes serving the project.

Comment 8

Page 4.13-14 includes the following:

> 15. Select truck routes for material delivery and spoils disposal so that noise from heavy-duty trucks will have a minimal impact on noise sensitive receptors. **Proposed truck haul routes are to be submitted to the County Transportation Division for approval**.
>
> a. Conduct truck loading, unloading, and hauling operations so noise and vibration are kept to a minimum.
>
> b. Route construction equipment and vehicles carrying soil, concrete or other materials over streets and routes that will cause the least disturbance to residents in the vicinity of construction sites and haul roads.
>
> c. Do not operate haul trucks on streets within 250 feet of school buildings during school hours or hospitals and nursing homes at any time, without a variance.
>
> **d. Submit haul routes and staging areas to the County Transportation Division for approval, at least 30 days before the required usage date.**
>
> If the above listed construction equipment noise control measures are not sufficient to reduce noise levels, the project would be required to install construction noise curtains, blankets, and barriers or receptor noise control barriers detailed in the *Construction Noise Threshold Criteria and Control Plan* to ensure noise levels are reduced below applicable County noise standards. The 2040 General Plan policies and measures listed in the *Construction Noise Threshold Criteria and Control Plan* would require individual development projects to include numerous noise-reducing techniques and minimize noise at receiving land uses. The effectiveness of these measures would be ensured through Policies HAZ-9.4 and HAZ-9.2, which require the implementation of mitigation developed through project-level acoustical analyses. Because noise levels generated from construction under the 2040 General Plan would be temporary and reduction measures would be implemented to ensure construction noise would not exceed applicable standards at nearby receptors, this impact would be less than significant.

A8-9

Please update this item to identify the specific criteria upon which the County Transportation Division would be evaluating proposed truck haul routes, including items a. through d. As written, it appears as though the routes are submitted for summary approval, with no evaluation or discretion. It is also requested that language is included to require the County Transportation Division to notify the appropriate City counterparts within any jurisdictions that may be impacted by the proposed truck routes and provide an opportunity to receive feedback received prior to approving a truck haul route.

We sincerely appreciate your consideration of these items and look forward to continued collaboration on issues that cross jurisdictional boundaries. Please feel free to contact me at (805) 517-6251 or Dspondello@moorparkca.gov if you would like to discuss further.

A8-10

Regards,

Douglas Spondello
Planning Manager

CC:

Troy Brown, City Manager
Karen Vaughn, AICP, Community Development Director
Sean Corrigan, City Engineer/Public Works Director

Letter A8	**City of Moorpark** Douglas Spondello, Planning Manager February 27, 2020

A8-1 The 2040 General Plan and draft EIR, including the Background Report, include general programmatic as well as specific project descriptions which address this comment. Implementation Program D in the 2040 General Plan describes the County's commitment to continue working with the cities, the California Department of Transportation (Caltrans), and regional partners to identify and fund needed roadway improvements (refer to page 4-35 of the 2040 General Plan). Implementation Program A goes further and commits the County to update its Traffic Impact Mitigation Fee Program every 5 years. As in the past, these updates are done in concert with the City of Moorpark and the other cities in Ventura County, as well as Caltrans, to ensure that all needed projects are identified and sufficient funding is collected among all jurisdictions.

In addition to these programmatic responses to our roadway needs, Table 6-30 within the Background Report lists mid-term improvement projects from the County's 7-year Capital Improvement Program (CIP) list for the Congestion Management Program. This list is limited to the improvements either directly associated with roadways in the unincorporated areas of the county or that would serve to benefit the unincorporated areas. The list is financially constrained, but not fully programmed. Financially constrained means that the improvements are within the total projected revenue estimate assuming historical trends continue into the future. Programmed means that the improvement has an identified funding source and is included in a programming document (i.e., State or Federal Transportation Improvement Program). Mid-term projects have not yet been programmed. However, the list is consistent with the Ventura County Transportation Commission's (VCTC) Regional Transportation Improvement Program (RTIP). VCTC is the agency responsible for developing the RTIP for Ventura County working cooperatively with Caltrans. The RTIP is the regional component of the State Transportation Improvement Program (STIP), and is comprised of a five-year list of capital improvement projects to be funded from VCTC's share of Regional Improvement Program funds for the period starting July 1, 2020 and ending June 30, 2025.

Within the Background Report, Table 6-30, RTIP project #5A0707 has been identified – Grimes Canyon Road and Hitch Blvd Realignment at State Route (SR) 118, $6,127,000.

A8-2 The establishment of a level of service (LOS) "E" standard for SR 118 is a County policy decision. The current LOS "E" standard shown in the draft 2040 General Plan is based largely on past direction from the Ventura County Board of Supervisors (Board). When the Board considers the 2040 General Plan for formal adoption, it may consider a change in this standard. Regardless, the Background Report includes in its list several projects to improve SR-118 west of Moorpark, including the following:

- Table 6-27: Project #11 – Grimes Canyon Road at SR 118 (Los Angeles Avenue), Intersection Improvements. Add turn lanes for east and west bound traffic.
- Table 6-28: SR 118 (Los Angeles Avenue) – Somis Road (SR 34) to Moorpark City Limits. Widen from two to four lanes.
- Table 6-30: RTP# 50M0701 – Construct New Weight Station on SR 118 in Moorpark.
- Table 6-30: RTP# 5G0102 – SR 118 Near Grimes Canyon Road – Construct Crossover for the Union Pacific Railroad tracks.

Regarding the comment to consider mitigation of the LOS E condition in the draft EIR, the draft EIR explains that Section 15064.3 was added to the California Environmental Quality Act (CEQA) Guidelines effective December 28, 2018 as part of a comprehensive guidelines update and addresses the determination of significance for transportation impacts under CEQA. This section requires that transportation impact analysis be based on VMT instead of a congestion metric (such as LOS) and states that a project's effect on automobile delay shall not constitute a significant environmental impact. Thus, LOS is not analyzed in the draft EIR (page 4.16-1).

A8-3 Section 15146 of the State CEQA Guidelines states that the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR, and that an EIR on a local general plan need not be as detailed as an EIR on the specific construction projects that might follow. Section 15168 of the State CEQA Guidelines states that a program EIR can allow the lead agency to consider broad policy alternatives and program wide mitigation measures. Traffic noise levels were evaluated based on a representative sample of the unincorporated county's roadway and highway segments. The analysis included traffic noise modeling for 110 roadway segments and 21 highway segments located throughout the unincorporated County. The segments studied included a range of traffic conditions, from low-speed rural roads, to higher-speed arterials, and highways, thereby providing a representative sample of the traffic noise in the unincorporated county. There is no CEQA requirement to perform traffic noise modeling for "all" roadways and highways in the county as asserted by the commenter. This analysis evaluates impacts based on the best available information at the time, is consistent with the programmatic nature of the EIR, and is consistent with CEQA.

A8-4 The Ventura County Initial Study Assessment Guidelines (ISAG) provide threshold of significance criteria consistent with State CEQA Guidelines. The significance threshold criteria for noise impacts state that any project that produces noise in excess of the standards for noise in the Ventura County General Plan or applicable Area Plan, has the potential to cause a significant noise impact. These significance threshold criteria are consistent with Appendix G of the State CEQA Guidelines, which indicates that noise impacts should be evaluated to determine if the project would result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the

project in excess of standards established in the local general plan or noise ordinance. The draft EIR evaluated traffic noise levels generated by the project under Impact 4.13-2 and Impact 4.13-3 in Section 4.13, "Noise and Vibration." The draft EIR discussion was based on the standards identified in the Ventura County General Plan, consistent with the ISAG and State CEQA Guidelines. Both the ISAG and the State CEQA Guidelines do not require that a contour map or exhibit be included. Noise contours for roadway and highway segments are identified in Table 4.13-6 (page 4.13-16 of the draft EIR). The table describes roadway and highway segments by direction and street/highway name to provide location. The table provides distances in feet from each roadway and highway segment centerline to the point where noise levels reach 60 dBA, 65 dBA, and 70 dBA (i.e. noise contour lines) for each segment. Therefore, noise contours are evaluated appropriately to determine noise traffic impacts, consistent with the threshold criteria and CEQA.

A8-5 The draft EIR evaluates traffic noise levels roadway and highway segments within the unincorporated county and does not evaluate roadway or highway segments within the incorporated cities. Table 4.13-1 and Table 4.13-6 evaluate Segment 105 which is accurately referenced as Walnut Avenue north of Los Angeles Avenue (SR 118). Walnut Avenue is located in the southcentral portion of the unincorporated county, west of the unincorporated community of Somis. Please refer to the response to comment A8-4 regarding a contour map or exhibit.

A8-6 The language referenced by the commenter is derived from the County of Ventura's ISAG. The ISAG do not define or identify the thresholds used to determine "uneven roadways." However, this language is common in evaluating vibration impacts and is used in the Federal Transit Administration's (FTA's) Transit Noise and Vibration Impact Assessment (2006). Based on the FTA, unevenness in the road surface can occur from washboard surfaces, bumps, potholes, expansion joints, speed bumps, driveway transitions, or other design features. The draft EIR analysis under this threshold of significance was evaluated based on the FTA description of roadway unevenness.

A8-7 The language referenced by the commenter is included in Policy HAZ-9.2 of the 2040 General Plan, referenced on page 4.13-9 of the draft EIR, and is not a draft EIR mitigation measure. The draft EIR evaluated impacts related to the increase in operational stationary noise under Impact 4.13-4 and determined that General Plan Policies HAZ-9.1, HAZ-9.2, and HAZ-9.5 as well as the County's zoning ordinances would ensure noise-sensitive land uses are not exposed to noise levels above County noise standards. An increase in operations of existing noise generators would not result in an increase in ambient noise levels. An increase in ambient noise levels would result from new noise-generating sources or the combination of new noise-generating sources with existing noise-generating sources. CEQA does not require analysis of noise impacts from existing noise sources. In addition, existing noise sources have previously been evaluated and permitted and are required to adhere to existing applicable standards and any applicable conditions of those permits. The draft EIR addresses potential increases in ambient noise levels consistent with Appendix G of the State CEQA Guidelines.

A8-8 The comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. Note that this policy is intended to require evaluation of noise attributable to traffic generated by new development. It requires study of all roadways within 1,600 feet of the project site (from the site to the nearest intersection that allows traffic to turn in multiple directions). No thresholds are set by the policy.

The draft EIR includes a programmatic evaluation of the potential for the 2040 General Plan to accommodate development that leads to traffic noise increases (see Impact 4.13-3, beginning on page 4.13-19 of the draft EIR). This evaluation looks at all proposed policies, including Policy HAZ-9.3, and concludes that there would be a significant impact. Mitigation Measure NOI-1 of the draft EIR proposes a policy that would require discretionary development to implement noise reduction measures to reduce project-generated traffic noise.

A8-9 The commenter requests additional details regarding the evaluation of proposed truck haul routes by the County Transportation Division. The commenter also requests that notification be provided to the appropriate city counterparts. The language referenced by the commenter is extracted from the County of Ventura Construction Noise Threshold Criteria and Control Plan, which is an existing County program that is not changed by the 2040 General Plan. No specific issues related to the content, analysis, conclusions, or overall adequacy of the draft EIR are raised in the comment. Therefore, no further response is provided. This comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

A8-10 The comment provides the preferred contact for the agency. The County has noted the information appropriately for future reference.

OFFICE OF THE CITY MANAGER
James Vega, City Manager 401 S. Ventura Street, Ojai, CA 93023

Letter A9

February 26, 2020

Ventura County Board of Supervisors
800 S. Victoria Avenue
Ventura, CA 93009

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: 2040 County General Plan Update – EIR Comments

Honorable Board Members and Ms. Curtis:

The Ojai City Council is very concerned about air pollution and the effects of Climate Change on our city and its residents. We are experiencing the drastic effects of Climate Change, as evidenced by the Thomas Fire, water shortages, and the persistent drought. We have adopted a Climate Emergency resolution and have created a Climate Emergency Mobilization Committee to make recommendations to council on actions the City can take to reduce emissions of greenhouse gases and remove them from the atmosphere.

Accordingly, we are submitting the following comments. A9-1

1. In September, the Board of Supervisors approved a number of General Plan policies and programs designed to achieve unincorporated Ventura County's fair share of greenhouse gas emission reductions in line with the State's reduction targets (41.3% reduction of 2015 emissions by 2030, 61.9% reduction by 2040, and 80.4% reduction by 2050). However, in the draft EIR, is the statement "...the County... cannot conclude, at this program level of analysis, that future GHG emissions in the county under the 2040 General Plan would be sufficiently reduced to meet the State's 2030 or post-2030 targets." A9-2

We find this conclusion to be unacceptable. As proposed, the General Plan has failed to accomplish its own stated objective – achieving the County's fair share of GHG emission reductions. This must be remedied. We are experiencing a Climate Emergency in Ventura County

and County government must do it fair share to deal with it. General Plan policies should clearly demonstrate that the County will meet or exceed State and County GHG emission reductions. Failure to make this demonstration is a serious flaw in the draft EIR and draft General Plan. A9-2 cont.

2. One of the major source categories of air pollution and greenhouse gas emissions affecting Ojai is the oil and gas industry. Ojai is downwind of many O&G sources in both the Ojai Valley and Ventura River Valley.
The Board of Supervisors in September approved two important new policies that are intended to reduce negative impacts of the O&G industry, particularly with respect to air pollution, climate change, and other public health and safety impacts:

> Policy COS-7.7: Conveyance for Oil and Produced Water. The County shall require new discretionary oil wells to use pipelines to convey oil and produced water; oil and produced water shall not be trucked
>
> Policy COS-7.8: Gas Collection, Use, and Disposal. The County shall require that gases emitted from all new discretionary oil and gas wells shall be collected and used or removed for sale or proper disposal. Flaring or venting shall only be allowed in cases of emergency or for testing purposes.

A9-3

With respect to these two policies, staff and their consultant have stated that the two policies would result in an impact (loss of availability of a known petroleum resource that would be of value to the region and residents of the state), and to mitigate that impact staff have proposed to change the two policies (by adding mitigation measures PR-2 and PR-3) so as to allow flaring and trucking of oil and produced water. Incredibly, the proposed mitigation measures would effectively cancel out the two policies adopted by the Board, and would cancel out the benefits of the original policies in reducing air pollution and greenhouse gas emissions, and providing other health and safety benefits.

We strongly recommend that mitigation measures PR-2 and PR-3 be rejected and removed from the EIR, and that the original policies COS-7.7 and COS-7.8 adopted by the Board be retained.

3. The greenhouse gas emission inventory in the EIR is flawed, and does not accurately provide an inventory of greenhouse gases in the County. As an example, realistic methane global warming potential and industrial energy uses were not accurately documented. Comprehensively addressing Climate Change requires starting with an accurate emission inventory. We recommend that the County contract with the APCD or a qualified outside consultant to produce a more accurate and valid GHG emission inventory. A9-4

In summary, we strongly recommend that the Board of Supervisors exercise leadership on behalf of the citizens of the County and take a stand in these matters, and communicate with the County staff in the strongest manner possible the City of Ojai's opposition to what we consider to be the County staff's inappropriate attempt to use administrative maneuvers to subvert policies passed by duly elected officials – your Board of Supervisors. A9-5

Climate Change is upon us. It is time to act aggressively.

A9-5 cont.

Thank you for the opportunity to comment.

Sincerely,

James Vega,
City Manager

cc: Ojai City Council
Camarillo City Council
Fillmore City Council
Moorpark City Council
Oxnard City Council
Port Hueneme City Council
Santa Paula City Council
Simi Valley City Council
Thousand Oaks City Council
Ventura City Council

Letter A9	**City of Ojai** James Vega, City Manager February 26, 2020

A9-1 The information summarizing the City of Ojai's concerns and actions regarding air pollution and climate change are noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

A9-2 This comment concerns the alignment of the 2040 General Plan's greenhouse gas (GHG) reduction targets with State policies. See Master Response MR-1 regarding GHG reduction planning concerns.

A9-3 Refer to Master Response MR-4, Section MR-4.G, "Pipeline Requirements," and Section MR-4.F, "Flaring," regarding the findings and conclusions related to pipelines and to flaring. The commenter indicates that proposed Mitigation Measures PR-2 and PR-3 would effectively cancel out Policy COS-7.7 and COS-7.8 adopted by the Board of Supervisors. The draft EIR is an informational document required by California Environmental Quality Act (CEQA) for proposed projects, such as the draft General Plan, that may have a significant effect on the environment. The information contained in an EIR informs the public and assists the public agency's decision makers regarding the potential environmental effects of the proposed project under review. CEQA's EIR process is different than the public agency's legislative decision-making process regarding the project; the EIR does not amend or revise the proposed project in any way. CEQA requires EIRs to describe all potentially significant environmental impacts that may be caused by the proposed project being reviewed. For each significant impact identified in an EIR, CEQA requires the EIR to propose mitigation measures that would avoid or substantially lessen the impact. CEQA also requires an EIR to describe a reasonable range of alternatives to a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any significant effect of the project. The ultimate decisions as to whether an environmental impact is significant and, separately, whether to adopt a proposed mitigation measure or choose a proposed project alternative included in a draft EIR to address a significant impact, are made by the decision-making body of the public agency conducting the CEQA review based on substantial evidence in the record. The public agency is not required to adopt every potential mitigation measure or alternative included in a draft EIR and may instead reject a mitigation measure or alternative if it is found to be infeasible based on substantial evidence in the record. A finding that a mitigation measure or alternative is infeasible may be based on environmental, economic, social, technological or other factors. If a mitigation measure or alternative is rejected as infeasible, and a significant environmental impact would occur without the mitigation measure or alternative, the public agency may still approve the project by adopting a statement of overriding considerations based on a finding that the project's overall benefits outweigh the project's significant environmental impacts.

Here, the draft EIR includes County staff's determinations that, pursuant to the County's Initial Study Assessment Guidelines at Section 3b (Mineral Resources – Petroleum), Policy COS-7.2 (Oil Well Distance Criteria) would result in a potentially significant impact to mineral resources by hampering or precluding access to

petroleum, and that, pursuant to Appendix G to the CEQA Guidelines at Section XII (Mineral Resources), Policies COS-7.7 (Conveyance of Oil and Produced Water) and COS-7.8 (Gas Collection, Use, and Disposal) would result in a potentially significant impact to mineral resources by resulting in the loss of availability of know petroleum resources that would be of value to the region and state. As a result of these draft significance determinations, and as legally required by CEQA, the draft EIR proposes mitigation measures (Mitigation Measures PR-1, PR-2, and PR-3) that County staff determined would substantially lessen the impact of the policies. Because the project under CEQA review consists of the Board of Supervisors' (Board's) proposed 2040 General Plan, including the subject oil and gas-related policies, County staff's proposed mitigation measures consist of potential revisions to the policies themselves in accordance with CEQA Guidelines sections 15097, subd. (b), and 15126.4, subd. (a)(2). As explained above, in proposing that these policies may be revised to mitigate the potentially significant impact of the policies, County staff did not legislatively amend the draft policies themselves, but rather fulfilled CEQA's legally required informational requirements. The ultimate decisions as whether the environmental impacts of these policies are significant, and separately, whether to revise the policies in order to mitigate any potentially significant impacts, will be made by the Board based on substantial evidence in the record.

In this regard, the Board may conclude that any or all of the policy revisions/mitigations measures set forth in the draft EIR are infeasible and adopt a statement of overriding considerations concluding that the benefits of adopting the policies, as originally proposed by the Board, would outweigh any significant environmental impacts that would result from the policies. In particular, the Board may conclude that, on balance, the environmental benefits of the Board-proposed policies – such as avoidance or mitigation of air pollutants and greenhouse gas emissions, health risks, hazards, traffic safety issues, biological impacts, and the existence of other environmental, social and/or economic factors – outweigh the policies' potential for hampering or precluding access to, or resulting in a loss of availability of, known petroleum resources.

In sum, the purpose of CEQA and the County's draft EIR is to provide information and mitigation options to the public and the County's decision-makers. The draft EIR does not make any legislative changes to the Board-proposed draft General Plan policies being reviewed.

A9-4 This comment concerns the GHG inventory's documentation of global warming potential values, the accuracy of GHG emissions associated with industrial energy use, and a recommendation for the County to contract with Ventura County Air Pollution Control District or a third party to prepare its GHG inventory. See Master Response MR-1 regarding GHG reduction planning concerns.

A9-5 The recommendation for the Board of Supervisors to exercise leadership, take a stand, and communicate with County staff regarding climate change is noted. The comment is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

Letter A10

Jeffrey Lambert
Community Development Director
Community Development Department
214 South C Street
Oxnard, CA 93030
(805) 385-7882
jeffrey.lambert@oxnard.org

February 27, 2020

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: City of Oxnard Comments on Analysis of Environmental Impacts for Draft 2040 General Plan

The City of Oxnard (City) has received and reviewed the Draft Environmental Impact Report (DEIR) for the proposed County of Ventura (County) 2040 General Plan comprehensive update. The 2040 General Plan proposes to set forth the County's vision of its future and identify the goals, policies, and implementation programs that will guide future decisions concerning a variety of issues, including but not limited to land use, climate change, agriculture, transportation, hazards, public facilities, health and safety, environmental justice, and resource conservation out to the year 2040.

The City appreciates the opportunity to provide comments on the 2040 General Plan DEIR. The City is also appreciative of the ongoing working relationship and cooperation between the City and the County. The City looks forward to participating in the County's 2040 General Plan update process.

A10-1

City of Oxnard DEIR Comments
City comments follow DEIR Sections as follows:

2.1 –Introduction
2.2.5- Structure and Content of the General Plan: Land Use Diagram
"Two changes are also proposed for lands within or adjacent to the incorporated cities in the county. As the County does not have land use authority over lands within the cities, these areas are noted as "City" on the 2040 General Plan Land Use Diagram and not given a land

A10-2

use designation. The final land use designation change is the proposed removal of the Urban Reserve Overlay. This overlay is replaced by a policy that references the use of adopted spheres of influence to provide the same geographic boundary."

The City appreciates the County's efforts to clarify the relationship regarding land use authority between the County and surrounding cities by designating lands within the jurisdictional boundaries of surrounding cities as "City" in the Land Use Diagram. The new designation of "City" and the absence of a land use designation will clearly alert the general public that all lands with the designation are located within a city and that the general public should seek assistance from that appropriate city regarding all land use inquiries. Additionally, the City appreciates the County clearly stating that the County does not have land use authority over lands within the cities. The aforementioned statement will alleviate confusion to the general public about who is responsible for making land use decisions and will assist cooperation between surrounding cities and the County.

A10-2 cont.

4.2 Agriculture

4.2.2 Environmental Impacts and Mitigation Measures

Mitigation Measures

Mitigation Measure AG-1: New Policy AG-X Avoid Development on Agricultural Land
The County shall include the following new policy in the 2040 General Plan.

Policy AG-X Avoid Development on Agricultural Land
"The County shall ensure that discretionary development located on land identified as Important Farmland on the State's Important Farmland Inventory shall be conditioned to avoid direct loss of Important Farmland as much as feasibly possible."

Mitigation Measure AG-2: New Implementation Program AG-X: Establish an Agricultural Conservation Easement
"The County shall include the following new implementation program in the 2040 General Plan.
Implementation Program AG-X: Establish an Agricultural Conservation Easement
Applicants for discretionary projects that would result in direct or indirect loss of Important Farmland in exceedance of the acreage loss thresholds listed in the table below shall ensure the permanent protection of offsite farmland of equal quality at a 2:1 ratio (acres preserved: acres converted) through the establishment of an offsite agricultural conservation easement."

A10-3

The City, California State Coastal Conservancy (CSCC) and The Nature Conservancy (TNC) (Project Partners) are currently undertaking the Ormond Beach Restoration and Access Plan (OBRAP). The OBRAP area encompasses approximately 630 acres that are entirely within the

2

City of Oxnard, as is a significant portion of the broader Ormond Beach area. Property outside the OBRAP, in the Eastern Ormond Beach area between Edison Drive and Arnold Road, is within the County. The County also maintains a portion of Arnold Road. The Ventura County Watershed Protection District manages Tsumas Creek, the Ormond Lagoon Waterway, and the Hueneme Drain, including a flood control easement along the Ormond Lagoon Waterway. These waterways traverse lands owned by TNC and the City within the OBRAP area. The OBRAP area and the broader Ormond Beach area also straddle both the County non-coastal and Coastal Zones.

Ormond Beach is considered by wetland experts to be one of the most important wetland restoration opportunities in southern California. Unlike other coastal wetland restoration projects in southern California, there is room to restore the approximate extent of historic wetlands, provide surrounding upland habitat to complete the ecosystem and accommodate sea level rise. When combined with the adjacent Mugu wetlands, it will be one of the largest wetland systems in Southern California. Currently public access is limited. This plan will create restoration alternatives and enhance public enjoyment of Ormond Beach. The Project Partners recently held a public workshop in August of 2019 to present the draft OBRAP to the community and stakeholders. A number of County department representatives participated in the public workshop and provided valuable comments. The Partners greatly appreciate the ongoing participation and assistance of the County during the development of the OBRAP.

A10-3 cont.

Expansion of the project area may occur in the future as a result of new land acquisitions. The OBRAP has identified a few potential land acquisitions opportunities, some of which are located within the County boundaries. Based on Mitigation Measures AG-1 and AG-2, it would potentially require the Project Partners to provide permanent protection of offsite farmland of equal quality at a 2:1 ratio (acres preserved: acres converted) through the establishment of an offsite agricultural conservation easement. The City believes that the policy should be amended to exempt restoration and similar plans from this requirement. The City believes that restoration plans like the OBRAP that are intended to provide regional open space and coastal access opportunities for the general public, protection and further enhancement of vital ecosystems and protection from sea level rise should not be considered "discretionary development" (i.e. hardscape development) and required to provide permanent protection of offsite farmland of equal quality at a 2:1 ratio (acres preserved: acres converted) through the establishment of an offsite agricultural conservation easement.

4.6 Energy

The Energy chapter within the DEIR fails to establish a specific reduction target but references reduction mandates commensurate with State standards. By inference, reduction targets are stated as being able to be met. The analysis does not quantify how the reduction targets will be

A10-4

3

met with the added housing units to be constructed over the life of the 2040 General Plan, inclusive of the Housing Element. Additionally, Chapter B (Climate Change) of the DEIR identifies reduction targets (see page B-13). The City recommends that these targets be quantified in the Energy section to demonstrate how reductions will be met and that the GHG citation and evaluation criteria for inventory (ICLEI 2013) be referenced in this section.

A10-4 cont.

4.8 Green Gas Emissions

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 4.8-2: Conflict with an Applicable Plan, Policy, or Regulation for the Purpose of Reducing the Emissions of GHGs

Impact 4.8-2 (page 4.8-50) states, "the County cannot meaningfully quantify the effect of all its 2040 General Plan policies and programs on future GHG emissions, and there, it cannot conclude, at this program level of analysis, that future GHG emissions in the county under the 2040 General Plan would be sufficiently reduced to meet the State's 2030 or post-2030 targets." The City recommends that policies and implementation measures be prioritized with measures to achieve greater reductions identified. Prioritization will also assist the County when budgeting and evaluating competing priorities. This could also be replicated in Appendix B.

A10-5

4.11 Land Use Planning

Section 4.11.2 – Environmental Impacts and Mitigation Measures

2040 General Plan Policies and Implementation Programs

Agriculture Element

Policy PFS-5.2: Land Use Compatibility with Solid Waste Facilities

"The County shall review and condition discretionary development near landfills and other solid waste processing and disposal facilities (including facilities for composting, green waste, food waste) to avoid incompatible development and future nuisance complaints from encroachment by incompatible land uses."

The City recommends that language be incorporated to Policy PFS-5.2 that would not permit the extension of discretionary permits for existing development near landfills and other solid waste processing and disposal facilities (including facilities for composting, green waste, food waste) adjacent to or near: wetlands; restoration plan areas; and areas that contain environmentally sensitive habitat, including federally and state endangered and listed species. This policy will ensure that such facilities site their operations in the appropriate zoning. The new policy language will assist in the preservation and enhancement of unique environmental settings that are becoming frequently rare in the County and will provide for additional restoration and conservation opportunities throughout the County.

A10-6

4

4.12 Mineral

Section 4.12.2 – Environmental Impacts and Mitigation Measures

2040 General Plan Policies and Implementation Programs

Mitigation Measures

Mitigation Measure PR-1: Revised Policy COS-7.2: Oil Well Distance Criteria
The County shall include the following revised policy in the 2040 General Plan.
COS-7.2: Oil Well Distance Criteria
"The County shall require that new discretionary oil and gas wells to be located be sited a minimum of 1,500 feet from the well head to residential dwellings dwelling units and 2,500 from any school sensitive use structures which include dwellings, childcare facilities, hospitals, health clinics, and school property lines."

The City recommends that revised policy COS-7.2 continue to require that new discretionary oil and gas wells be sited a minimum of 2,500 feet to sensitive use structures which include dwellings, childcare facilities, hospitals, health clinics, and school property lines instead of the proposed 1,500 feet. The DEIR cites the recommendations contained within the Los Angeles County LACDPH, Public Health and Safety Risks of Oil and Gas Facilities in Los Angeles County report (February 2018) and the City of Los Angeles Oil and Gas Report (July 2019) as justification for recommending the setback reduction of new discretionary oil and gas wells to sensitive use structures from 1,500 feet to 2,500 feet. However, the DEIR fails to identify how the conditions and infrastructure analyzed in the aforementioned reports relate to the conditions and infrastructure found within the County, and if the reduction in setback is adequate based on the conditions found in the County. The City recommends that the County commission a study that analyzes current oil and gas conditions in the County and how the reduction in setback will impact sensitive use structures.

A10-7

4.14 Population and Housing

4.14.2 Environmental Impacts and Mitigation Measures

Methodology

Section 4.14.2 of the DEIR states the following: "Affordable housing units are defined as moderate-income in the Coastal Zone and lower-income for the remainder of the plan area. (Lower-income is the term used to collectively refer to low-, very-low, and extremely-low income households.)" Please clarify how allowance of only moderate-income housing units in the Coastal Zone complies with State Housing Law. The allowance would have major implications on how the City and surrounding cities in the County comply with State Housing Law.

A10-8

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4.17 Utilities

4.17.1 Background Report Setting Updates

Environmental Setting

Table 4.17-1 Wastewater Treatment Capacity, Ventura County

Agency	Total Number of Connections	Rated Capacity (MGD[1])	ADWF[2] (MGD)	Treatment Level
County Service Area No. 29	307	N/A	0.085	Tertiary
County Service Area No. 30	274	N/A	0.2	Tertiary
County Service Area No. 32	N/A	N/A	N/A	N/A
County Service Area No. 34	1,364	N/A	N/A	Tertiary
Camarillo Utility Enterprise	57	N/A	0.0356	Tertiary
Todd Road Jail	N/A	0.08	0.044	Secondary
Ventura County Waterworks District No. 1	10,000 (37,000 population)	5	2	Tertiary
Ventura County Waterworks District No. 16	544 (2,000 population)	0.5	N/A	Secondary
Camarillo Sanitary District	70,000 (population, city and unincorporated)	7.25	4	Tertiary
Ojai Valley Sanitary District	20,000 (customers)	3	1.4	Tertiary
Saticoy Sanitary District	271	0.25	0.1	Secondary
Triunfo Sanitation District	12,300	16	9	Tertiary
Camrosa Water District	6,900	1.5	1.4	Tertiary
Channel Islands Beach Community Services District	1,800	N/A	N/A	N/A
City of Oxnard	40,000	32.7	~~17~~ 20	~~Tertiary~~ Secondary
City of Simi Valley	40,000 (527 unincorporated)	12.5	7.8	Tertiary
City of Thousand Oaks	130,000 (population)	14	8	Tertiary
City of Ventura	25,528	14	7.1	Tertiary

A10-9

Please correct Table 4.17.1 Wastewater Treatment Capacity, Ventura County under agency for the City of Oxnard as follows:

Under the ASWF(MGF) column- please change the number 17 to 20.
Under the Treatment Level column- please change the word Tertiary to Secondary.

Thank you for the opportunity to comment on the DEIR. If you have questions, please feel free to contact me at (805) 385-7882 or e-mail jeffrey.lambert@oxnard.org.

A10-10

Sincerely,

Jeffrey Lambert, AICP
Community Development Director

6

Letter A10	**City of Oxnard** Jeffrey Lambert, AICP, Community Development Director February 27, 2020

A10-1 The information summarizing the proposed 2040 General Plan and the City of Oxnard's opportunity to comment on the draft EIR is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

A10-2 This comment expresses support for the treatment of lands within incorporated cities in the 2040 General Plan and is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

A10-3 See response to comment A1-2.

A10-4 The comment states that Section 4.6, "Energy," of the draft EIR fails to establish a specific energy target. Energy targets were not a feature of the 2040 General Plan update; thus, no specific energy-related targets were analyzed within the draft EIR. Establishing energy targets is not required and the analysis in the draft EIR uses thresholds of significance based on the energy checklist questions from Appendix G of the State CEQA guidelines.

A10-5 The comment cites Impact 4.8-2 and "recommends that polices and implementation measures be prioritized with measures to achieve greater (greenhouse gas) reductions." Per Policy LU-22.2, prioritization of greenhouse gas reduction measures by the County is anticipated to occur annually in conjunction with annual budget review, as described on page 4.8-12 of the draft EIR.

A10-6 The comment provides suggested edits to policies proposed in the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

A10-7 Refer to Master Response MR-4, Section MR-4.H, "Buffers (Setback)," regarding the findings and conclusions related to setbacks.

A10-8 The comment cites language from the draft EIR explaining the methodology used in the analysis of impacts in Section 4.14, "Population and Housing," (page 4.1-2). This text does not define affordable housing for the purpose of subsequent planning or eliminate requirements for low income housing in the Coastal Zone in a manner that conflicts with State Housing Law.

The analysis of potential effects on affordable housing in the draft EIR is conducted in a manner consistent with the guidance in the County's existing Initial Study Assessment Guidelines (ISAG). At the project level, the ISAG establish that elimination of three or more dwelling units that are affordable to households with

the following income levels is considered a significant project-specific and cumulative impact on existing housing: moderate-income – coastal zone, lower-income – entire unincorporated county. By expanding the definition of affordable housing to moderate income households in the coastal zone, the ISAG establish a more conservative threshold for these areas for the purposes of CEQA analysis.

Thresholds of significance are the benchmark against which projects are evaluated to determine whether physical environmental changes that could be reasonably expected to result from project implementation would be "significant" as determined by the lead agency. The thresholds can be qualitative or quantitative, and the determination of significance can vary based upon context.

Public agencies are encouraged to develop and publish thresholds of significance that are used in the determination of the significance of environmental effects (CEQA Guidelines, § 15064.7(b)). The current ISAG, last amended by the County in April 2011, set forth the standard threshold criteria and methodology used in determining whether a project could have a significant effect on the environment. The ISAG were originally adopted in 1992 by the directors of those County agencies/departments responsible for evaluating environmental issues and by the County's Environmental Quality Advisory Committee following a public outreach process that included public notification and workshops, and appropriate revisions. Similarly, all subsequent amendments to the ISAG have included public notification and review before their adoption in accordance with State CEQA Guidelines and the County's Administrative Supplement to the State CEQA Guidelines.

For the purpose of evaluating the potential environmental effects of implementing the 2040 General Plan, the thresholds of significance are based on the ISAG, as well as the checklist presented in Appendix G of the State CEQA Guidelines; best available data; and the applicable regulatory standards of the County and federal and state agencies with jurisdiction over the resources at issue. As explained in Section 4.1, "Environmental Impact Analysis," (page 4-1) and described in detail for each resource analysis, "deviation from the ISAG thresholds, which were established by the County to evaluate the impacts of individual projects, was sometimes necessary to appropriately consider the programmatic nature of a general plan for the entire unincorporated area, and to incorporate the 2019 revisions to the Appendix G checklist."

In each of the resource-specific sections of the draft EIR (Sections 4.1 through 4.17), the "Environmental Impacts and Mitigation Measures" subsection identifies the thresholds used to determine the level of significance of the environmental impacts for the resource topic, in accordance with State CEQA Guidelines Section 15126. These thresholds appropriately set the parameters for what is evaluated in the EIR.

In Section 4.14, "Population and Housing," ISAG Section 26, threshold 1, which evaluates the potential for elimination of affordable housing units has been combined with Appendix G question XIV(b) regarding displacement of substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere (refer to pages 4.14-2 and 4.14-3 of the draft EIR). The analysis notes that no affordable housing units would be displaced or removed because

subsequent projects would be consistent with Government Code Section 65863 (draft EIR page 4.14-6). Further, the analysis concludes that "substantial numbers of people or housing, including affordable housing, would not be displaced through implementation of the 2040 General Plan" (draft EIR page 4.14-8).

A10-9 The comment provides suggested revisions to the average dry weather flow and level of treatment in the City of Oxnard presented in Section 4.17, "Utilities," Table 4.17-1. Table 4.17-1 on page 4.17-2 has been revised as shown below to incorporate the suggested revisions. These are minor clarifications to information presented in the draft EIR that do not affect the adequacy of the analysis or impact conclusions.

Table 4.17-1 Wastewater Treatment Capacity, Ventura County

Agency	Total Number of Connections	Rated Capacity (MGD[1])	ADWF[2] (MGD)	Treatment Level
County Service Area No. 29	307	N/A	0.085	Tertiary
County Service Area No. 30	274	N/A	0.2	Tertiary
County Service Area No. 32	N/A	N/A	N/A	N/A
County Service Area No. 34	1,364	N/A	N/A	Tertiary
Camarillo Utility Enterprise	57	N/A	0.0356	Tertiary
Todd Road Jail	N/A	0.08	0.044	Secondary
Ventura County Waterworks District No. 1	10,000 (37,000 population)	5	2	Tertiary
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Camarillo Sanitary District	70,000 (population, city and unincorporated)	7.25	4	Tertiary
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Saticoy Sanitary District	271	0.25	0.1	Secondary
Triunfo Sanitation District	12,300	16	9	Tertiary
Camrosa Water District	6,900	1.5	1.4	Tertiary
Channel Islands Beach Community Services District	1,800	N/A	N/A	N/A
City of Oxnard	40,000	32.7	~~17~~20	~~Tertiary~~ Secondary
City of Simi Valley	40,000 (527 unincorporated)	12.5	7.8	Tertiary
City of Thousand Oaks	130,000 (population)	14	8	Tertiary
City of Ventura	25,528	14	7.1	Tertiary

Notes: N/A= data is not available because the County does not provide sewer service or treatment; MGD=Million Gallons per Day; ADWF= Average Dry Weather Flow.

Source: Appendix B (Table 7-2) with updated service connection numbers from Public Works Agency Water and Sanitation customer database and updated treatment plant levels provided by Joseph Pope, Director, Water and Sanitation Department.

A10-10 The comment provides the preferred contact for the agency. The County has noted the information appropriately for future reference.

STATE OF CALIFORNIA–THE NATURAL RESOURCES AGENCY GAVIN NEW

SANTA MONICA MOUNTAINS CONSERVANCY
Los Angeles River Center & Gardens
570 West Avenue Twenty-six, Suite 100
Los Angeles, California 90065
(323) 221-8900

Letter A11

February 24, 2020

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

Draft Programmatic Environmental Impact Report for the Ventura County Draft 2040 General Plan (PL17-0141)

Dear Ms. Curtis:

The Santa Monica Mountains Conservancy (Conservancy) supports much of the Ventura County (County) proposed Draft 2040 General Plan Update as analyzed in the Draft Environmental Impact Report (draft EIR).

Specifically, the Conservancy supports the County's inclusion of new policies established by the County's Wildlife Corridor Policy as related to Conservation and Open Space Elements COS-1.3 *Wildlife Corridor Crossing Structures*, COS-1.4 *Consideration of Impacts to Wildlife Movement*, and COS-1.5 *Development Within Habitat Connectivity and Wildlife Corridors*.

The Conservancy also commends the County for proposing COS-1.6 *Discretionary Development on Hillsides and Slopes* that would require development on slopes greater than 20-percent to be sited and designed in a manner to avoid significant impacts to sensitive biological resources to the extent feasible and COS-1.8 *Bridge Crossing Design* to require new or modified road crossings over streams, wetlands, and/or riparian habitat to site bridge columns outside the riparian habitat areas, when feasible. A11-1

The inclusion of COS-1.15 *Countywide Tree Planting* to establish and support a countywide target to plan two million trees throughout the County by 2040 is commendable and an opportunity for community engagement and cooperation among public agencies, private organizations, and local businesses to help mitigate against concurrent impacts of climate change.

Further, the Conservancy fully supports the Public Facilities, Services, and Infrastructure Element PFS-10: To develop and maintain a comprehensive system of parklands and recreational facilities that meet the active and passive recreational needs of residents and visitors, as funding is available. The Conservancy has been dedicated to this goal since its

inception in 1980 and looks forward to coordinating with the County to help expand trails, parklands, and accessible amenities in the western Santa Monica Mountains and within the Rim of the Valley Trail Corridor.

The Conservancy also recognizes the constraints that specific zoning classifications impose on "using" open space lands as parks and recreational opportunities. Thus, the Conservancy also supports the proposed *Implementation Program N* to establish a new Open Space zone for public lands that will be limited to parks and recreational uses.

A11-1 cont.

Thank you for your consideration. Should you have any questions, please contact Paul Edelman, Deputy Director Natural Resources and Planning, at (310) 589-3200 ext. 128, edelman@smmc.ca.gov, or at the above letterhead address.

A11-2

Sincerely,

IRMA MUÑOZ
Chairperson

#

Letter A11	**Santa Monica Mountains Conservancy** Irma Munoz, Chairperson February 24, 2020

A11-1 This comment expresses support for the 2040 General Plan and is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

A11-2 The comment provides the preferred contact for the agency. The County has noted the information appropriately for future reference.

Letter
A12

From: Lousen, Kendall P CIV USN NAVB VCTY PT MUGU CA (USA) <kendall.p.lousen@navy.mil>
Sent: Thursday, February 27, 2020 4:55 PM
To: Downing, Clay <clay.downing@ventura.org>
Cc: Knoll, Michele A CIV (USA) <michele.knoll@navy.mil>
Subject: NBVC Comments on DEIR Ventura County 2040 General Plan

Dear Clay,

Thank you for the opportunity to review and comment on the Public Draft Environmental Impact Report (PDEIR) for the Ventura County 2040 General Plan. Please see attached letter and enclosure from Naval Base Ventura County (NBVC) submitted on 7/30/2019 to the County of Ventura.

The Ventura County 2040 General Plan PDEIR presents an important opportunity to evaluate Naval Base Ventura County (NBVC) military influence areas and incorporating the Joint Land Use (JLUS) Study Recommendations (Sep 2015) and Recommendations from the NBVC-Point Mugu Air Installations Compatible Use Zone (AICUZ) Study (Dec. 2016). Thank you for incorporating the military-compatibility areas (MCAs) and military operational airspace and restricted use airspace areas for policies and land use evaluations for the short- and long-range planning goals of Ventura County. While Naval Base Ventura County does not wish to enter any new comments into the record, we kindly request the County to carefully consider CMAs and reinforce the comments previously submitted by NBVC in July 2019. We also encourage strategic references to the JLUS (Sep. 2015) and 2016 NBVC-Point Mugu AICUZ Study throughout the General Plan Update, which provides more current data on adverse effects from aircraft noise than the ALUCUP, which is currently referenced in the Plan. A12-1

Again, thank you for the opportunity to review and comment on the Public Draft EIR for Ventura County 2040 General Plan.

--
V/r,

Kendall P. Lousen (“Kenny”)
Acting Community Liaison Planning Officer

NAVAL BASE VENTURA COUNTY
Public Works Department (AM Branch)

311 Main Road, Bldg. #66
Point Mugu, CA 93042-5033
Phone: 805-989-9746
Email: Kendall.p.lousen@navy.mil

1

DEPARTMENT OF THE NAVY
NAVAL BASE VENTURA COUNTY
311 MAIN ROAD, SUITE 1
POINT MUGU, CA 93042-5033

IN REPLY REFER TO:
11010
Ser N46VCS/0572
30 Jul 19

Mr. Steve Bennett
Chair, Board of Supervisors
County of Ventura
800 S. Victoria Ave.
Ventura, CA 93009

Dear Chairman Bennett,

Subj: NAVAL BASE VENTURA COUNTY COMMENTS ON THE COUNTY OF VENTURA 2040 GENERAL PLAN PRELIMINARY PUBLIC REVIEW DRAFT

The County of Ventura 2040 General Plan presents an important opportunity to implement the strategies of the Naval Base Ventura County (NBVC) Joint Land Use Study (JLUS) and recommendations of the Air Installations Compatible Use Zone (AICUZ) Study, to incorporate key military-community compatibility components, such as noise contours, accident potential zones, military training routes, and special use airspace.

Since the 1940s, the U.S. Navy has had an important presence in Ventura County. Today, Naval Base Ventura County has an annual economic impact within Ventura County of more than $2 billion and supports more than 20,000 direct, indirect, and induced jobs. Ventura County residents hold over 18,000 of those jobs.

We are pleased to see that the General Plan Preliminary Public Review Draft incorporates many JLUS and AICUZ strategies, particularly in Chapter 2-Land Use, Chapter 4-Circulation, Transportation, and Mobility, and Chapter 7-Hazards and Safety. For example, Goal LU-21 seeks to ensure that County plans and policies are consistent with state laws concerning military compatibility and the recommendations contained in the Naval Base Ventura County Joint Land Use Study as they relate to land use and communications. Corresponding policies include participation in a JLUS Coordination Committee, using the JLUS to guide land use and resource management decisions and plan updates, establishing Military Compatibility Areas, enhancing communications, and coordinating with NBVC on infrastructure expansions, stormwater infrastructure improvements, and capital improvements.

A12-2

In particular, Policy LU-21.1 states that the County shall participate in the NBVC JLUS Coordination Committee responsible for coordination among JLUS partners and implementation of JLUS recommendations to enhance long-term coordination on military compatibility issues. Given the County's leadership and facilitation roles across jurisdictions and stakeholders, we suggest that the County consider taking a leadership role to convene and facilitate the Coordination Committee.

Naval Base Ventura County appreciates the many goals, policies, and programs related to military-community compatibility included throughout the General Plan Preliminary Public

Subj: NAVAL BASE VENTURA COUNTY COMMENTS ON THE COUNTY OF VENTURA 2040 GENERAL PLAN PRELIMINARY PUBLIC REVIEW DRAFT

Review Draft. As the County finalizes the Draft General Plan for environmental review and adoption, please consider the comments and suggested edits provided in Enclosure 1. A12-3

Thank you for your efforts to incorporate and foster military-community compatibility within the Draft General Plan, and thank you for the continued strong partnership between the County of Ventura and Naval Base Ventura County. A12-4

For additional information and coordination, please contact Ms. Amanda Fagan, Community Planning Liaison Officer at COMM: (805) 989-9752 or by email: amanda.fagan@navy.mil. A12-5

Sincerely,

J. H. CHISM
Captain, U.S. Navy
Commanding Officer

Encl (1): Comments Regarding Selected Military Compatibility Policies and References to Naval Base Ventura County, Ventura County 2040 General Plan Preliminary Public Review Draft – May 2019

2

Letter A12	**U.S. Department of the Navy, Naval Base Ventura County** J.E. Chism, Captain, U.S. Navy Commanding Officer February 27, 2020

A12-1 The comment indicates that the Naval Base Ventura County does not have comments on the draft EIR, but reinforces comments previously submitted in July of 2019. This comment expresses support for the 2040 General Plan and is not related to the adequacy of the draft EIR. Responses to the July 2019 letter are provided below.

A12-2 This comment expresses support for the 2040 General Plan and requests revisions to the 2040 General Plan that are not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

A12-3 The comment references an attachment to the main body of the letter that provides commentary on the specific language in the 2040 General Plan. The County has reviewed the attachment and determined that it does not contain comments on the content or conclusions of the draft EIR, nor does it raise any significant environmental issues for which a response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan. All comment letters submitted to the County on the draft EIR are provided with complete attachments in Attachment 1 to this final EIR.

A12-4 The commenting agency's thanks for incorporation of military-community compatibility in the draft General Plan is noted. This comment is conclusory in nature and does not raise a significant environmental issue for which a response is required.

A12-5 The comment provides the preferred contact for the agency. The County has noted the information appropriately for future reference.

VENTURA COUNTY

Agricultural Policy Advisory Committee

Sanger Hedrick, Chair, District 2; Scott Deardorff, District 1; Gordon Kimball, District 3; Patty Waters, District 4; Bobby Jones, District 5

Letter A13

February 27, 2020

RMA Planning Division, General Plan Update
800 S. Victoria Ave, L#1740
Ventura, CA 93009-1740

RE: APAC Comments Regarding the VC 2040 General Plan EIR

The Ventura County Agricultural Policy Advisory Committee (APAC), so states that, after a unanimous vote of the quorum present at the 19 February 2020 APAC meeting, finds flaws with the Ventura County 2040 General Plan EIR. As such, the APAC requests an extension to the comment period and submits the following comments regarding the EIR and the Draft General Plan: A13-1

First and foremost, the mitigating measures proposed in the EIR have not been sufficiently evaluated for efficacy or feasibility. For example, Mitigating Measure AG-1 has previously been rejected by LAFCo as infeasible due to the high cost associated with purchasing conservation easements. Additionally, the APAC strongly believes that Mitigation Measure AG-1 would lead to vacant land, as the General Plan does not include policies or programs that would increase the long-term viability of agriculture in Ventura County and the Mitigating Measure places land into conservation easements in effective perpetuity. Some ways to improve the mitigation of the impact would include: A13-2

- Creation of a Conservation Easement Bank for agricultural conservation easements to facilitate both the full-value sale of and ease of purchase of said easements
- The allowance of conservation easements to be sold on portions of a parcel or for legal-nonconforming parcels to be formed as part of the sale
- Policies or programs that would reduce anti-agricultural pressures on lands within conservation easements, such as improved water access/rights, exemptions for agricultural operations from overlay and corridor requirements, and/or an improved and codified Ag/Urban Buffer Policy

AGRICULTURAL POLICY ADVISORY COMMITTEE (APAC)
Advisory Letter to the VC BOS

Furthermore, Impact 4.2-2 is found to be "Less than Significant" with no need for additional mitigating measures solely on the basis of existing policy, ordinances, etc without an evaluation of the effectiveness of those policies at reducing impact under the existing General Plan. As recently demonstrated by Board action in enacting Ventura County Urgency Ordinance No. 4558, at least one of the cited protections does not provide the protection assumed in the General Plan and EIR, and as such should not be considered so strongly in mitigating the Impacts of allowing development near agricultural operations and soils. A13-3

Further support for the assertions made here is included with this letter is the letter to APAC by Ventura County CoLAB. The letter provides further detail on the omissions and failures of the EIR, as well as some suggestions for improvement. A13-4

Agriculture is unique, as an industry it is the only one so specifically regulated by the General Plan. It is also a primary part of Ventura County historically, economically, aesthetically, culturally, and in many other ways. The EIR fails to identify impacts of the General Plan to agriculture in the county, impacts that would allow the continued reduction in agricultural lands and agricultural viability. For agriculture to be a part of Ventura County's future, please take these observations and recommendations into careful consideration when revising both the EIR and General Plan itself. A13-5

Sanger Hedrick, Chair

Scott Deardorff, District 2

Ventura County APAC

Gordon Kimball, District 3

Patty Waters, District 4

Bobby Jones, District 5

CoLAB
Ventura County
www.colabvc.org

February 19, 2020

Sanger Hedrick, Chair
Agricultural Policy Advisory Committee (APAC)
County of Ventura
800 S. Victoria Blvd.
Ventura, CA 93003

Re: 2040 General Plan Environmental Impact Report (EIR)

Dear Mr. Hedrick and Honorable Members of APAC:

Thank you for the opportunity to provide comments following today's presentation by Ventura County Planning staff on the 2040 General Plan EIR.

There are several issues with the 2040 General Plan EIR that CoLAB believes will negatively impact the viability of local agriculture.

A13-6

Proposed mitigation measure AG-2: The County proposes that any project that either directly or indirectly results in the loss of farmland must obtain and place into perpetual agricultural preservation twice the total of the farmland loss. This mitigation measure is infeasible. Contrary to statements made by County Planning staff today at the APAC meeting, the California Environmental Quality Act (CEQA) requires that all mitigation proposed in an EIR be feasible. CEQA Section 21061.1 defines feasible as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (*emphasis added*). All mitigation measures proposed in an EIR must be shown to reduce impacts and an infeasible mitigation measure, by definition, cannot and will not reduce impacts.

A13-7

The EIR does not provide evidence of any of the following:

1) Whether there is sufficient land available for purchase/conservation easement for each farmland category;
2) The cost per acre to purchase each category of farmland;
3) The anticipated cost of establishing a conservation easement for each category of farmland;
4) The anticipated cost associated with managing each category of farmland under a conservation easement;
5) The anticipated cost associated with monitoring these mitigation parcels scattered throughout the County and who will bear that cost;
6) Any information that could constitute a "plan" for management of farmland in conservation easements;

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7) An analysis of direct and indirect impacts caused by this mitigation measure (including impacts associated with LU compatibility conflicts and increased urban-ag-interface);
8) Whether the smallest possible mitigation acreage required will achieve the minimum to ensure viability of agriculture on the parcel; and
9) Whether the proposed mitigation is in conflict with other ordinances and regulations, such as the County's Zoning Ordinance and the County's minimum lot sizes.

The County is already aware that this proposed mitigation measure is infeasible. On March 24, 2016, at a Local Agency Formation Commission (LAFCo) hearing, Supervisor Linda Parks attempted to establish an "Agricultural Mitigation Measure" through the LAFCo project approval process. The mitigation measure would have required the 1-to-1 purchase of local farmland (half of what is proposed in the 2040 General Plan EIR) to replace farmland that would be impacted by any proposed development. Ventura County Counsel, Michael Walker, informed both LAFCo and Supervisor Parks that the proposed mitigation measure did not meet the standard for economic feasibility, and, for that and other reasons, LAFCo could not adopt Supervisor Park's proposed mitigation measure. He referenced a 2015 legal decision, City of Irvine v. County of Orange, in which the Court stated, "the sheer astronomical expense of land supports the finding of the EIR that the purchase of an agricultural conservation easement is a non-starter."

A13-7 cont.

In addition to being infeasible, CoLAB does not believe that this mitigation measure will reduce impacts on agricultural land, as it does not address the actual issues that will impact farmland under the 2040 General Plan: lack of economic sustainability, the increasing regulatory demands on agriculture, increased competition for water resources, and increased compatibility conflicts from development.

<u>Indirect Impacts</u>

The EIR dismisses "indirect impacts" that will occur as a result of implementing the 2040 General Plan as "less than significant."

Page 4.2-13 of the EIR states "AG-2.3 maintains the Right-to-Farm Ordinance to protect agricultural land uses from conflicts with non-agricultural uses, as well as to help land purchasers and residents understand the potential for nuisance, (e.g., dust, noise, odors) that may occur as the natural result of living in or near agricultural areas...These sections of the code protect farmers engaged in agricultural activity from public nuisance claims...This protects the farming community, including Important Farmlands and farms less than 10 acres, from developments that would inhibit their ability to continue agricultural production."

A13-8

Page 4.2-17 of the EIR states: "Residential growth in areas nearby agricultural lands has the potential to result in land use conflicts. Residential land uses are generally more sensitive and prone to conflict with adjacent agricultural land uses than commercial or industrial land uses. The placement of sensitive land uses, such as residences and schools, nearby classified farmland can negatively impact both uses due to conflict including odor nuisances and noise from agriculture machinery. The countywide Right-to-Farm Ordinance protects existing agricultural and farming operations from conflicts attributed to residential development...Therefore, the potential for conflicts would be minimal. This impact would be less than significant" (*emphasis added*).

This is simply not true. Historic and recent County actions have shown that the County has and will continue to create new restrictions and ordinances that have a significant impact on existing agricultural

and farming operations because of conflicts attributed to residential development. The recent interim urgency ordinance restricting hemp cultivation is one such example. A13-8 cont.

Contrary to statements made today by Ventura County Planning staff, an EIR, whether it is labeled as "programmatic" or "project", must analyze all reasonably foreseeable consequences of the action that is proposed. For the 2040 General Plan EIR, the action proposed is the implementation of all policies and programs within. Therefore, if the implementation of a policy in the 2040 General Plan will result in an impact, that impact must be analyzed. For example, the 2040 General Plan contains land use designation changes that will increase allowable housing density near agricultural land. It is reasonably foreseeable that more houses will create more compatibility conflicts with normal farming operations. The impact of these compatibility conflicts must be addressed in the EIR.

A13-9

In 2014, the California Court of Appeal stated in a ruling that "[T]he fact that this EIR is labeled a 'project' rather than a 'program' EIR matters little....Designating an EIR as a program EIR ... does not by itself decrease the level of analysis otherwise required in the EIR. All EIRs must cover the same general content. The level of specificity of an EIR is determined by the nature of the project and the "rule of reason," rather than any semantic label accorded to the EIR."

It is CoLAB's opinion that indirect impacts from increasing urban-ag interface are SIGNIFICANT and cannot be dismissed in the EIR.

Direct and indirect impacts of increased costs

The 2040 General Plan has policies that will increase the costs of normal farming operations. CoLAB believes that the most effective way to minimize conversion of agricultural land to non-agricultural uses is to take active measures to allow farming to remain profitable. And even the County admits that reducing the cost of farming reduces conversion of agricultural land in their discussion of the Williamson Act in Chapter 4.2 of the EIR.

But the County fails to analyze direct and indirect impacts of 2040 General Plan policies that will increase the cost of normal farming operations, such as: A13-10

- Policy AG-5.2: Electric- or Renewable-Powered Agricultural Equipment. The County shall encourage and support the transition to electric- or renewable-powered or lower emission agricultural equipment in place of fossil fuel-powered equipment when feasible.
- Policy AG-5.3: Electric- or Renewable-Powered Irrigation Pumps. The County shall encourage farmers to convert fossil fuel-powered irrigation pumps to systems powered by electric or renewable energy sources, such as solar power, and encourage electric utilities to eliminate or reduce standby charges.

Direct and indirect impacts of increased competition for water resources

The County fails to evaluate the impact of increased competition for water resources caused by development allowed in the 2040 General Plan on either the conversion of agricultural land or the loss of agricultural lands through the loss of topsoil. A13-11

The EIR states on page 4.2-3 that "...a reduction in available water resources for irrigation" is an example of indirect impacts on agricultural land due to loss of topsoil from increased wind and water erosion. But the County fails to analyze or propose mitigation measures to address this significant impact.

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APAC is the expert charged with advising County decision-makers on agricultural issues in Ventura County. And the County should be seeking guidance from APAC about the actual issues that will impact farmland under the 2040 General Plan: lack of economic sustainability, the increasing regulatory demands on agriculture, increased competition for water resources, and increased compatibility conflicts from development.

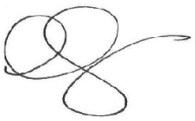
CoLAB encourages APAC to provide guidance to the County on appropriate and effective mitigation measures to prevent the conversion of agricultural land to non-agricultural uses. These may include:

1) Strengthen the Right-to-Farm ordinance to prevent nuisance complaints from being used to justify the creation or expansion of setbacks or regulatory restrictions on normal farming practices;
2) Expand the Land Conservation Act Program to include Open Space zoned properties that are engaged in farming (including grazing); and
3) Protect agricultural land from urban-ag interface encroachment and compatibility conflicts by establishing setbacks on NON-AE-zoned land that will restrict the construction of bike paths, public trails, and sensitive receptors within 2000' of any land zoned A/E.

A13-12

Thank you again for the opportunity to provide comments on this issue. We appreciate your consideration and leadership at this time.

Sincerely,



Louise Lampara
Executive Director

Ventura County Coalition of Labor, Agriculture and Business / 1672 Donlon Street, Ventura, CA 93003 / 805-633-2260 / info@colabvc.org

Letter A13	**Ventura County Agricultural Policy Advisory Committee** Sanger Hedrick, Chair Scott Deardorff, District 2 Patty Waters, District 4 February 27, 2020

A13-1 The draft EIR was available for a 45-day review period from January 13, 2020, to February 27, 2020, in compliance with the California Environmental Quality Act (CEQA; Public Resources Code Section 21091). The commenter's request for extension of the comment period has been noted. No extension of the comment period was granted.

A13-2 The County believes the commenter's reference Mitigation Measure AG-1 is in error and that the commenter intended to refer to Mitigation Measure AG-2 because the comment refers to feasibility of conservation easements and placing land into conservation easements. Through Mitigation Measure AG-1 the County shall require that discretionary development located on Important Farmland shall be conditioned to avoid direct loss of Important Farmland as much as feasibly possible. Mitigation Measure AG-2 requires that applicants for discretionary projects that would result in direct or indirect loss of Important Farmland in exceedance of specified acreage loss thresholds based on Important Farmland category and 2040 General Plan land use designation shall ensure the permanent protection of offsite farmland through the establishment of an offsite conservation easement. Refer to Master Response MR-5 for a discussion of the feasibility of Mitigation Measure AG-2.

The commenter asserts that the draft EIR mitigation would lead to vacant land because the 2040 General Plan does not contain protective policies and programs and the mitigation places land into conservation easements in perpetuity. To the contrary, Impact 4.2-1 discusses numerous policies and programs that would be protective of agriculture. Mitigation Measure AG-2 also requires, among other things, that the easement run with the land and that the project applicant demonstrate the viability of the mitigation site for establishment of a permanent agricultural conservation easement; the County shall be responsible for reviewing and approving the viability determination. The commenter's suggestions of creating a conservation easement bank and allowing easements to be sold on parts of a parcel or for legally nonconforming parcels to be formed as part of a sale would not necessarily increase the effectiveness of Mitigation Measure AG-2. As written, Mitigation Measure AG-2 provides for a process for identifying and verifying a site for permanent protection of farmland that would achieve the performance standard of ensuring permanent protection of offsite farmland of equal quality through establishment of an offsite agricultural conservation easement. No revisions have been made to Mitigation Measure AG-2 as a result of this comment.

The commenter's concern about anti-agricultural pressures on conserved lands would be addressed by requirements specific to the conservation easement. Mitigation Measure AG-2 requires that the easement run with the land and that

there be an evaluation of the viability of the mitigation site for establishment of a permanent agricultural conservation easement. “Anti-agricultural” pressures that affect the long-term viability of a conservation easement on a parcel would be addressed through this process.

A13-3 Ventura County Urgency Ordinance 4558 prohibits the outdoor planting of industrial hemp in certain parts of unincorporated Ventura County. It was originally adopted on January 14, 2020, and has since been extended. Urgency Ordinance 4558 was prepared and adopted to address numerous complaints about odors from industrial hemp cultivation in the unincorporated area, which are often described as “skunky.” The urgency ordinance addresses these concerns temporarily, through setback requirements, while the Agricultural Commissioner develops language for a regular land use ordinance to regulate industrial hemp that will be reviewed by the County Planning Commission and presented to the Board of Supervisors for potential adoption. This process for addressing land use conflicts is consistent with the Right-to-Farm Ordinance. The commenter asserts that the adoption of Urgency Ordinance 4558 demonstrates that at least one of the cited protections does not provide protections assumed in the 2040 General Plan and the EIR, but the commenter does not specify which “protections” it is referring to. Urgency Ordinance 4558 addresses odor impacts on non-agricultural land uses; therefore, the County believes the commenter is suggesting that existing policies inadequately protect agricultural lands from conflicts with non-agricultural uses, thereby necessitating that restrictive measures such as Urgency Ordinance 4558 to be adopted.

As explained in response to comment A7-2, the 2040 General Plan does not modify the types of crops that can be grown in unincorporated Ventura County, nor does it contain policies or implementation programs that would encourage a shift to growing particular crops. As a result, Impact 4.2-2 addresses more generally the potential for implementation of the 2040 General Plan to result in classified Farmland near any nonagricultural land use or project, resulting in a conflict with nonagricultural land uses. Even though Urgency Ordinance 4558 prohibits industrial hemp cultivation on certain unincorporated lands, it does not prohibit other crop cultivation. The designation of classified Farmland is largely based on recent agricultural use, soil characteristics, and slopes. It is generally not based on cultivation of one specific crop, though the definition of Unique Farmland includes production of the state’s leading agricultural crops, and the definition of Farmland of Local Importance includes soils growing dryland crops (beans, grain, dryland walnuts, or dryland apricots) (DOC 2016). Therefore, Urgency Ordinance 4558 should not affect classification of a parcel as Farmland because other crops could still be cultivated and because the characteristics of classified Farmland could be maintained. As a result, the adoption of Urgency Ordinance 4558 does not indicate that protective policies described in the draft EIR are inadequate to protect classified Farmland from conflicts with adjacent use that may arise from the 2040 General Plan. As a result, the draft EIR’s conclusion that these impacts are less than significant is adequately supported by the existing discussion for Impact 4.2-2.

A13-4 The comment references an attachment that supports and supplements the statements to the main body of the letter. The County has reviewed the attachment and determined that it raises significant environmental issues related to agriculture for which a response is required. The County's responses are provided below in response to comments A13-6 through A13-12.

A13-5 The information summarizing agriculture's importance to Ventura County is noted. This comment is conclusory in nature and does not raise a significant environmental issue for which a response is required.

A13-6 The comment states that the Ventura County Coalition of Labor, Agriculture, and Business (CoLAB) has provided its comments to the Agricultural Policy Advisory Committee describing issues with the draft EIR "that CoLAB believes will negatively impact the viability of local agriculture." This comment references comments A13-7 through A13-12. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

A13-7 Refer to Master Response MR-5 which addresses this comment's assertions about the infeasibility of Mitigation Measure AG-2.

The comment also asserts that Mitigation Measure AG-2 does not address the "actual issues" that will affect farmland under the 2040 General Plan, including the economic sustainability of the farming industry and the impact that "regulatory demands" and "competition for water" have on farmland. However, the draft EIR correctly omits analysis of existing issues affecting farmland in the county. CEQA is concerned with direct and indirect physical changes in the environment that would result from implementation of the 2040 General Plan (CEQA Guidelines, § 15358(b)). CEQA Guidelines Section 15126.2(a) explains that "[a]n EIR shall identify and focus on the significant effects of the proposed project on the environment." Therefore, only the impacts of agricultural changes caused by adoption of the General Plan need to be addressed in the EIR. The draft EIR appropriately focuses on the direct and indirect impacts that implementation of the 2040 General Plan would have on agricultural resources.

The comment also asserts that the draft EIR does not address "increased compatibility conflicts from development," but in fact the draft EIR does analyze the potential for development under the 2040 General Plan to result in conflicts with classified Farmland in Impact 4.2-2 (starting at page 4.2-17) and conflicts with Land Conservation Act (LCA) Contracts and agricultural preserves in Impact 4.2-3 (starting at page 4.2-18).

A13-8 The commenter asserts that the County has and will continue to create new restrictions that impact agricultural operations because of conflicts related to nearby residential development and also cites a "recent interim urgency ordinance restricting hemp cultivation" as an example.

The commenter refers to discussions from Impact 4.2-1 (draft EIR page 4.2-13) and Impact 4.2-2 (draft EIR page 4.2-17), which are addressed individually in this response.

The draft EIR explains that the County maintains a number of policies and programs to protect agricultural land uses and prevent conflict between agricultural and non-agricultural land uses. The 2040 General Plan also includes policies and programs to protect agricultural land uses from encroachment of adjacent non-agricultural land uses. Refer to draft EIR Impacts 4.2-2 and 4.2-3 for a discussion of nuisance issues that can arise from conflicts between agricultural and non-agricultural land uses; discussions of nuisance complaints can be found on pages 4.2-17 and 4.2-19 of the draft EIR. Policy AG-2.3 of the 2040 General Plan, listed on page 4.2-10 of the draft EIR, refers to the County's Right-to-Farm Ordinance, which shall be maintained and updated as needed to protect agricultural land uses from conflicts with non-agricultural uses, as well as to help land purchasers and residents understand the potential for nuisance (e.g., dust, noise, odors) that may occur as the result of living in or near agricultural areas. The County's Agricultural/Urban Buffer Policy, discussed on pages 4.2-18 and 4.2-20 of the draft EIR, protects the economic viability and long-term sustainability of agriculture in the unincorporated area. This policy conditions urban developments or non-agricultural uses to provide and maintain a 300-foot setback and chain-link fence on the non-agricultural property use, or a 150-foot buffer/setback if a vegetative screen is used. This policy would substantially lessen the potential conflict with LCA contracts or agricultural preserves by requiring buffers or screening between specified agricultural and non-agricultural land uses to prevent or minimize conflicts that may arise at the interface of agricultural lands and urban structures or ongoing non-farming activities.

Additionally, this comment presumably refers to Ventura County Urgency Ordinance 4558, which prohibits the outdoor planting of industrial hemp in certain parts of unincorporated Ventura County. Regarding the commenter's assertion that Urgency Ordinance 4558 has had a significant impact on agricultural operations, it should first be noted that Urgency Ordinance 4558 is not a part of the 2040 General Plan. This response therefore focuses on the commenter's assertion that the County's adoption of Urgency Ordinance 4558 is indicative that the County will create new restrictions and ordinances that have a significant impact on agriculture as a result of the 2040 General Plan. Impact 4.2-1 addresses the potential loss of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance, and the draft EIR concludes this impact would be significant and unavoidable, not less than significant as the commenter states. The discussion of indirect impacts within Impact 4.2-1 begins on draft EIR page 4.2-11. After an exhaustive discussion of agricultural preservation efforts, including the SOAR initiative, the Ventura County Guidelines for Orderly Development, the Ventura County zoning ordinances, and policies and programs in the 2040 General Plan, the significance conclusion for this impact is found on draft EIR page 4.2-15. It speaks to direct and indirect loss of Important Farmland, and states that:

> [T]he planned land use designations of the 2040 General Plan would allow for future development that could result in the direct or indirect loss of Important Farmland (including Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance) that would exceed the County's established acreage limitation criteria for loss

> of farmland and result in the permanent loss of this valuable resource. Any future development that causes the loss of Important Farmland that exceeds the County's acreage limitation thresholds would be considered significant and the full extent of development and the potential for the direct or indirect loss of Important Farmland cannot be quantitatively determined at this time. Therefore, potential loss of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance as a result of future development under the 2040 General Plan would be **potentially significant.**

The draft EIR then concludes that Impact 4.2-1 would be significant and unavoidable, even after implementation of Mitigation Measure AG-1 and Mitigation Measure AG-2.

Even though Urgency Ordinance 4558 prohibits industrial hemp cultivation on certain unincorporated lands, it does not prohibit other crop cultivation. The designation of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance—the focus of Impact 4.2-1—is largely based on recent agricultural use, soil characteristics, and slopes. It is generally not based on cultivation of one specific crop, though the definition of Unique Farmland includes production of the state's leading agricultural crops, and the definition of Farmland of Local Importance includes soils growing dryland crops (beans, grain, dryland walnuts, or dryland apricots). Therefore, Urgency Ordinance 4558 should not affect classification of a parcel as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance because many other crops could still be cultivated, and characteristics of these types of Farmland could still be maintained. As a result, the adoption of Urgency Ordinance 4558 does not indicate that the County will take actions as a result of the General Plan that have a significant impact related to loss of Farmland.

Refer to response to comment A13-3 regarding the commenter's assertions regarding Impact 4.2-2 and Urgency Ordinance 4558.

The commenter does not specify any other County restrictions the commenter believes will result in a significant impact related to conflicts between agricultural and nonagricultural land uses or to conversion of Farmland to non-agricultural use; therefore, no further response needs to be provided.

A13-9 The comment correctly describes the County's obligation under CEQA to analyze and disclose the reasonably foreseeable effects of implementing the 2040 General Plan. However, it mischaracterizes the land use designations of the 2040 General Plan, which do not increase allowable housing density near agricultural land. The draft EIR evaluates the potential for increased residential development during the planning horizon of the 2040 General Plan, and does not dismiss land use compatibility from analysis. Refer to Impact 4.2-2 (Result in Classified Farmland Near Any Nonagricultural Land Use or Project) beginning on page 4.2-17 of the draft EIR for analysis of 2040 General Plan conflicts with classified farmland.

A13-10 The draft EIR correctly omits a discussion of direct and indirect impacts of Policy AG-5.2 and Policy AG-5.3. First, CEQA does not require an evaluation of economic impacts of a project unless they result in a physical change in the environment (State CEQA Guidelines, § 15131(a)). Therefore, the potential for Policy AG-5.2 and Policy AG-5.3 to increase costs of farming operations is not, by itself, an impact under CEQA. Indirect effects such as physical impacts resulting from an economic effect are defined as those that "are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable" (State CEQA Guidelines, § 15358). Therefore, any physical impacts emanating from economic impacts are indirect impacts appropriately considered under CEQA. However, a lead agency need not speculate about environmental impacts (State CEQA Guidelines, §15145).

Policy AG-5.2 and Policy AG-5.3 would be implemented via Agriculture Implementation Program I, Fossil Fuel-powered Equipment Replacement. This implementation program requires that "[t]he County coordinate with the APCD and electric utilities to develop a program to establish a countywide fossil-fuel powered equipment conversion target, track progress on conversions to renewable energy sourced electric powered systems and provide technical assistance to users considering replacement of pumps." The requirements of this implementation program are undefined such that resulting reasonably foreseeable impacts cannot be determined at this time. The implementation program only requires coordination to establish a target, track progress, and provide technical assistance. The 2040 General Plan contains no requirement for mandatory provisions to be included in the program. Additionally, the County does not have jurisdiction over many types of agricultural equipment, and Ventura County Air Pollution Control District's jurisdiction is limited (e.g., it has no jurisdiction over mobile sources). Therefore, it is not possible to predict a mix of actions—either mandatory and voluntary—and the economic effects of such a program. As a result, any economic impacts cannot be characterized. And, any physical impacts resulting from economic impacts cannot be defined. These impacts, including any conversion of Farmland, are not reasonably foreseeable. Any evaluation of these impacts would be considered speculative under CEQA because of the number of ways such a program could take shape after consultation with Ventura County Air Pollution Control District and utilities, and because it is unknown whether any actions would even be mandatory. Therefore, the draft EIR correctly excludes consideration of Policy AG-5.2 and Policy AG-5.3 from the agricultural impact discussion.

A13-11 The draft EIR discusses the potential loss of topsoil under Impact 4.2-1, beginning on draft EIR page 4.2-11. After discussing mechanisms for loss of topsoil through water and wind erosion, such as increased impervious surfaces and a reduction in vegetative cover, the draft EIR notes that "[i]ndirect soil losses that would exceed the County's established acreage limitation criteria would be considered a significant impact for this valuable resource." Specific to topsoil, Policy AG-1.2 would reduce the potential for impacts to topsoil as described on draft EIR page 4.12-13:

> Policy AG-1.2 ensures that discretionary development located on land designated as Agricultural on the General Plan Land Use Diagram and identified as Prime Farmland or Farmland of Statewide Importance on the State's Important Farmland Inventory is planned and designed to remove as little land as possible from potential agricultural production and to minimize impacts on topsoil. Implementation of this policy reduces the total amount of Important farmland and topsoil that is directly and indirectly lost as a result of development.

As noted on page 4.2-14, the Piru Area Plan also includes Policy 1.8.2.1, which requires that "[d]iscretionary permits located on land designated as "Prime" or "Statewide Significance" by the State's Important Farmlands Inventory shall be planned and designed to remove as little land from agricultural production as possible and minimize impacts on topsoil."

The draft EIR nonetheless concludes that "[a]ny future development that causes the loss of Important Farmland that exceeds the County's acreage limitation thresholds would be considered significant and the full extent of development and the potential for the direct or indirect loss of Important Farmland cannot be quantitatively determined at this time." As a result, the impact would be potentially significant. Even with application of Mitigation Measure AG-1 and Mitigation Measure AG-2, the draft EIR concludes impacts would be significant and unavoidable. No additional feasible mitigation specific to agricultural topsoil loss can be identified beyond the noted policies and mitigation measures because they reduce impacts to the extent feasible at this time, where precise details of future discretionary projects are not known. Therefore, the draft EIR's discussion of indirect topsoil impacts is adequate under CEQA.

The draft EIR does not conclude that a reduction in available water resources for agricultural irrigation is a significant impact. As noted by the commenter, this is provided as an example of an indirect impact in the draft EIR on page 4.2-3. A reduction in available water resources that causes conversion of Farmland is not a potential impact of the project and is, therefore, appropriately excluded from the draft EIR impact discussion. First, it is important to note that the 2040 General Plan does not mandate a certain amount of development; rather, it accommodates projected development. In terms of water demand, as explained in draft EIR Impact 4.17-4, Mitigation Measure UTL-1 would require that "water-demand projects", as defined by applicable State law, that require service from a public water system prepare a water supply assessment before project approval. Mitigation Measure UTL-1 demonstrates that new development accommodated by the General Plan would not take water supplies away from existing users such as existing agricultural users. As a result, it is not expected that development facilitated by the 2040 General Plan would result in competition for water resources that would cause fallowing of Farmland, conversion or loss of agricultural resources, or other impacts to agricultural resources. The draft EIR, therefore, properly excludes indirect impacts to agriculture from a reduction in available water resources.

A13-12 CEQA requires that an EIR "describe feasible measures which could minimize significant adverse impacts" (State CEQA Guidelines, § 15126.4(a)(1)).

The comment lists three measures that appear to be offered as mitigation measures to prevent the conversion of agricultural land to non-agricultural uses. The commenter's Measure1 would "(s)trengthen the Right-to-Farm ordinance" in unspecified ways "to prevent nuisance complaints from being used to justify the creation or expansion of setbacks or regulatory restrictions on normal farming practices." The commenter's Measure 3 would "(p)rotect agricultural land from urban-ag interface encroachment and compatibility conflicts" by establishing specified setbacks between land zoned for agriculture and non-agriculture uses. However, the commenter's Measures 1 and 3 would not avoid or substantially lessen the conversion of agricultural land to non-agricultural uses due to 2040 General Plan implementation, but would appear to be intended to reduce conflicts between agriculture and adjacent non-agricultural uses. As described in the draft EIR for Impact 4.2-2, 2040 General Plan, impacts related to such conflicts would be less than significant. As a result, no mitigation is required.

The commenter's Measure 2 would require that the County expand its LCA (i.e., the Williamson Act) program to authorize properties zoned as Open Space (OS) that are used for farming and grazing to be encumbered by LCA contracts. Under the County's existing LCA program and State law, property owners are provided a tax reduction in exchange for committing to conserve agricultural or open space lands for an initial contract period of 10 or 20 years. At present, property owners can request a zone change of a parcel from Open Space (OS) to Agricultural Exclusive (AE) in order to make the parcel eligible for an LCA contract based on the property's use for agricultural production or grazing. Moreover, parcels that are zoned OS are currently eligible for an LCA contract based on the conservation of non-agricultural open space on the parcel.

The commenter asserts that including OS-zoned parcels that are used for agriculture or grazing in the LCA program, without a corresponding rezone from OS to AE, would prevent the conversion of agricultural land to non-agricultural uses. Given the limited term of LCA contracts they would not provide permanent protection of agricultural resources, especially on parcels that are zoned OS and thus could be developed with a variety of non-agricultural uses upon expiration of an LCA contract. In addition, the suggested measure could impede the LCA program's long-term effectiveness in helping to preserve agricultural resources by deleting its current requirement, and thus ending its current incentive, to rezone parcels from OS to the more agriculturally restrictive AE in order to participate in the program based on agricultural or grazing land use. Furthermore, the measure would not ensure that property owners would voluntarily enter into new LCA contracts and thus there would be no assurance that the measure would effectively avoid conversion of farmland, even in the short term. Therefore, this proposed mitigation measure would not lessen the potentially significant impact on significant agriculture resources identified in the draft EIR for Impact 4.2-1, which addresses the conversion of Important Farmland to nonagricultural uses.

Ventura County
Air Pollution
Control District

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Dr. Laki Tisopulos,
Air Pollution Contr

Letter A14

VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT
Memorandum

TO: Susan Curtis, County Planning

DATE: February 27, 2020

FROM: Dr. Laki Tisopulos, APCO

SUBJECT: Public Comment for Draft Environmental Impact Report (DEIR) for the County of Ventura General Plan Update 2040 (GPU)

Thank you for the opportunity to provide comments on the GPU's DEIR. The GPU is proposed to 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. A14-1

District staff provides the following comments and suggestions to further clarify and improve the document relative to the air quality and greenhouse gas emissions reduction benefits:

Section 4.3- Air Quality

Item 1- Page 4.3-16. The significance after mitigation discussion states that "implementation of Mitigation Measures AQ-1a, AQ-2a, and AQ-2b would reduce impacts to air quality to the extent feasible because construction-related emissions of criteria air pollutants and precursors would be minimized through the use of the highest rate diesel engines available for heavy duty". This mitigation reduction is also quantified and included as part of mitigation construction emissions in Table 4.3-3 and the CalEEMod report found in Appendix C- AQ Modeling displays Tier 4 equipment as the mitigation selected. However, the mitigation measures listed do not explicitly require cleaner diesel EPA off-road construction equipment (Tier 3 and Tier 4). We recommend including specific language such as "minimum use of Tier 3 or Tier 4 off-road construction diesel equipment. The use of cleaner diesel engines will dramatically reduce NOx and Diesel Particulate Matter, a toxic air contaminant, emissions during construction and may reduce short-term health impacts to sensitive receptors, particularly for prolonged extended construction periods of individual development projects. A14-2

Item 2- Page 4.3-19. The heading of Impact 4.3-4 should read "...would not result in..." or "...that does not exceed..." since the CO discussion concluded a less than significant localized A14-3

impact in relation to CO emissions. Furthermore, the District's Air Quality Assessment Guidelines have not been updated to reflect more recent information regarding CO attainment status and monitoring in Ventura County. For informational purposes, the following language reflects what is currently being recommended for determining local air quality impacts in relation to CO: A14-3 cont.

"*Some localized areas, such as traffic-congested intersections, can have elevated levels of CO concentrations (CO hotspots). CO hotspots are defined as locations where ambient CO concentrations exceed the State Ambient Air Quality Standards (20 ppm for 1-hr standard, 9 ppm for 8-hr standard). The Federal Ambient Air Quality Standard for CO is 35 ppm for 1-hr standard and 9 ppm for the 8-hr standard. In Ventura County, ambient air monitoring for CO stopped in 2004, with the approval of the U.S. Environmental Protection Agency- Region 9, because CO background concentrations in El Rio, Simi Valley, and Ojai were much lower than the State Ambient Air Quality Standard (highest recorded CO background concentration in Ventura County was in Simi Valley at 6.2 ppm for 1-hr, 1.6 ppm for 8-hr (AQAG, Table 6-2). Therefore, no CO hotspots are expected to occur in the Growth and Non-Growth Areas where and additional CO modeling analysis is not warranted. In addition, with over 80% of the CO in urban areas emitted by motor vehicles, and with stricter, cleaner emission standards to the mobile fleet since 2003, CO ambient concentrations should remain at or lower than the most recent CO monitoring data available for Ventura County.*" A14-4

Item 3- Page 4.3-21. Policy LU-17.2 referenced on the last paragraph could not be found in DEIR Section 4.11 "Land Use and Planning" list of Land Use Proposed Policies. A14-5

Item 4- Page 4.3-23. When reviewing discretionary projects from other jurisdictions, it has been the practice of the District to recommend certain mitigation measures if local toxic exposure is considered significant (HRA cancer risk exceeds OEHHA thresholds). Please consider incorporating the following measures that may help reduce toxic exposure from heavily travelled transportation corridors into Policy HAZ-10.X or as a separate item under Mitigation Measure AQ-3:

- install location of air intakes furthest away from toxic source (such as a heavily traveled transportation corridor) A14-6

- limit window opening height or permanently seal windows so that they don't open on side of sensitive-receptor buildings (hospitals, retirement homes, schools, libraries, residential)

- install a vegetative barrier, considering height and cover thickness, to create a natural buffer between sensitive receptors and toxic source (freeway or heavily traveled transportation corridor)

Section 4.8- Greenhouse Gas Emissions

Item 5- Page 4.8-1. In addition to the CARB GHG Regulations for Crude Oil and Natural Gas, please include the CARB GHG Methane Municipal Waste Landfill Regulation with background information. Much like the CARB GHG Crude Oil and Natural Gas Regulation, the District A14-7

came into a Memorandum of Understanding with CARB in 2015 to be able to implement and enforce the regulation for landfills inside the District's jurisdiction. A14-7 cont.

Item 6- Page 4.8-5. The chemical abbreviation used for carbon dioxide should be CO_2, not CO (carbon monoxide). This is found throughout the text in the first paragraph. A14-8

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. A14-9

If you have any questions regarding the contents of this memo, you may contact Mr. Ali Ghasemi, Planning, Rules, and Incentives Manager at aghasemi@vcapcd.org or Mrs. Nicole Collazo, Air Quality Specialist, at nicole@vcapcd.org. A14-10

Letter A14	**Ventura County Air Pollution Control District** Dr. Laki Tisopulos, Air Pollution Control Officer February 27, 2020

A14-1 The information summarizing the proposed 2040 General Plan is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

A14-2 This comment recommends the specification of cleaner diesel engine standards for construction for future discretionary development projects. The County agrees with this comment and in response to this comment Mitigation Measure AQ-1b (draft EIR page 4.3-15) is revised as shown below. This implementation program has been revised for consistency with the Ventura County Air Pollution Control District's recommendation that measures to reduce construction-related air emissions be incorporated into every project requiring discretionary County approval. It has also been revised to clarify that the use of Tier 3 diesel engines is the minimum requirement, but that Tier 4 engines shall be used where commercially available.

> Mitigation Measure AQ-1b: Implementation Program HAZ-X: Construction Air Pollutant Best Management Practices
>
> ~~Applicants for future d~~Discretionary development projects that ~~would~~ will generate construction-related air emissions ~~that exceed applicable thresholds, will~~ shall be required to include~~, but are not limited to,~~ the following types of emission reduction ~~mitigation~~ measures and potentially others, as recommended by VCAPCD ~~(~~in its Air Quality Assessment Guidelines~~Guidance~~ or otherwise~~)~~, to the extent ~~feasible and~~ applicable to the project as determined by the County:~~. The types of measures shall include but are not limited to:~~ maintaining equipment per manufacturer specifications; lengthening construction duration to minimize number of vehicle and equipment operating at the same time during the summer months; use of Tier 3 at a minimum, or Tier 4 if commercially available diesel engines in all off-road construction diesel equipment~~, at a minimum;~~ and, if feasible[1] using electric-powered or other alternative fueled equipment in place of diesel powered equipment. ~~(whenever feasible).~~
>
> 1. "Feasible" means that this mitigation measure shall be applied to future discretionary projects under the 2040 General Plan when and to the extent it is "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors" as determined by the County in the context of such future projects based on substantial evidence. This definition is consistent with the definition of "feasible" set forth in CEQA (Pub. Res. Code, § 21066.1) and the CEQA Guidelines section 15164). The County shall be solely responsible for making this feasibility determination in accordance with CEQA.

A14-3 The comment recommends rephrasing the impact heading of Impact 4.3-4 because the impact analysis for carbon monoxide concludes a less-than-significant impact. All impact headings in Section 4.3, "Air Quality," are phrased in the same manner: an impact would occur if the impact heading statement is true. This is how the thresholds of significance for air quality are presented on page 4.3-6 of the draft EIR. Additionally, Impacts 4.3-1 and 4.3-6 have similar headings but result in less-than-significant impacts. No revision to the draft EIR is required.

A14-4 This comment was included for informational purposes and is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

A14-5 This comment points out that Policy LU-17.2, referenced in Section 4.3, "Air Quality," is not included in Section 4.11, "Land Use and Planning," of the draft EIR. In each resource section, the "Environmental Impacts and Mitigation Measures" subsection includes a list of policies and implementation programs from the 2040 General Plan that are related to the resource and the applicable thresholds of significance. In Section 4.11, "Land Use and Planning," Policy LU-17.2 was not included because it is not related to the impact analysis performed under the thresholds of significance in that section. Policy LU-17.2 can be found in the 2040 General Plan. No revision to the draft EIR is required.

A14-6 This comment recommends additional mitigation measures to reduce local toxic exposure from heavily traveled transportation corridors. The County agrees with the comment and in response Mitigation Measure AQ-3 (page 4.3-22) is revised as follows:

> Mitigation Measure AQ-3: New Policy HAZ-10.X: ~~**Setback Requirements**~~ Health Risk Assessments for Sensitive Land Uses Near Heavily Traveled Transportation Corridors
> The County shall include the following new policy in the 2040 General Plan.
>
> **Policy HAZ-10.X: ~~Setback Requirements~~ Health Risk Assessments for Sensitive Land Uses Near Heavily Traveled Transportation Corridors**
>
> The County shall require discretionary development for land uses ~~which~~ that include sensitive receptors ~~which are considered to be populations or uses that are more susceptible to the effects of air pollution than the general population, such as long-term health care facilities, rehabilitation centers, retirement homes, convalescent homes, residences, schools, childcare centers, and playgrounds are~~ be located at least ~~500~~ 1,000 feet from any ~~freeway or urban~~ road with traffic volumes that exceed ~~100,000 vehicles per day, or rural roads that exceed~~ 50,000 vehicles per day. New sensitive receptor ~~use~~ structures can be located within ~~500~~ 1,000 feet from a new or existing ~~freeway or urban~~ road with traffic volumes that exceed ~~100,000 vehicles per day, or rural road with traffic volumes that exceed~~ 50,000 vehicles per day only if a project applicant first prepares a qualified, site-specific health risk assessment (HRA). The HRA shall be conducted in

accordance with guidance from VCAPCD and approved by VCAPCD. If the HRA determines that a nearby sensitive receptor would be exposed to an incremental increase in cancer risk greater than 10 in 1 million, then design measures shall be incorporated to reduce the level of risk exposure to less than 10 in 1 million. No further action shall be required if the HRA demonstrates that the level of cancer risk would be less than 10 in 1 million. Project design features that may be considered in an HRA may include, but are not limited to: installing air intakes furthest away from the heavily traveled transportation corridor; installing air filtration (as part of mechanical ventilation systems or stand-alone air cleaner); using air filtration devices rated MERV-13 or higher; requiring ongoing maintenance plans for building HVAC air filtration systems; limiting window openings and window heights on building sides facing the heavily traveled transportation corridor; or permanently sealing windows so they don't open on the side of the building facing the heavily traveled transportation corridor; and installing vegetative barriers, considering height and cover thickness, to create a natural buffer between sensitive receptors and the emissions source. For purposes of this policy, "sensitive receptors" means populations or uses that are more susceptible to the effects of air pollution than the general population such as long-term health care facilities, rehabilitation centers, retirement homes, convalescent homes, residences, schools, childcare centers, and playgrounds.

Refer to response to comment O6-12 for additional discussion of revisions to Mitigation Measure AQ-3.

A14-7 The comment recommends including the California Air Resources Board's Methane Municipal Waste Landfill Regulation into the background settings in Section 4.8.1, "Background Report Setting Updates," of Section 4.8, "Greenhouse Gas Emissions." The "Regulatory Settings" subsection has been updated to include the following paragraph.

The California Air Resources Board (CARB) adopted regulations to reduce Methane Emissions from Municipal Solid Waste Landfills (June 2010) which require the installation and proper operation of gas collection and control systems at active, inactive, and closed municipal solid waste landfills having 450,000 tons of waste-in-place or greater that received waste after January 1, 1977 unless certain exemption conditions have been met. The regulations contain performance standards for the gas collection and control system and specify monitoring requirements to ensure that the system is being maintained and operated in a manner to minimize methane emissions. The regulations include a leak standard for gas collection and control system components, a monitoring requirement for wellheads, methane destruction efficiency requirements for most control devices, surface methane emission standards, and reporting requirements.

A14-8 The comment notes that "CO" was incorrectly used as an abbreviation for carbon dioxide. The County agrees with this observation and this error will be corrected. The section containing the error on page 4.8-5 of the draft EIR will be rewritten as shown below.

GWP values apply a weight to gases that have been determined by scientific studies to have increased GHG effects relative to the most common GHG, carbon dioxide (CO_2). These weighted gasses are combined with CO_2 to form a common unit of measurement called CO_2e.

A14-9 The VCAPCD's desire to work with the County regarding consistent air quality regulations and state plans is noted. This comment is conclusory in nature and does not raise a significant environmental issue for which a response is required.

A14-10 The comment provides the preferred contact for the agency. The County has noted the information appropriately for future reference.

PUBLIC WORKS
VENTURA COUNTY

WATERSHED PROTECTION

MEMORANDUM

Letter A15

DATE: February 27, 2020

TO: Susan Curtis, Manager, General Plan Update Section

FROM: James Maxwell, Groundwater Specialist

SUBJECT: Ventura County Public Works Agency, Water Resources Division (VCWRD) Response, Draft Environmental Impact Report (DEIR), Ventura County 2040 General Plan

VCWRD reviewed the DEIR and supporting documents (Appendix B, Ventura County 2040 General Plan Update Background Report, Revised Public Review Draft January 2020) submitted by the County of Ventura. VCWRD does not have any comments regarding the DEIR. Relevant updates and comments have been made to Chapter 10 (Water Resources) of the Background Report. A15-1

Letter A15	**Ventura County Public Works** James Maxwell, Groundwater Specialist February 27, 2020

A15-1 The comment references an attachment to the main body of the letter. The commenting agency has reviewed the Background Report and offers text edits to clarify the language thereof. These suggestions are generally unrelated to the draft EIR impact analysis and conclusions. Where details are provided that could better inform the environmental analysis, this information will be incorporated into the final EIR.

Specifically, the following text is added to Section 4.17.1, "Background Report Setting Updates," in Section 4.17, "Utilities" under the subheading "Environmental Setting," on page 4.17-1:

> Water Supply and Demand
> In 2020, the Casitas Municipal Water District reported 99,836 acre-feet (AF) of available surface water supplies from Lake Casitas. The City of Ventura draws approximately 20 percent of its water resources from the Ventura River. The estimated annual water supply in the Ventura River Watershed is 157,436 AF and the estimated annual demand is 14,508 AF.
>
> The Calleguas Municipal Water District supplies the City of Oxnard with imported water from the Santa Clara River Watershed. In 2018, this water comprised 45 percent of the City's total supply.

This additional information clarifies and updates the language in the Background Report, but does not affect the adequacy of the analysis or conclusions of the draft EIR. All comment letters submitted to the County on the draft EIR are provided with complete attachments in Attachment 1 to this final EIR.

PUBLIC WORKS
VENTURA COUNTY

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

Letter A16

MEMORANDUM

DATE: February 27, 2020

TO: Susan Curtis RMA Manager
County of Ventura

FROM: Sergio Vargas, Deputy Director, Watershed Protection District, PWA
S.V.

SUBJECT: PL17-0141 Ventura County 2040 General Plan Update
Draft Environmental Impact Report
INCOMPLETE

Pursuant to your request dated January 13, 2020, this office has reviewed the submitted materials and provides the following comments.

PROJECT LOCATION:

All unincorporated areas within Ventura County

PROJECT DESCRIPTION:

The proposed project is a comprehensive update of the County of Ventura General Plan, also known as the 2040 General Plan. The 2040 General Plan will set forth the County's vision of its future and identify the goals, policies, and implementation programs that will guide future decisions concerning a variety of issues, including but not limited to land use, climate change, agriculture, transportation, hazards, public facilities, health and safety, environmental justice, and resource conservation out to the year 2040. The County, as the lead agency, has prepared an EIR in accordance with CEQA. The County requests that interested persons review and provide comments on significant environmental issues, mitigation measures, and range of reasonable alternatives addressed in the EIR. The 2040 General Plan is anticipated to be adopted in 2020. With implementation of the 2040 General Plan, development may occur on or near site(s) identified in one of the regulatory databases compiled pursuant to Government Code Section 65962.5

A16-1

APPLICATION COMPLETENESS:

INCOMPLETE from our area of concern.

COMMENTS:

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.

References to the District's Design Hydrology Manual:
Document references the 2006 version of this manual instead of the latest 2017 version. Please revise.

A16-2

If you have any questions, please feel free to contact me by email at Sergio.Vargas@ventura.org or by phone at (805) 650-4077.

A16-3

END OF TEXT

Letter A16	**Ventura County Public Works** Sergio Vargas, Deputy Director, Watershed Protection District, PWA February 27, 2020

A16-1 The information summarizing the proposed 2040 General Plan is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

A16-2 The recommendation to address sea level rise as a component of the wave run-up and beach erosion hazard analysis in the 2040 General Plan and EIR is noted.

The language quoted in the comment is derived from the County's existing general plan. The 2040 General Plan includes Policies COS-2.1 and COS-2.3, through which the County would strive to minimize the effects of coastal wave hazards, reduce the rate of beach erosion, and collaborate to identify issues and establish specific goals regarding coastal sediment management. Policy COS-2.1 in the 2040 General Plan is a combination of Goals 2.12.2.1 and 2.12.2.2 from the existing general plan, which the policy quoted by the commenter was designed to fulfill. Coastal flooding and sea level rise are addressed in the 2040 General Plan through Policies HAZ-3.1, HAZ-3.2, and HAZ-3.3.

The draft EIR does not include an evaluation of the effects of sea level rise on implementation of the 2040 General Plan. In response to 2019 revisions to the State CEQA Guidelines (Pub. Res. Code, § 15126.2) and the 2015 California Supreme Court case, *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369 ("*CBIA*"), impacts from exposure of a project to environmental hazards are not considered significant effects unless a project exacerbates the risks from such hazards (refer to draft EIR page 4.9-3). The draft EIR correctly omitted analysis of coastal wave and beach erosion hazards because there is not substantial evidence that implementing the 2040 General Plan would exacerbate these hazards.

In addition, to most accurately reflect the applicable regulatory environment, the following text edits have been made in Section 4.10, "Hydrology and Water Quality," in the draft EIR.

The first full sentence on page 4.10-21 is revised to read:

> Lastly, the County has existing regulations, such as the Ventura County Flood Plain Management Ordinance 4521, the Ventura County Flood Control District Design Manual and the Ventura County Watershed Protection District's 2017 Design Hydrology Manual ~~2006~~, that also address flood control and drainage facilities.

The third sentence in the second paragraph on page 4.10-21 is revised to read:

> The County's existing regulations, such as the Ventura County Flood Plain Management Ordinance 4521, the Ventura County Flood Control District Design Manual and the Ventura County Watershed Protection District's 2017 Design Hydrology Manual ~~2006~~, also address flood control and drainage facilities and implement design standards to ensure that no overflow of watercourses would occur that would result in flooding.

A16-3 The comment provides the preferred contact for the agency. The County has noted the information appropriately for future reference.

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VENTURA WATER

www.venturawater.net

February 27, 2020

Letter A17

Susan Curtis, General Plan Update Manager
Ventura County Resource Management Agency
Planning Division
800 South Victoria Avenue
L #1740
Ventura, CA 93009-1600
Email to: Susan.Curtis@ventura.org

Subject: **Ventura Water Comments on the Draft Environmental Impact Report for the Ventura County 2040 General Plan**

Dear Ms. Curtis:

Thank you for the opportunity to comment on the Draft EIR for the Ventura County 2040 General Plan dated January 13, 2020. The City of Ventura's water and wastewater department, Ventura Water, has two comments on the Utilities section under Impact 4.17-4. A17-1

Comment #1

As discussed in the Utilities section under Impact 4.17-4, the City of Ventura understands that the 2040 General Plan could potentially adversely impact available water supplies. The City currently has at least two ordinances in place to mitigate this impact in line with the proposed mitigation measure UTL-1 in the Draft EIR.

The Water Rights Dedication, Water Resource Net Zero Fee, and Water Resource Net Zero Requirements (Ordinance 2016-004) was adopted to ensure that new development does not adversely affect the water supply or water supply reliability of the City's existing customers and/or approved new development. The Ordinance requires subject projects to offset new or increased water demand through several compliance options. The fee proceeds shall be used to acquire additional water rights or develop water resources for new potable supplies for use by the City. The Ordinance is codified in San Buenaventura Municipal Code Chapter 22.180. A17-2

In addition, the City has a policy on water connections outside of City limits but within the City's Sphere of Influence per San Buenaventura Municipal Code Section 22.110.055, Water Connections Outside City Limits.

501 Poli Street • P.O. Box 99 • Ventura, California 93002-0099 • 805.667.6500

Comment #2

Ventura Water suggests striking the following language from Mitigation Measure UTL-1:

Implementation Program WR-X: Demonstrate Adequate Water Supply during Normal, Single-Dry, and Multiple-Dry Years
Water-demand projects (as defined in Section 15155 of the State CEQA Guidelines) that require service from a public water system shall prepare a water supply assessment prior to project approval. If the projected water demand associated with the project was not accounted for in the most recently adopted urban water management plan, or the public water system has no urban water management plan, the water supply assessment must address the public water system's total projected water supplies available during normal, single-dry, and multiple-dry water years for a 20-year projection. The assessment shall describe if the new water service will be sufficiently met under this 20-year projection. The water supply assessment shall be prepared to the satisfaction of and approved by the governing body of the affected public water system and the County. ~~If, as a result of its assessment, the public water system concludes that its water supplies are, or will be, insufficient, the public water system shall provide to the County its plans for acquiring additional water supplies.~~ A water-demand project that includes a new water service from a public water system shall not be approved unless adequate water supplies are demonstrated.

A17-3

We think this sentence should be removed for two reasons. First, the water supply assessment should already include a discussion of the public water system's plans to acquire additional water supplies, to the extent that discussion is relevant or necessary for the water-demand project. Second, if the water supply assessment concludes that adequate water supplies are not available for the water-demand project, then the burden should be on the applicant to demonstrate additional water supplies available for the water-demand project – the burden should not be on the public water system.

Conclusion

If you have any questions about the above, please let us know. We also plan on submitting comments on the Public Review Draft 2040 General Plan by the March 30, 2019 deadline.

A17-4

Sincerely,

Susan Rungren
General Manager
Ventura Water

cc: Peter Gilli, City of Ventura - Community Development Director

Letter A17	**City of Ventura Water Department** Susan Rungren, General Manager February 27, 2020

A17-1 The commenting agency's thanks for opportunity to comment on the draft EIR is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

A17-2 The comment expresses general agreement with the draft EIR's conclusion for Impact 4.17-4 (Result in Development That Would Adversely Affect Water Supply Quantities during Normal, Single-Dry, and Multiple-Dry Years) and indicates that the City of Ventura has developed ordinances that apply to projects within the city limits which would have similar effects as implementation of Mitigation Measure UTL-1, as identified in the draft EIR for the unincorporated county. The City also has a policy that applies to water connections within the City's sphere of influence.

The comment is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

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> **Implementation Program WR-X: Demonstrate Adequate Water Supply during Normal, Single-Dry, and Multiple-Dry Years**
>
> Water-demand projects (as defined in Section 15155 of the State CEQA Guidelines) that require service from a public water system shall prepare a water supply assessment prior to project approval. If the projected water demand associated with the project was not accounted for in the most recently adopted urban water management plan, or the public water system has no urban water management plan, the water supply assessment must address the public water system's total projected water supplies available during normal, single-dry, and multiple-dry water years for a 20-year projection. The assessment shall describe if the new water service will be sufficiently met under this 20-year projection. The water supply assessment shall be prepared to the satisfaction of and approved by the governing body of the affected public water system and the County. ~~If, as a result of its assessment, the public water system concludes that its water supplies are,~~

~~or will be, insufficient, the public water system shall provide to the County its plans for acquiring additional water supplies.~~ A water-demand project that includes a new water service from a public water system shall not be approved unless adequate water supplies are demonstrated.

This additional information clarifies and updates the language in the mitigation measure, but does not substantially change the content, analysis, or conclusions of the draft EIR.

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PUBLIC WORKS
VENTURA COUNTY

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

Letter A16

MEMORANDUM

DATE: February 27, 2020

TO: Susan Curtis RMA Manager
County of Ventura

FROM: Sergio Vargas, Deputy Director, Watershed Protection District, PWA
S.V.

SUBJECT: PL17-0141 Ventura County 2040 General Plan Update
Draft Environmental Impact Report
INCOMPLETE

Pursuant to your request dated January 13, 2020, this office has reviewed the submitted materials and provides the following comments.

PROJECT LOCATION:

All unincorporated areas within Ventura County

PROJECT DESCRIPTION:

The proposed project is a comprehensive update of the County of Ventura General Plan, also known as the 2040 General Plan. The 2040 General Plan will set forth the County's vision of its future and identify the goals, policies, and implementation programs that will guide future decisions concerning a variety of issues, including but not limited to land use, climate change, agriculture, transportation, hazards, public facilities, health and safety, environmental justice, and resource conservation out to the year 2040. The County, as the lead agency, has prepared an EIR in accordance with CEQA. The County requests that interested persons review and provide comments on significant environmental issues, mitigation measures, and range of reasonable alternatives addressed in the EIR. The 2040 General Plan is anticipated to be adopted in 2020. With implementation of the 2040 General Plan, development may occur on or near site(s) identified in one of the regulatory databases compiled pursuant to Government Code Section 65962.5

A16-1

APPLICATION COMPLETENESS:

INCOMPLETE from our area of concern.

COMMENTS:

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.

References to the District's Design Hydrology Manual:
Document references the 2006 version of this manual instead of the latest 2017 version. Please revise.

A16-2

If you have any questions, please feel free to contact me by email at Sergio.Vargas@ventura.org or by phone at (805) 650-4077.

A16-3

END OF TEXT

Letter A16	**Ventura County Public Works** Sergio Vargas, Deputy Director, Watershed Protection District, PWA February 27, 2020

A16-1 The information summarizing the proposed 2040 General Plan is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

A16-2 The recommendation to address sea level rise as a component of the wave run-up and beach erosion hazard analysis in the 2040 General Plan and EIR is noted.

The language quoted in the comment is derived from the County's existing general plan. The 2040 General Plan includes Policies COS-2.1 and COS-2.3, through which the County would strive to minimize the effects of coastal wave hazards, reduce the rate of beach erosion, and collaborate to identify issues and establish specific goals regarding coastal sediment management. Policy COS-2.1 in the 2040 General Plan is a combination of Goals 2.12.2.1 and 2.12.2.2 from the existing general plan, which the policy quoted by the commenter was designed to fulfill. Coastal flooding and sea level rise are addressed in the 2040 General Plan through Policies HAZ-3.1, HAZ-3.2, and HAZ-3.3.

The draft EIR does not include an evaluation of the effects of sea level rise on implementation of the 2040 General Plan. In response to 2019 revisions to the State CEQA Guidelines (Pub. Res. Code, § 15126.2) and the 2015 California Supreme Court case, *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369 ("*CBIA*"), impacts from exposure of a project to environmental hazards are not considered significant effects unless a project exacerbates the risks from such hazards (refer to draft EIR page 4.9-3). The draft EIR correctly omitted analysis of coastal wave and beach erosion hazards because there is not substantial evidence that implementing the 2040 General Plan would exacerbate these hazards.

In addition, to most accurately reflect the applicable regulatory environment, the following text edits have been made in Section 4.10, "Hydrology and Water Quality," in the draft EIR.

The first full sentence on page 4.10-21 is revised to read:

> Lastly, the County has existing regulations, such as the Ventura County Flood Plain Management Ordinance 4521, the Ventura County Flood Control District Design Manual and the Ventura County Watershed Protection District's 2017 Design Hydrology Manual ~~2006~~, that also address flood control and drainage facilities.

The third sentence in the second paragraph on page 4.10-21 is revised to read:

> The County's existing regulations, such as the Ventura County Flood Plain Management Ordinance 4521, the Ventura County Flood Control District Design Manual and the Ventura County Watershed Protection District's 2017 Design Hydrology Manual ~~2006~~, also address flood control and drainage facilities and implement design standards to ensure that no overflow of watercourses would occur that would result in flooding.

A16-3 The comment provides the preferred contact for the agency. The County has noted the information appropriately for future reference.

Trusted life source for generations

VENTURA WATER

www.venturawater.net

February 27, 2020

Letter A17

Susan Curtis, General Plan Update Manager
Ventura County Resource Management Agency
Planning Division
800 South Victoria Avenue
L #1740
Ventura, CA 93009-1600
Email to: Susan.Curtis@ventura.org

Subject: **Ventura Water Comments on the Draft Environmental Impact Report for the Ventura County 2040 General Plan**

Dear Ms. Curtis:

Thank you for the opportunity to comment on the Draft EIR for the Ventura County 2040 General Plan dated January 13, 2020. The City of Ventura's water and wastewater department, Ventura Water, has two comments on the Utilities section under Impact 4.17-4. A17-1

Comment #1

As discussed in the Utilities section under Impact 4.17-4, the City of Ventura understands that the 2040 General Plan could potentially adversely impact available water supplies. The City currently has at least two ordinances in place to mitigate this impact in line with the proposed mitigation measure UTL-1 in the Draft EIR.

The Water Rights Dedication, Water Resource Net Zero Fee, and Water Resource Net Zero Requirements (Ordinance 2016-004) was adopted to ensure that new development does not adversely affect the water supply or water supply reliability of the City's existing customers and/or approved new development. The Ordinance requires subject projects to offset new or increased water demand through several compliance options. The fee proceeds shall be used to acquire additional water rights or develop water resources for new potable supplies for use by the City. The Ordinance is codified in San Buenaventura Municipal Code Chapter 22.180. A17-2

In addition, the City has a policy on water connections outside of City limits but within the City's Sphere of Influence per San Buenaventura Municipal Code Section 22.110.055, Water Connections Outside City Limits.

501 Poli Street • P.O. Box 99 • Ventura, California 93002-0099 • 805.667.6500

Comment #2

Ventura Water suggests striking the following language from Mitigation Measure UTL-1:

Implementation Program WR-X: Demonstrate Adequate Water Supply during Normal, Single-Dry, and Multiple-Dry Years
Water-demand projects (as defined in Section 15155 of the State CEQA Guidelines) that require service from a public water system shall prepare a water supply assessment prior to project approval. If the projected water demand associated with the project was not accounted for in the most recently adopted urban water management plan, or the public water system has no urban water management plan, the water supply assessment must address the public water system's total projected water supplies available during normal, single-dry, and multiple-dry water years for a 20-year projection. The assessment shall describe if the new water service will be sufficiently met under this 20-year projection. The water supply assessment shall be prepared to the satisfaction of and approved by the governing body of the affected public water system and the County. ~~If, as a result of its assessment, the public water system concludes that its water supplies are, or will be, insufficient, the public water system shall provide to the County its plans for acquiring additional water supplies.~~ A water-demand project that includes a new water service from a public water system shall not be approved unless adequate water supplies are demonstrated.

A17-3

We think this sentence should be removed for two reasons. First, the water supply assessment should already include a discussion of the public water system's plans to acquire additional water supplies, to the extent that discussion is relevant or necessary for the water-demand project. Second, if the water supply assessment concludes that adequate water supplies are not available for the water-demand project, then the burden should be on the applicant to demonstrate additional water supplies available for the water-demand project – the burden should not be on the public water system.

Conclusion

If you have any questions about the above, please let us know. We also plan on submitting comments on the Public Review Draft 2040 General Plan by the March 30, 2019 deadline.

A17-4

Sincerely,

Susan Rungren
General Manager
Ventura Water

cc: Peter Gilli, City of Ventura - Community Development Director

Letter A17	**City of Ventura Water Department** Susan Rungren, General Manager February 27, 2020

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