



August 1, 2019

Ventura County Board of Supervisors
800 S. Victoria Avenue, #L1740
Ventura, CA 93009-1740

Clerk of the Board: clerkoftheboard@ventura.org

Re: General Plan Update – Comments on Land Use/COS/Water/EV Elements

Honorable Members of the Board of Supervisors:

We appreciate the opportunity to provide comments on the 2040 General Plan. Our comments on the Land Use, Conservation and Open Space, Water, and Economic Vitality Elements are attached. Comments on the Agricultural Element have been sent to you separately.

A County's General Plan is one of the most important documents that is considered by the Board. Planning staff have done an admirable job in their attempts to engage the public throughout this process. But now the Board is short-cutting the critical public engagement process.

Planning Staff released 119 recommendations from the Planning Commission, along with the Planning Commission work session minutes, on July 25 - only 10 calendar days before the Board hearing. Ten calendar days is not a sufficient amount of time to review and evaluate 119 recommendations and understand the impact of each recommendation on the 1,200+ page draft General Plan and determine whether the recommendations capture the hundreds of pages of exhibits from the focus groups, subject matter experts and public comment.

Given very little time between the final Planning Commission work session and the Board Hearing, County staff made a valiant effort to summarize the Planning Commission meeting minutes accurately and completely. However, the minutes released for public review contain errors (e.g., references to incorrect exhibit numbers and items in exhibits and misquotes of Planning Commission motions). To add to the confusion, for several of the draft Elements, the minutes do not clearly indicate whether focus group recommendations, public comments, and staff errata were included by the Planning Commission in their recommendations.

In addition to these very significant concerns over the public engagement process, the Board has chosen to devote only 4 business hours to receive public comment, deliberate, and vote on the language that will become the project description for the new General Plan's EIR. This is not enough time to capture all the topics that must be evaluated in the EIR. Even though the

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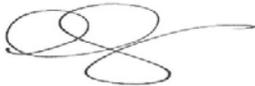
Andy Waters, Waters Family Farms
Director

Board will hold will be additional work sessions after the EIR is completed, the Board may not be as willing to consider public comments that result in the need for significant changes to the General Plan language, or to add/delete goals, policies and programs, since doing so would increase costs by triggering the need to revisit the EIR process.

The General Plan is too important to be fast-tracked through the public engagement process. It is too important to rely on information that contains numerous errors. It is too important to devote only a half-business day for gathering public comment and deliberations.

We urge the Board to continue this item to a future date. This will provide additional time for Planning Staff to ensure the Planning Commission work session minutes are accurate and complete. We encourage the Board to “do the right thing”- ensure a true Public Engagement Process and grant Ventura County residents a minimum of 30 days to read, review and provide comment on these 119 significant recommendations. We also request that the Board to devote a minimum of one entire business day to receiving public comment, deliberating on the General Plan language, and creating a more thorough “project description” for the EIR.

Sincerely,

A handwritten signature in black ink, appearing to read 'Louise Lampara', with a long horizontal flourish extending to the right.

Louise Lampara
Senior Program Director

CC: Susan Curtis, Manager, General Plan Update, Susan.Curtis@ventura.org

Attachment 1
Land Use Element Comments

1. Goal LU-1: To ensure that the County can accommodate anticipated future growth and development while promoting orderly growth and development
 - Policy LU-1.6 Accommodating future growth - While we support this policy, a significant portion of areas currently designated for urban development will be restricted from growth by various environmental regulations that preclude increased development and disturbance. This includes many new restrictions created by policies and programs found in the Conservation and Open Space Element (such as COS-3.4 and COS Program F). To ensure the General Plan does not contradict itself, proposed policies and programs must be evaluated against Policy LU-1.6 in order to identify and remove any potential conflicts that will preclude the County from achieving this policy and its related goal.

At the May 22 Economic Vitality focus group meeting, subject matter experts expressed concern that the County's existing industrial and commercially zoned acreage may not be sufficient to meet the County's goals in the updated General Plan. Historically, industrial and commercial lands were designated to areas deemed "undesirable" for other uses (housing, agriculture, etc.), and include areas (streambeds, flood-prone areas, riparian areas and historical wetlands) that are now restricted by conservation-related regulations.

In response to the focus group questions, Planning staff stated that they had "not looked at what regulatory constraints there were that might prevent full build out of industrial and commercial properties" when they completed the calculations of available acreage for the updated General Plan. As of the date of this letter, the County has not released information indicating that the issue raised by the focus group has been answered or resolved. CoLAB recommends that these calculations be re-visited to include an evaluation of regulatory constraints that may reduce the actual acreage available for future build out and in-fill.

2. Goal LU-2: To maintain an urban designation - Please modify to mirror SOAR 2050: "Direct urban development to existing cities and unincorporated urban centers within their own Area of Interest, [and maintain open space between urban areas.](#)"
3. Goal LU-3: To recognize and confine existing enclaves - Please modify to mirror SOAR 2050: "To recognize and confine existing urban enclaves, which are within Existing Community boundaries, to limit the location of uses, densities, and zoning designations normally limited to Urban designated areas [which are outside urban design areas.](#)"
4. Goal LU-5 To promote the effective implementation and use of the General Plan Land Use Diagram - We recommend the addition of [Policy LU-5.X: Existing and future ordinances shall allow for the land use designation in the General Plan and not restrict allowed use, density or intensity.](#)
5. Rural Land Use Designations: Please add the following SOAR 2050 language to the paragraph on page 2-27: "[Recognize and plan for low density rural residential and recreational development, while preserving resources, avoiding hazards, and providing adequate public facilities and services.](#)"

6. Agricultural Land Use Designations

- Please modify to comply with the language in SOAR 2050: “The Agricultural designation is applied to ~~irrigated~~ lands...”
- Please modify Bullet 1 as per SOAR 2050: ~~Identify~~ Recognize, preserve and protect agricultural lands as a non-renewable resource within the County that are critical to the maintenance of the local agricultural economy and which are important to assure the continued availability to the state and nation for the production of food, fiber and ornamentals.
- Modify Bullet 3: Establish policies and regulations which ~~restrict~~ encourage agricultural land to remain in farming and related uses.

7. Goal LU-8: Agricultural Land Use Policy - We support this goal, but strongly recommend that the County draft new implementation programs as follows:

- “Promote the economic viability of agricultural lands by assisting agricultural producers and establishing zoning policies that support long-term investments in agriculture.”
- “Restrict the introduction of conflicting uses into farming areas.” This implementation program will assist in developing specific guidance related to public schools and daycare centers being located adjacent to agricultural lands.

8. Policy LU-8.X: Farmworker Housing (New policy, as recommended by Planning Commission, item 19, page 3, of Attachment 1 of the Planning Commission work session minutes) – As discussed in CoLAB’s comments on the Agricultural Element (submitted separately), CoLAB strongly supports the recommendation of the Planning Commission to include this new policy in the Land Use Element. Safe farmworker housing is essential to achieve the goals and policies in both the Agricultural and Economic Vitality Elements.

Attachment 2 Conservation and Open Space Element Comments

1. Section 6.1 (Biological Resource):

- This section very astutely recognizes the need for “balance between conservation and development in the unincorporated County.” To achieve this, the County needs to take a pro-active and forward-looking approach to conservation by recognizing the power of partnerships with the stewards of the County’s working lands to implement balanced resource protection measures. Without strong partnerships with private landowners, who steward the majority of land outside the national forests and state parks, there will be little chance for large scale implementation of this Element’s goals.

We recommend a [new goal and implementation program be added to create partnerships between the County and private land stewards by incentivizing private property owners to implement resource protection measures via an annual award program to recognize such efforts.](#)

2. Goal COS-1:

- Add a new policy (COS-1.X) to [incentivize Open Space private property owners to implement resource protection measures through partnerships with agencies and conservation organizations to encourage and recognize individual resource protection efforts.](#)
- Add an implementation program to new policy COS-1.X: [The County shall consider the creation of an annual award program for projects on private lands that contribute to policies in the Conservation and Open Space Element and/or reduce the consequences of hazards such as fires, floods or earthquakes that could negatively affect these resources and the adjacent open space communities.](#)
- Policy COS-1.8: Discretionary permitting for new and modified road crossings to include bridge columns to be placed outside of riparian zones - We recommend the following modification: “The County shall require discretionary development that includes new or modified road crossings over streams, wetlands and riparian habitats to ~~consider include~~ bridging design features with bridge columns located outside the riparian habitat areas, when feasible.”

Riparian zones are protected by state, federal and local agencies. The discretionary permit process analyzes the impacts of a project to propose mitigation strategies for impacts that are potentially significant. Pre-determining a particular solution (bridge design) is not the intent of the discretionary permit process. In addition, this policy will be particularly burdensome in the common case of flooding where a crossing is washed out and must be relocated. It will also add unreasonable restrictions on residents and agriculture, and could have potential economic and safety impacts in regards to delays in repair of existing crossings, possibly preventing landowner access to their property.

- Policy COS-1.9: Agency Consultation Regarding Natural Resources – We strongly recommend that the language recommended by the Conservation and Open Space focus group be adopted for this policy. “The County shall consult with [relevant resource management agencies and organizations, including](#) the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Fish and Wildlife Service, ~~National Audubon Society, California Native Plant Society,~~ [and the](#) National Park Service for development in the Santa Monica

Mountains, ~~or Oak Park Area, or other locations and other resource management agencies~~, as applicable during the review of proposed discretionary development ~~applications to ensure that avoid or minimize~~ impacts to biological resources, including rare, threatened, or endangered species, ~~are avoided or minimized.~~

The National Audubon Society and California Native Plant Society are not public agencies and should not be included on this list. We support the County seeking comment, advice and scientific data from non-government organizations such as the Audubon Society, Native Plant Society, and others, but these groups do not have regulatory authority as state, local and federal agencies.

- Policy COS 1.13: Partnerships for Protection of Natural and Biological Resources – Please modify this policy as follows: “The County shall continue to work in partnership with agencies, organizations, land stewards and entities responsible for the protection, management and enhancement of the county’s biological resources.”
- 3. Policy COS 3.4: Ridgeline and Hilltop Preservation – The County has already designated a Scenic Resource Protection Overlay zone that identifies the scenic resources in the County. The language in this policy is completely subjective and does not define “ridgeline” or “hilltop”, allowing for unjustified denial of discretionary and ministerial projects on any non-specified area of elevation.

In addition, this policy must be evaluated against goals, policies, and programs in the Economic Vitality and Land Use Elements, such as LU-1.6, (and Housing Element, when available) to determine whether it conflicts with the County’s ability to achieve goals throughout the General Plan.

4. Section 6.10: Implementation Programs

- Goals COS-1 to COS-9 - The implementation programs outlined in Section 6.10 are largely punitive and can, at best, achieve only small, incremental changes. However, partnerships with landowners to encourage stewardship have the potential for large scale success. We recommend the addition of a new Implementation Program that encourages partnerships with landowners to help implement policies in the Conservation and Open Space Element.

This proposed implementation program would recognize the efforts of open space private property owners who implement resource protection measures: The County shall research the feasibility of creating an annual award program for projects on private lands that contribute to implementing policies in the Conservation and Open Space Element and/or reduce the consequences of hazards such as fires, floods or earthquakes that could negatively affect these resources and the adjacent open space communities.

- Program A: Compact Development Standards – Additional compact development standards are unnecessary in the Open Space areas of Ventura County, considering the SOAR ordinance, Greenbelts, Guidelines for Orderly Development, strict planning and zoning guidelines, Initial Studies Assessment Guidelines, the General Plan 100’ buffer from wetland habitat and the restriction of building coverage to 5% on all properties zoned OS and AE. This Program will subject all new development, including houses, accessory dwelling units and barns, to an expensive, discretionary process (which is intended to apply to larger structures or commercial projects).

- Program B: Update Initial Study Assessment Guidelines - As written, this implementation program will create a near impossible requirement for most discretionary development on properties zoned OS, AE or Rural in the County. Most of these lands will not have mitigation opportunities within their own boundaries and there is currently no approved mitigation bank in the County. For this program to successfully improve wetland habitats in unincorporated areas, the implementation program needs to [“require the County to partner with landowners to set up functional mitigation banks, to provide mitigation opportunities while enlarging and improving wetland habitats within these mitigation bank areas”](#).
- Program D: Research Feasibility of Updating Vegetation Maps – CoLAB supports an updated vegetation mapping effort, provided that the County hires qualified scientific consultants, applies sufficient resources and uses the most recent technology and data available to produce reliable, peer-reviewed and transparent results with acceptable detail to be applied to land-use decisions.

Updated vegetation mapping was needed prior to the establishment of the recent Wildlife Corridor Ordinance that was based on old technology in the 2005/2006 analysis by South Coast Wildlands. Updated vegetation data and analyses were available to the County as used in their 2007 Oak Woodlands Management Plan. Unfortunately, this data was not used to refine the broad-brush corridors in the Wildlife Corridor Ordinance, producing corridor maps that include many properties with no conservation value, and creating an illusion that the corridor connects vegetation communities for wildlife passage.

While vegetation analysis in the 2007 Oak Woodlands Management Plan was more refined, on page 26 the County states “Additional analysis, data integration, fine-scale mapping, and scientific peer review is necessary before this data can be widely and systematically used for making land use decisions.” We agree and support an updated vegetation analysis that has these qualifications as aptly stated by the County.

- Program E: Update Non-Coastal Zoning Ordinance to include protection standards for “vegetation communities” - We recommend that the County add [baseline criteria](#) for establishing these standards and “communities”, such as [“based on the County using the most recent technology and data available to produce reliable, peer-reviewed and transparent results.”](#)
- Program F: Evaluate increase to standard setback from wetlands to 200’ throughout the County - Rather than a wholesale evaluation with a pre-defined buffer width of 200’, CoLAB supports wetland buffers based on specific vegetation analysis of all areas to be restricted that will be analyzed in Program D. This Program must require the County to hire qualified scientific consultants, apply sufficient resources and use the most recent technology and data available to produce reliable, peer-reviewed and transparent results with acceptable detail to be applied to land-use decisions. The data produced by this specific vegetation analysis should also be applied towards the definition of “wetland” in both COS-1.10 and COS-1.11.
- Program G: Identification of critical habitats – Remove ~~“other significant biological resources”~~ as this is too broad and undefined.

Attachment 3 Water Resources Element Comments

1. Policy WR-2.1: Non-Potable Water Use – To assist the County in successfully implementing this policy, we recommend the following language be added to Implementation Program G: Water Conservation - [“The County shall also work with water quality and water use agencies to evaluate permitting requirements to remove barriers to implementation of water conservation efforts such as greywater and reclaimed water use.”](#)

2. Section 9.5: Water for Agriculture – We support the recommended language changes proposed by both the Water focus group and the Planning Commission, but believe this language can be improved further to better reflect the intent of the goals and policies in this section and recommend the following modifications to the second paragraph, second and third sentences of this ~~“Tillage and irrigation alter the~~ [The county discourages agricultural practices that reduce](#) runoff and infiltration characteristics of the land, ~~affecting groundwater recharge, increasing erosion that can result in sediment deposit into surface water bodies, altering evapotranspiration. This in turn affects the interaction of groundwater and surface water.~~

3. Policy WR-5.1: Water for Agricultural Uses
 - We support both the focus group and Planning Commission recommended changes, but believe there is an error in the language in Attachment 1. The Planning Commission work session minutes did not indicate a decision to remove the words “and enhance” from this policy. Please modify the language to include the complete recommended language: The County shall work with the appropriate agencies to effectively manage [and enhance](#) water quantity and quality to ensure long-term, adequate availability of water for agricultural uses. Change Policy WR-5.2: Agricultural Water Efficiency – Replace with the following language: “The County shall support programs designed to *increase* agricultural **water use efficiency** and *secure long-term water supplies for agriculture.*”

 - In addition, we recommend that [an implementation program](#) to be added to support this policy: [“The County shall work with state and local agencies to help ensure an adequate water supply for agriculture, including seeking support for and working to streamline water infrastructure supply projects.”](#)

4. Section 9.X: Water for the Environment (New section, as recommended by Planning Commission, item 92, page 20, of Attachment 1 of the Planning Commission work session minutes) - CoLAB strongly supports efforts to effectively manage water supplies to ensure all beneficial uses have adequate quantity and quality. However, the proposed new section and all related goals, policies, and programs must be evaluated against goals and policies in other Elements (such as the Agriculture, Economic Vitality, and Housing, when released) to ensure there are no barriers or conflicts with the County’s ability to achieve all goals and policies outlined in the General Plan.

Attachment 4
Economic Vitality Element Comments

1. Policy EV-1.4 - We oppose the Planning Commission recommendation (Item 95, page 22 of Attachment 1 of Planning Commission work session minutes) to modify the language of EV-1.4: Regulatory Environment and recommend that the original language be preserved. “Responsive” is not equivalent to “business-friendliness”. As an example: An email from the County stating “The processing of your permit has been delayed” is *responsive*, but in no way supports the Goal of EV-1: **to foster a robust and diversified local economy that provides quality employment and attracts stable businesses**.

Policy EV-1.1 states “The County shall use the Economic Vitality Strategic Plan...to implement the economic development goals, policies and programs of the General Plan.” The original language in Policy EV-1.4 was taken directly from the 2018 Economic Vitality Strategic Plan (EVSP, page 10, Theme F.3). Theme F.3 in the ESVP directly supports **ESVP Major Goal 5: Continue the focus of all County agencies on providing excellent customer service to the public and a business-friendly environment** (ESVP, page 4). In 2018, County Staff reviewed Theme F.3 and ranked it as a #1 (top) priority, with the County itself as the lead. Additionally, the Board has adopted the EVSP, and all the Major Goals and Themes therein, as an addendum to the existing General Plan and the language should be left as originally written.

We also recommend the addition of [an implementation program to support this policy](#). As recommended by members of the Economic Vitality focus group (including a representative of the County CEO’s office) [the implementation program should include a plan to streamline permitting processes](#).

2. As discussed in CoLAB’s comments on the Land Use Element (Attachment 1 of this letter) regarding LU-1.6 (Accommodating Future Growth), the acreage of industrial and commercial areas available for future economic growth (LU-1.6) and promote infill of existing industrial and commercial areas (EV-Program B) is not known. At the Economic Vitality focus group meeting, County Planning staff stated that they had “not looked at what regulatory constraints there were that might prevent full build out of industrial and commercial properties” when they completed the calculations of available acreage for the updated General Plan. CoLAB recommends that these calculations be re-visited to include an evaluation of regulatory constraints that may reduce the actual acreage available for future build out and in-fill.
3. Goal EV-2: Improve the Economic Viability of Agriculture - We support this goal, with the following recommended modifications to the language:
 - EV-2.1 Agricultural Diversification: “The County shall support the growth and expansion of new, innovative agricultural-related business opportunities, including agritourism, ~~new irrigation and cultivation technologies~~, [including technological advances in irrigation, crop production and pest control, new crop types](#) and ‘farm-to-table’ programs and events.”
 - Existing regulations and policies restricting septic installation, and sewer and water connections will continue to preclude any significant expansion of agritourism in Ventura County. [An implementation program should be added](#) to this policy that would [minimize and eliminate unnecessary restrictions in the zoning and building codes to support agritourism](#).
 - EV-2.2 Value-Added Agriculture. We recommend the addition of [an implementation program](#) to support the \$2.1 billion agricultural economy that contributes to the overall economy and

provides greenspace. The implementation program should include the following language:
[“County Planning to propose modifications to the County zoning ordinances to allow for the modernization of harvesting and packing methods to support value-added agriculture.”](#)

4. It is important that this Element support the SOAR 2050 Goals by including policies and implementation programs that ensure achievement of the Goals stated above. We recommend that the County [add a reference](#) to Section 10.2 (Diversified Economy) to the SOAR 2050 policy that is stated on page 2-28 of the Draft Land Use Element: [Recognize the farmlands within the County that are critical to the maintenance of the local agricultural economy and which are important to the State and Nation for the production of food, fiber and ornamentals.](#)