



July 15, 2020

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Ventura County Planning Commission
Hall of Administration
Resource Management Agency/Planning Division
Attn: Meighan Batinica
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Dear Chair White and Honorable Members of the Planning Commission:

Thank you for the opportunity to provide comments on the 2040 General Plan and Final Environmental Impact Report (EIR). Ventura County CoLAB represents over 500 members consisting of citizens, labor, organizations, businesses, and agricultural interests in Ventura County. We have been actively participating in the 2040 General Plan Update process since 2016 and hope that you will give our comments your full consideration.

A General Plan is one of the most important and long-lived land use documents that a local government creates. The General Plan sets the foundation for the regulations under which a community shall live and work for decades into the future – the "constitution" for a community's development. A General Plan must reflect both the concerns and the aspirations of the community for which it is written. Public engagement and due process are essential in the General Plan update process, particularly in a County with a significant minority community.

The Ventura County 2040 General Plan and EIR, and process for their consideration by elected and appointed officials, fall far short of the basic standard demanded by law. There are significant concerns with the 2040 General Plan, the Final EIR, and the current, needlessly fast-tracked public hearing process and community engagement. Therefore, and for the reasons described below, **we urge the Planning Commission to delay voting on the Recommended Actions today and schedule additional hearings.**

One Hearing Before the Planning Commission Does Not and Cannot Permit Adequate Consideration of the Voluminous Record by Decisionmakers or the Public.

The General Plan will establish the pattern of development throughout the County, as well as the policy framework to govern that development,

for decades to come. Accordingly, a process that provides the requisite opportunity for the public and decisionmakers to consider the General Plan and its associated EIR is of paramount importance. Consistent with this principle, on August 5, 2019, Ventura County Planning Director, Dave Ward, submitted a memorandum (enclosed) to the Board of Supervisors stating that "the public would have at least five more opportunities" to provide input and comments on the 2040 General Plan. This memorandum specifically lists two Planning Commission hearings and three Board of Supervisor hearings in 2020 (with the potential to schedule even more hearings, if needed).

This was consistent with the language of the General Plan itself as the January 2020 final draft 2040 General Plan states that "following the release of the Draft and Final Program EIRs, a set of hearings will be held" with the Planning Commission (pages 1-20 and 1-21). "Set of hearings" indicates multiple hearings will be scheduled.

But the County has scheduled only one public hearing with the Planning Commission. While State regulation only requires a planning department to hold two public hearings before adopting a general plan, the typical process for this stage of any General Plan Update is to hold several public hearings with both the Planning Commission and the Supervisors. The 2017 State Guidelines for General Plans (Guidelines) strongly recommend that planning departments "conduct more than the minimal number of hearings" and indicate that "many jurisdictions undertake extensive outreach that exceeds the minimum statutory requirements."

There are many reasons that postponing a decision today and scheduling multiple hearings are not only indicated, but necessary.

- Multiple hearings allow for more public engagement and closer scrutiny of the thousands of pages of highly detailed and technical documents that must be reviewed.
- Multiple hearings would create opportunities for essential workers who cannot attend the hearing on July 16th due to COVID-related responsibilities and are being denied the opportunity to engage in the process and provide their comments in real-time.
- Multiple hearings are necessary to allow for engagement by those members of the population who are unable to attend due to COVID-related health concerns and restrictions from the County's stay at home order.
- Since the County's last public outreach effort in May 2019, there have been over 130 new proposed policies and programs added to the draft General Plan. While the County expounds upon their earlier outreach effort, in truth, there have been no open houses, no workshops, no focus group meetings, and no opportunities for the public to provide testimony or comment on all the new proposed plans added after May 2019.

- The County did not release the Staff Report and exhibits for the Planning Commission hearing until 11:13 p.m. on July 9, 2020. There are 42 exhibits, not including the Staff Report – and over 10,000 pages - for the public to read, review, and provide comments.
- Further limiting the ability of the public to adequately review and provide comments, the County released additional documents, including several errata, at 6:42 p.m. on July 14, 2020 – less than two days before the hearing, and less than one day before the purported deadline to submit written comments.
- On July 14, two days before this hearing, CoLAB received written notice from our members that comment letters for this hearing that they had sent to the email address provided on the Planning Commission website (<https://vcrma.org/public-comments-for-planning-commission-hearings>) were erroneously and improperly rejected as "undeliverable" and "invalid recipient" (enclosed).

The unfounded rejection by the County of multiple comment letters from concerned citizens only demonstrates the County's determination to move forward and ignore the multiple defects in substance and procedure raised by concerned citizens—and particularly minorities, who have had little opportunity to participate meaningfully in the process. The rejections of comments not only add insult to injury, but deny the citizens of this County due process and the ability to conduct a review of and provide informed comment on this significant document and its environmental analysis. These rejections are all the more prejudicial in light of the County's last-minute "document dump" of substantial errata to the Final EIR, and revisions and multiple additional attachments to the staff report.

While there is no way to determine how many emails, and from whom, have been excluded from the record for this hearing, there is clear evidence that the administrative record fails to include all submitted public comment. As such, the Planning Commission cannot take action on the General Plan or the EIR, as both require consideration of "all comments and testimony prior to approving." The Planning Commission's consideration of the General Plan is substantively and procedurally deficient.

- Wildfire risk is an extremely important issue and of great concern to all County residents. But the public has not been given an opportunity to read and review approved comments from CalFIRE regarding wildfire risk and recommendations to mitigate that hazard.

The Staff Report states that the CalFIRE Board hearing will not occur until July 14 and 15, 2020. In place of approved recommendations on the potential insufficiencies in the General Plan with respect to fire hazard and safety, County staff have moved forward with proposed modifications to the General Plan based on the "anticipated recommendations" from CalFIRE. This is inappropriate and does not fulfill the requirements under state law regarding consultation by that agency.

Section 65302.5(b)(1) of the Government Code requires the County to provide its proposed Safety Element to the CalFIRE Board at least 90 days prior to an action on that element, and subdivision (b)(4) requires that the County "shall consider" the CalFIRE Board's recommendations. Further, if the County does not accept and incorporate the recommendations, the law requires the County to state the reasons why **in writing**. The Planning Commission simply cannot comply with the law without the final review and recommendations from the CalFIRE Board. Also, the County must treat differences between the CalFIRE recommendations and the General Plan and EIR as differences in mitigation or project alternatives and address them according to the requirements of CEQA. Therefore, the Planning Commission also cannot comply with CEQA without final recommendations from the CalFIRE Board.

This also creates a notice and participation problem: even if the CalFIRE Board adopts final recommendations at their July 14 and 15 hearing, the public cannot possibly review and provide comments on this document because the deadline to submit written comments to the Planning Commission is the same day (July 15). Holding the Planning Commission hearing on the 16th thwarts any possibility of informed participation and comment by the public on this crucial safety issue, including mitigation measures and alternatives the County may be asked to evaluate.

- The Planning Commission and the Board of Supervisors appear committed to approving the General Plan irrespective of any comment or problem with it or the EIR. CEQA Guidelines section 15352(a) notes "legislative action with regard to a project often constitutes approval." A key question is the agency's commitment to the project, and a project is approved pursuant to CEQA "even though further discretionary governmental decisions would be needed before any environmental change could occur." (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 134.) First, no serious dispute exists that the Planning Commission will recommend adoption of the General Plan and associated documents, including certification of the EIR. Moreover, the Board of Supervisors' direction to the Resource Management Agency was to present a General Plan to the Board "for approval" in Summer 2020, which indicates a prior commitment to substantive approval of the project, given the resources invested so far, irrespective of criticism or outcome. Within this context, the Planning Commission's recommendation undoubtedly commits the County to a course of action that leads to approval, both in law and as a practical matter. Therefore, the Planning Commission also must certify the EIR and make the appropriate findings. The Planning Commission cannot complete this required action: neither the hearing agenda nor the staff report to the Planning Commission provides for that required action, and therefore the Planning Commission's consideration of the General Plan is procedurally deficient.

The County has Failed to Engage and Facilitate Participation by Minority Communities.

In addition to the very significant due-process and procedural issues listed above, the County has failed to meaningfully engage and notify the Latino community throughout the General Plan update process and to permit that community to provide informed comments throughout the EIR process. The County provided Spanish and Mixteco interpretation services at three of the seven County-hosted open house workshops and issued hearing notices in Spanish and Mixteco. However, none of the actual documents – or even summaries of any documents – have been translated into Spanish or Mixteco and distributed for the public. Even the County's General Plan website, which is available in alternative language translations, contains links that only take the reader to English-language versions of the documents, notices, and bulletins.

The Guidelines strongly recommend that "all communication should be done in the major languages spoken in the community. This includes any advertising and written background materials as well as live interpretation at key public events." While the Guidelines provide that translating a document such as an entire EIR in its entirety may be infeasible, they urge that "the planning agency should consider translating an executive summary into the major languages spoken in the community." For a County in which many of the residents are Spanish- or Mixteco-speaking, and in the context of the County's concession that translated meetings were necessary, the refusal to translate even a single summary document into Spanish or Mixteco is not only unfair and insensitive, but also represents an environmental justice and due process issue by preventing informed consideration and commentary by those communities, particularly where those communities are or could potentially be subjected to disparate environmental impacts from traffic, heavy industry, or other sources.

The Guidelines also recommend that a planning agency "...conduct early community engagement, particularly with low-income communities, communities of color, sensitive populations...as well as organizations focused on public health and EJ." And the Guidelines remind agencies that outreach efforts may need to be tailored to reflect the cultural and social needs of a community and may need to include "focused outreach...to specific groups that work on equity issues, such as local community-based organizations."

There is no public documentation that indicates that the County directly contacted or conducted outreach to local Latino organizations to try to increase engagement among the community and obtain their input. Exhibit 4 of the Staff Report, Community Engagement Summary, contains an overview of the County's outreach efforts. The County's actions regarding issuing notices in other languages and offering interpretive services at some of the workshops are one step in the right direction but fall far short of what is necessary for a community that has an almost equal proportion of White versus Latino citizens.

As a non-profit that champions public engagement and transparency in the legislative process, we are appalled that the County has scheduled only one Planning Commission hearing. Scheduling only one hearing, with multiple procedural deficiencies in the notification and public comment process, during a pandemic, two days after concerns regarding a surge of local COVID

hospitalizations forced the State Governor to order the closure of all indoor activities, is the very antithesis of government transparency. Furthermore, while Ventura County government has repeatedly stated that it is proud of its efforts to be transparent and encourage public engagement, they have failed to make any effort to hold specific, focused outreach to any Latino organizations, groups, or community representatives, disenfranchising and excluding hundreds of thousands of County residents.

The County has Failed to Establish or Address the Feasibility of Proposed Mitigation, and/or Project Design Features and Policies, and to Respond to Comments Regarding that Feasibility.

As a preliminary matter, the County does not appear to have addressed the economic feasibility of any of the proposed mitigation measures in the Draft EIR. This is a crucial omission because, without any concept of whether the measures are actually feasible, the County cannot determine that these measures will actually be implemented and effective in reducing significant effects. Without this, any conclusion regarding the potential reductions in impacts is unsupported and speculative, and does not provide any evidence—let alone substantial evidence—to support the EIR's conclusions or the findings necessary to support adoption of the EIR by the County.

In addition to this fundamental defect, the County has also failed to adequately address comments regarding the feasibility of mitigation measures, including and especially Mitigation Measure AG-2. As this measure is fundamental to the conclusions of the EIR regarding impacts to agricultural resources, this failure deprives the analysis of evidentiary support.

CoLAB, in Comment O32-17, provided extensive commentary, supported by substantial evidence, that Mitigation Measure AG-2 was infeasible. In response, the County reduced the mitigation ratio for agricultural easements from 2:1 to 1:1, based on the predominance of a 1:1 ratio in the jurisdictions referenced in the EIR, but provided no other relief, despite the substantial evidence provided by CoLAB that such relief is necessary and feasible. Mitigation Measure AG-2.

CoLAB has also researched other jurisdictions across the state which have adopted agricultural conservation easement requirements. In its response to comments, the County fails to disclose or consider that the majority of other jurisdictional agricultural conservation easement requirements also include a variety of exemptions, alternatives, fewer restrictions and limitations on easement location, "good faith effort" measures, in lieu fee options, options to purchase development rights rather than actual property, pre-established management of easements through existing and active local programs, and, in some cases, much higher conversion acreage totals to trigger the mitigation requirement. These options make the difference between economically feasible and infeasible mitigation requirements. Ventura County's proposed Mitigation Measure AG-2 contains none of these options or alternatives, and therefore, cannot be directly compared to the other jurisdictional programs in terms of either feasibility or effect. On the other hand, substantial evidence provided by CoLAB

demonstrates this mitigation measure remains infeasible, and the Final EIR was unresponsive to this comment.

In addition, any potential improvements to addressing the concern regarding the economic feasibility of Mitigation Measure AG-2 is negated by the new, additional requirements proposed by the County in their response to comments.

The County has added the following requirements to Mitigation Measure AG-2:

"The applicant shall also deposit funds with the County to contract with a qualified third-party agricultural economic consultant to review and advise the Planning Division and Agricultural Commissioner regarding the establishment and implementation of the agricultural conservation easement(s). The contents of the report shall be determined, reviewed, and approved by the Planning Division in consultation with the Agricultural Commissioner (hereafter referred to as the "reviewing agencies"), and shall include information necessary for the reviewing agencies and a qualified entity responsible for holding the conservation easement (e.g., a land trust organization) to determine the viability of the proposed mitigation site(s) for the establishment of a permanent agricultural conservation easement."

The County has not provided sufficient information for the reader to determine the total extent of the required funds and, therefore, has not provided sufficient data to refute that this mitigation is infeasible. For all other County Zoning Ordinance permit applications, the applicant provides contractor reports to the County and is not required to "deposit funds" for the County to contract a third party on the applicant's behalf. The County has not indicated how the mandating that the applicant "deposit funds with the County to contract with a qualified third-party" will have a greater reduction of impacts on agricultural land than allowing the applicant to obtain the report directly. The County's added requirement creates the impression that the County is attempting to fund projects and activities in a manner that circumvents the oversight and accountability process that would be part of funding any activities through the County's General Fund.

It must also be noted that the requirement to "deposit funds" for the County to contract studies is not a requirement found in the other jurisdictions' agricultural mitigation programs referenced in the Final EIR. Therefore, any argument that this mitigation measure is feasible because there are existing agricultural mitigation programs in other jurisdictions is false and cannot be applied.

Further negating the County's assertion that decreasing the required mitigation acreage from 2:1 to 1:1 addresses the measure's economic infeasibility, the County also proposed additional requirements to the proposed mitigation measure:

"Among the factors necessary for approval by the reviewing agencies, the proposed mitigation site(s) shall be located in the County of Ventura unincorporated area, must

not already have permanent protection, and must be equivalent to or greater than the type of Important Farmland (e.g., Unique farmland) that would be converted by the project, and must be of sufficient size to be viable for long term farming use as determined by the County. Among other terms that may be required by the reviewing agencies in consultation with a qualified entity, the terms of an agricultural conservation easement shall include a requirement that it run with the land. There must also be a provision for annual monitoring by the qualified entity or its representative to ensure adherence to the terms of the conservation easement. Project applicants are responsible for all costs incurred by the County and the qualified entity to successfully implement this mitigation measure. Proof of the successful establishment of an agricultural conservation easement shall be provided to the Planning Division prior to issuance of a zoning clearance for inauguration of the project."

The addition of a requirement that the County determine whether the mitigation acreage required under the 1:1 ratio is large enough for "long-term farming use" represents unfettered discretion, with no performance standards, criteria, or indicators, by County staff with no established or required level of expertise to make this determination. Not only does this ignore that the agricultural area proposed for replacement previously functioned, but it also represents impermissible deferral of mitigation, and precludes any determination of effectiveness in the EIR. Further, this required determination creates the potential to expand the agricultural mitigation ratios above 1:1, subject only to the whims of staff and with no expert review. This directly contradicts the County's unsubstantiated argument that a 1:1 ratio would be economically feasible, and appears to permit imposition of a larger mitigation ratio—which may meet or exceed 2:1—even in the face of the County's admission that a 2:1 ratio is infeasible.

The Final EIR also fails to provide a response to comments regarding the availability of Important Farmland for purchase within Ventura County. Without any attempt to identify potential donor or preservation sites for agricultural land, the EIR does not and cannot conclude the measure is feasible under any circumstances, whether in the short or long term. As the response fails to provide any information indicating parcels of Important Farmland are indeed available to purchase as mitigation acreage, the Final EIR fails to establish the feasibility of this mitigation measure or respond to the information provided in comments that established the infeasibility of the measure. This leaves the conclusions in the EIR unsupported. That the impact was already determined significant and unavoidable does not relieve the County of its State-law responsibility to propose and evaluate feasible measures to reduce impacts. Further, it precludes the required findings to adopt a Statement of Overriding Considerations as to the impact of the General Plan on agricultural resources.

Both the proposed General Plan and the County's response to comments disregard the very real impacts of implementing Policies AG-5.3 and AG-5.2 on the long-term viability and future economic development of local agriculture. The State Guidelines for General Plans state "policies related to all elements of the general plan greatly affect economic opportunity, development, and stability. Decisions regarding land use and circulation have direct and

indirect fiscal implications for local economies, and, in turn, economies of urban and rural centers affect the health, climate, and equity of communities. As with all general plan topics, even if addressed in a separate section, economic development must link and integrate with other elements in order to be successful." But not only has the County failed to consider the economic impact of all their policies, the County has (so far) refused even to conduct a review, as recommended in the Guidelines.

Conversion to the use of all-electric farming equipment is prohibitively expensive, and also infeasible. Despite substantial improvements in technology, battery power (specifically related to torque) and charging challenges continue to limit the scalability of electrically driven farm equipment (Future Farming, October 2019). Experts on this matter do not predict any improvement in the foreseeable future that would allow this conversion to occur on the commercial-scale agricultural operations existing here in Ventura County. This policy will not be achieved during the timeline of this General Plan Update. Not only does the patent infeasibility of this measure relate to agricultural operations, but to the extent the EIR relies upon these measures for its conclusions regarding GHG and other air emissions, the infeasibility of the measure renders also those conclusions unsupported.

The County's response to comments also fails to adequately address concerns regarding increased fire risk associated with the conversion of irrigation pumps to all-electric power. As learned from the Maria Fire on October 31, 2019, when electrically powered irrigation pumps became inoperable due to an Edison Public Safety Shutdown (which became a standard practice during fire season), the risk of harm to Ventura residents, agricultural operations and homes is very real and considerable. As a public safety precaution, this policy should be amended to prevent discouraging use of all available power sources. Further, if the County intends to retain this policy, the wildfire hazard analysis must account for the effect of the loss of power on any ability to use irrigation water for firefighting or fire prevention/site-wetting. The EIR does not provide this analysis, and therefore fails to disclose this significant impact regarding this foreseeable new and increased risk of wildfire severity and/or firefighting difficulty.

We continue to urge the County to consider alternative policies and programs that will improve the economic viability of agricultural operations, such as limiting the cost of water supplies for irrigation, streamlining permitting and reducing fees for projects that support agricultural operations, removing restrictions on pre-processing for agricultural products, and strengthening the Right to Farm Ordinance and its application.

The best and only way to protect agricultural land in Ventura County is to support the business of farming through good economic policy. Rather than adopting policies that add increasing costs and expenses to agricultural operations, the County must focus on keeping our agricultural industry healthy and productive. Farmers will continue to farm as long as there is an acceptable return on investment and they have the support of their urban neighbors – and this, in turn, will ultimately be the driving force that protects agricultural land from conversion to non-agricultural uses.

Throughout the entirety of the County's responses to comments, the County mischaracterizes comments submitted by organizations and individuals, ignores specific portions of comments, provides partial responses to comments, ignores and discredits technical evidence provided in comments without providing refuting expert testimony, and engages in "circular logic" by simply referring the commenter back to the flawed analysis in the EIR without providing additional information or data relevant to responding to the comment. Fundamentally, the Final EIR is totally unresponsive to comments.

As described above, one such example is the County's inadequate response to CoLAB's comments regarding the infeasibility of the proposed Agriculture Mitigation Measure AG-2.

This specific comment is raised in multiple comment letters, including comment letters from Aera Energy LLC (O5-30) and the Agricultural Policy Advisory Committee (A13-7). In every instance, Final EIR is totally unresponsive to this comment.

The County also failed to address CoLAB's specific comment (O32-10) regarding the legibility (and necessarily, the accuracy) of certain maps included in the Background Report. Our letter stated:

"The maps provided in the EIR and the Background Report are of such small size, low resolution and insufficient detail...In some instances, the maps are blurry and the notations on the map are illegible (such as Figure 9-7)."

The County responded:

"Figure 9-7 is provided with the Background Report...No further level of detail, such as for specific parcels, is required."

The County response fails to address CoLAB's specific comment regarding the legibility of the maps and instead has mischaracterized the comment and responded only to the comment they wished to respond to, not the actual comment. Under CEQA, the information provided in the Background Report must be of sufficient detail and quality to allow the reader to determine potential impacts resulting from the project. Providing a blurry map with illegible notations does not meet this very basic CEQA requirement. To date, the County has failed to provide the public with a legible map for review. The Final EIR is totally unresponsive to this comment. Further, it shows the County failed to learn from its systemic use of insufficiently detailed and ultimately erroneous maps as part of the recent creation of the County Wildlife Corridor.

The County has further mischaracterized and failed to adequately address CoLAB's comment regarding the impact on water supply for agriculture (O32-18). CoLAB commented:

"...the EIR admits in the Methodology discussion of this section that a decrease in water supply for irrigation will be an indirect impact of the 2040 General Plan."

The County's comments appear to merely seek to find fault with the verbiage in CoLAB's comment and fail to address the actual substance of the comment expressed. The County's response states:

"Contrary to the commenter's claim, the draft EIR does not conclude in the Methodology subsection...that a decreased water supply would be an indirect impact of the 2040 General Plan. The draft EIR instead states...examples of indirect losses of agricultural resources due to land use conflicts include...a reduction of available water resources for irrigation."

The County's response does not provide any substantive information in answer to our comment. The Final EIR is totally unresponsive to this comment and CEQA demands more.

In another example, the draft EIR did not meet CEQA requirements as it failed to evaluate the potential impacts on biological resources from policies mandating and encouraging tree planting, even though, at the August 6, 2019 Board of Supervisors public hearing, a local professional biologist provided testimony that the proposed planting of "two million trees" would have a significant negative impact on Ventura County's native landscape, native vegetation communities, and protected biological resources. The concern regarding the impact of tree planting on the native ecosystem was specifically stated in comment I45-2.

Chapter 8 (Natural Resources) of the Background Report describes Ventura County's existing vegetation as primarily chaparral and sage scrub. Neither of these native vegetation habitats supports vast numbers of trees. Native flora and fauna are dependent on the chaparral and sage scrub habitat and would be negatively impacted if the composition of these vegetation communities changes. As the County notes throughout its response to comments, CEQA demands that the EIR analyze any adverse physical changes to the environment. The planting of millions of trees into a landscape that is primarily chaparral and sage scrub would result in an adverse physical change to the environment that will impact the native vegetation and biological resources.

The County's response comment I45-2 was woefully inadequate, particularly in light of substantial evidence (here, expert testimony) regarding the potential for environmental harm posed by a proposed policy/mitigation measure, or to describe this controversy and explain its reasoning for its chosen path. In a familiar pattern, the County again mischaracterized the comment and responded to only the portions of the comment the County wanted to respond to, not the actual substance of the comment itself. The County made no attempt to describe how they would assess impacts to biological resources from these policies, much less how they would implement any mitigation measures to reduce the significance of impacts to biological resources. The Final EIR has both failed to conduct a thorough CEQA analysis of this impact and is totally unresponsive to this comment.

The Final EIR also fails to adequately respond to comments from multiple commenters (examples: O32-35 and O40-2) regarding the erroneous and unsupported analysis performed in

section 4.12-3 of the EIR. As stated in comments, this section fails to meet CEQA standards for analysis, as the EIR does not analyze the impact of the General Plan on access to oil reserves, but instead only speculates about the impacts from oil production on surrounding development.

Instead of providing a substantive informative answer to these comments, which pinpoint a major fault in logic and substance in the EIR, the Final EIR merely refers the commenter back to very analysis the comment demonstrated as flawed.

The Final EIR is totally unresponsive to these comments.

The Final EIR also ignores technical information and data from experts included in several comments. One such example is the response to comment O6-53. The commenter provides the County with specific data regarding the technical limitations of directional drilling. However, rather than offering a substantive response, the Final EIR attempts to disregard the data from this commenter by responding:

"Although the commenter makes specific factual assertions regarding the approximate volume of oil reserves and claims that the subsurface conditions could impair directional drilling, the comment does not explain or cite substantial evidence supporting its asserted facts. As a result, the comment's accuracy is not known and cannot be independently assessed."

On April 21, 2020, the County admitted that they do not have the expertise to respond to oil and gas-related comments of a technical nature (Board of Supervisors hearing, Agenda Item 35). This calls into question the entire evidentiary basis for the analysis of impacts to oil and mineral resources. Worse, the County's response to comment O6-53 did not provide a substantive response from a qualified expert, but merely attempted to mask the County's lack of expertise by mischaracterizing and ducking, rather than respond to, the technical expertise and evidence provided by the commenter. Here again, the County's failure to provide a substantive response to the comment is necessarily fatal to the legal adequacy of the Final EIR.

The Greenhouse Gas Analysis in the Draft EIR was Wholly Erroneous and Fails to Support its Conclusions, Despite the Claims in the Final EIR.

The Final EIR attempts to replace, in its entirety, the fundamental analytic basis of the effects of greenhouse gas ("GHG") emissions by providing an entirely new GHG emissions inventory. The Final EIR claims to have done this not in response to comments, but in recognition of the County's error, but the effect is the same: the GHG emissions inventory represents the entire basis of for the development of emissions reduction goals and policies, as well as the determination of significance in the EIR. The Final EIR, in its changes and Master Responses, claims that because the overall conclusion remains unchanged, and the Final EIR avoided designating a new or substantially more severe impact than was disclosed in the Draft EIR, that none of the criteria in section 15088.5(a) of the CEQA Guidelines is met, and recirculation is not required.

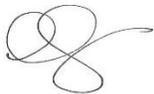
But this narrow and self-serving reasoning is neither adequate nor the end of the story. Section 15088.5(a)(4) also requires recirculation where an analysis "was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded."

Here, the very basis of the initial impact determination is called into question. By acknowledging fundamental errors inherent in the analytic baseline, and the need for a wholesale reconstruction of the same, the County cannot seriously claim—as it appears to do so—that the public has received adequate opportunity to comment. A flawed and misleading baseline alone precludes informed consideration and comment, irrespective of whether the baseline is more or less favorable to the underlying project. *See Neighbors for Smart Rail v. Exposition Metro Line Constr. Auth.* (2013) 57 Cal.4th 439. Consequently, a flawed baseline represents a prejudicial error as a matter of law. *Id.* An error of this magnitude necessarily implicates the sufficiency of the resulting analysis for the purposes of informed public review and comment, and recirculation is clearly required.

The County Must Revise and Recirculate the EIR, and Must Provide Adequate Time for Public Review and Participation.

Given the multitude of significant procedural and substantive failures, as well as the total unresponsiveness of the Final EIR to a range of comments, it is clear that County staff are merely trying to meet the mandate of the Board of Supervisors to bring them a General Plan "for approval in Summer 2020," rather than produce a General Plan that truly reflects the concerns and needs of the community at large. While we understand the political calculus of the earliest possible adoption of the General Plan, the law requires a full, fair, and evidence-based consideration of the plan and its potential environmental effects. **We urge the Planning Commission not to make any decision on the General Plan and EIR until the County can act to fully correct the procedural and due process issues outlined above, meaningfully engage the Latino community, and produce a Final EIR that is responsive to comments.**

Sincerely,



Louise Lampara
Executive Director

Encl.

Enclosure:



Memorandum

County of Ventura • Resource Management Agency • Planning Division
800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • ventura.org/rma/planning

Date: August 5, 2019
To: Supervisor Bob Huber, District #4
From: Dave Ward Director, Planning Division
Subject: General Plan Update and Response July 29, 2019 letter submitted by CoLAB

On July 29, 2019, CoLAB submitted a comment letter on behalf of several organizational stakeholders. The following concerns were expressed:

- The public has not had adequate time to review the Planning Commission's comments on the Preliminary Public Review Draft of the General Plan (draft General Plan).
- The four-hour work session scheduled with the Board of Supervisors on August 6, 2019 will not provide sufficient time for meaningful public comment or analysis by Board members.
- The schedule the Board of Supervisors has established for completing the project is "arbitrary," "unrealistic," and is not in keeping with the practices of other jurisdictions.

GPU Process Highlights and Schedule Clarifications

1. The **Preliminary Public Review Draft**, which was publicly available beginning on May 9, 2019, was the community's *first* look at the draft General Plan. Likewise, the August 6th work session will be the *first* opportunity for the Board to receive and provide direction on the draft General Plan. As the project consultants explained to the Planning Commission in June, most communities do not generate a Preliminary Draft; it was integrated into our project Scope of Work to provide an early opportunity for public and decision-maker input into the GPU drafting process. As noted below, the public will have numerous additional opportunities to participate in the process and provide comments before the final General Plan is approved by the Board of Supervisors.
2. The Planning Commission work sessions on the draft General Plan were held on June 6th, 13th, and 20th. While it's true that unofficial Planning Commission minutes were recently distributed as part of staff's Board letter package, any interested party has had access to the recorded proceedings, which provides a verbatim record of the Planning Commission's comments. In addition, of the 119 proposed revisions made by the Planning Commission, only 28 of these include recommendations for wholly new goals, policies, or programs. The remaining 91 recommended revisions are proposed text changes to existing draft language, many of which are minor.

Response to Comment Letter
August 5, 2019
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3. The August 6th BOS Work Session is not limited to 4 hours, as the Board has on many occasions extended hearings until all public comments have been heard and adequate deliberations have concluded. Moreover, the draft document will not be "finalized" during this Work Session. This work session allows the BOS to provide input on the PC and public recommendations and to direct staff to begin the preparation of the Program level EIR.
4. The public will have at least five more opportunities (after the 8/6 Work Session) to participate in the public process.

Draft General Plan and EIR

- 4/16/2020 PC Hearing 1 of 2
- 4/23/2020 PC Hearing 2 of 2
- 6/15/2020 BOS Hearing 1 of 2
- 6/22/2020 BOS Hearing 2 of 2

Adoption

- *TBD* PC Hearing if needed only
- 8/14/2020 BOS Hearing

5. To date, the GPU team has conducted the following community outreach:
 - More than 26 presentations to community groups including Ventura County CoLAB;
 - 2 public work sessions with the Board of Supervisors (including the August 6th, 2019 work session);
 - 3 joint public work sessions with Board of Supervisors and Planning Commission;
 - 4 public work sessions with the Planning Commission;
 - 25 community workshops and open houses;
 - 27 focus group meetings;
 - 21 meetings with additional advisory bodies including Municipal Advisory Councils and the Agricultural Policy Advisory Committee;
 - 9 educational installations at the County Fair, County Government Center, local libraries, and County parks.

Please feel free to contact me at 805.654.2481 if you have additional questions.

Enclosure:

FW: General Plan

Gary Cushing <ceo@camarillochamber.org>

Wed 7/15/2020 7:46 AM

To: Louise Lampara <llampara@colabvc.org>

From: Microsoft Outlook

<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@camarillochamber.onmicrosoft.com>

Sent: Tuesday, July 14, 2020 10:18 AM

To: Gary Cushing

Subject: Undeliverable: General Plan

Delivery has failed to these recipients or groups:

meighan.batinica@ventura.org.

The format of the email address isn't correct. A correct address looks like this: someone@example.com. Please check the recipient's email address and try to resend the message.

Diagnostic information for administrators:

Generating server: BYAPR18MB2392.namprd18.prod.outlook.com

meighan.batinica@ventura.org.

Remote Server returned '550 5.1.3 STOREDRV.Submit; invalid recipient address'

Original message headers:

Received: from BYAPR18MB2392.namprd18.prod.outlook.com
([fe80::21e7:469d:4efc:8537]) by BYAPR18MB2392.namprd18.prod.outlook.com
([fe80::21e7:469d:4efc:8537&5]) with mapi id 15.20.3174.026; Tue, 14 Jul 2020
17:18:23 +0000
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: Gary Cushing <ceo@camarillochamber.org>
To: "meighan.batinica@ventura.org." <meighan.batinica@ventura.org.>
Subject: General Plan
Thread-Topic: General Plan
Thread-Index: Ad2aAmTOAyq+bZWqQqi9C9sZbNVa/Q==
Date: Tue, 14 Jul 2020 17:18:23 +0000
Message-ID:
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m>
Accept-Language: en-US

Content-Language: en-US
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X-MS-TNEF-Correlator:
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m>
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X-MS-PublicTrafficType: Email

Enclosure:

Changing how you view electric tractors - FutureFarming

<https://www.futurefarming.com/Machinery/Articles/2019/10/Chan...>

Future farming

Expert opinion

10 Oct 2019 1 comment

Changing how you view electric tractors



Matt McIntosh

Correspondent North America

Electric motors are not new, but they have yet to make inroads when it comes to heavy-duty farm work.

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Indeed, battery power (specifically related to torque) and charging challenges continue to limit the scalability of electrically-driven farm equipment – despite exponential increases in the technology's overall effectiveness.

This is a reality, and a major reason why many of us, at least in my part of the world, remain skeptical of electric technology's ability to usurp diesel in the field. The scalability just doesn't seem there.

As I was recently reminded by experts working for my provincial agriculture ministry, though, pulling big iron isn't the only job on the farm – there are plenty of others, and it's in those tasks electric motors can make a major difference.

Text continues underneath image



Battery power and charging challenges continue to limit the scalability of electrically-driven farm equipment. - Photo: Fendt

Picturing electric-drive technology solely in the guise of large machines hauling tillage equipment is a limiting perspective. As the two aforementioned experts mentioned to me, electric motors are perfectly suited for low-duty tasks, such as operating manure pumps and shuttling implements around the farmyard.

This makes sense in a few ways.

First, it's easy to picture an electric tractor, or even a stationary electric motor in some cases, replacing a typical fossil-fuel tractor in these jobs. Really, tractors are not even needed for many of these tasks (e.g. scraping barn alleyways, operating a power take-off driven mill, etc.), though as often happens, whatever piece of equipment is available is generally assigned the task.

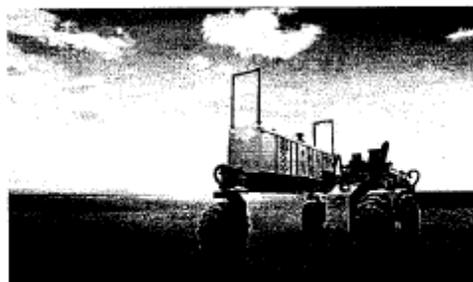
Not burning fuel means not burning money for every hour of work as well as idle time

Second, they don't burn fuel. Environmental considerations aside, that means they're not burning money for every hour of work as well as idle time. That's cash in my pocket, and certainly something to consider in determining the return-on-investment of such machines.

Emergence of smaller and autonomous machines

Third – it's not a given that large-scale equipment itself will always be dominant. The trend towards larger equipment might be something experienced now and in the past, but what about the emergence of smaller and autonomous machines (the DOT Power Platform or Fendt's Xaver "swarm farming" units come to mind). On this scale, and in this style, in-field tasks requiring long hours seems like a much more attainable thing.

Text continues underneath image



Changing how you view electric tractors - FutureFarming

<https://www.futurefarming.com/Machinery/Articles/2019/10/Chan...>

The DOT Power Platform has been listed at \$300,000 per unit. How much diesel fuel would you have to save to make such an investment worthwhile?

Electric motors are also already replacing equipment components like traditional hydraulic systems. This is a very low-scale example, but it highlights how the technology can be used in non-tractor form.

Again, stationary electric motors shouldn't be discounted in this sense. Pound for pound, as my ministry associated pointed-out, more can be done with electric power on this scale.

Cost-effectiveness and harder to quantify factors

I write to you from a small corner of North America. Here, electric motors have steadily been incorporated into many industries (e.g. automotive), as a replacement for labour and fossil-fuels for decades – but not so much on the farm.

Cost surely has something to do with it. The DOT Power Platform, for example, has been listed at \$ 300,000 per unit. The technology might be incredible, but can my family, as comparatively small field crop farmers, really justify that cost? How much diesel fuel would we have to save to make it worthwhile? What would the maintenance costs be generally, not to mention when something inevitably breaks? No technology works well all the time, after all.

In order to really take-off, electric motors need to afford the right amount of power (60 to 100 horse power range) while being cost effective.

Granted, fossil-fuel driven machinery isn't exactly cheap, so many of these cost-efficacy issues already apply. But in this case, at least we know the horse-power and how consistently the machine will run. Again, to quote my ministry associates, "I don't want to buy something that can't handle [the job]." In order to really take-off, electric motors need to afford the right amount of power (60 to 100 horse power range) while being cost effective.

I'm not an expert on this subject (as should be quite evident by now), but I'm prepared to believe this. And I can say, personally, if the technology does reach the right level of cost and job-effectiveness, I would love to stop burning cash in the form of diesel.

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