

## **CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS OF THE COUNTY OF VENTURA FOR THE 2040 GENERAL PLAN (CASE NO. PL17-0141)**

The County of Ventura (County), as lead agency, prepared an environmental impact report (EIR) for the Ventura County 2040 General Plan Update (2040 General Plan or the project). The document consists of the January 2020 draft EIR and the July 2020 final EIR (State Clearinghouse No. 2019011026) (collectively referred to as the EIR). The EIR for the project presents an assessment of the reasonably foreseeable and potentially significant adverse environmental effects that may occur from implementation of the project. These findings have been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and its implementing guidelines (CEQA Guidelines) (California Code of Regulations Title 14, Section 15000 et seq.). The County is the lead agency under CEQA and the Ventura County Board of Supervisors (Board) is the decision-making authority for the project. The Board adopts these findings in that capacity.

### **SECTION 1 - PROJECT DESCRIPTION**

California law requires that every county and city adopt a general plan “for the physical development of the county or city, and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning” (Government Code Section 65300). A general plan serves as the jurisdiction’s “constitution” or “blueprint” for future decisions concerning a variety of issues including land use, health and safety, and resource conservation. All area plans, specific plans, subdivisions, public works projects, and zoning decisions must be consistent with the direction provided in the general plan.

The project is a comprehensive update of the existing General Plan for the County. The 2040 General Plan establishes the County’s vision for development and resource management through the year 2040 and will serve as the fundamental land use and resource policy document for the County.

#### **A. PROJECT LOCATION**

Ventura County is one of the six counties that collectively form the Central Coast region of California. It was created on January 1, 1873, when it separated from Santa Barbara County. Ventura County covers 1.2 million acres bordered by the Pacific Ocean to the southwest, Los Angeles County to the southeast and east, Santa Barbara County to the west, and Kern County to the north. The Los Padres National Forest accounts for approximately 574,000 acres, or 47 percent of the county’s total land area. This includes privately owned inholdings surrounded by Los Padres National Forest which are not a part of the national forest. Outside of the Los Padres National Forest, there are approximately 528,000 acres of land in the unincorporated area (43 percent) and 121,000 acres in the county’s 10 incorporated cities (10 percent). In addition to the mainland part of the county, two of the eight Channel Islands off the coast (San Nicolas Island and Anacapa Island) are also part of Ventura County. Anacapa Island is approximately 700 acres and is located within the Channel Islands National Park. San Nicolas Island encompasses approximately 14,000 acres and is located 65 miles south of Naval Base Ventura County Point Mugu. Managed by the US Navy, San Nicolas Island serves as a launch platform and observation platform for short- and medium-range missile testing. Anacapa Island covers approximately 3,200 acres and is located 14 miles from the coast of

Ventura County; it is one of the most visited islands of Channel Islands National Park because of its proximity to the mainland.<sup>1</sup>

The County has land use regulatory authority over most unincorporated land in the county but lacks land use authority within the incorporated cities in the county: Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, Santa Paula, Simi Valley, Thousand Oaks, and Ventura. The County also does not have land use authority over land in the unincorporated area that is owned or managed by the state or federal government (e.g., state parks, state universities, national parks, U.S. Bureau of Land Management areas, and tribal lands), except for portions of state parks and other state land located in the coastal zone. Under state law, the County has land use authority over land owned or managed by special districts in the unincorporated area (e.g., cemetery districts, water districts), subject to limited exceptions.

## B. PROJECT SUMMARY

### 1. Overview of the 2040 General Plan

The 2040 General Plan is a comprehensive effort to update the existing General Plan and respond to current local and regional conditions, as well as changes in state law that may not have been in place when the existing General Plan was last updated in 2005. It clarifies and articulates the County's intentions with respect to the rights and expectations of the various communities, including residents, property owners, and businesses. Through the 2040 General Plan, the County informs these groups of its goals, policies, and standards, thereby communicating expectations of the public and private sectors for meeting community objectives. In addition, the general plan includes Area Plans that specifically address growth and resource concerns within nine of the county's identified communities.

The 2040 General Plan is organized to satisfy the state's required general plan elements (or chapters). It addresses the state's mandatory elements (i.e., land use, circulation, housing, conservation, open space, noise, and safety), plus the new requirements for air quality and environmental justice, and three new optional elements: water, agriculture, and economic development. Each of the general plan elements and Area Plans contain goals, policies, and implementation programs, which constitute the County's policies for land use, development and environmental quality.

The current, comprehensive update process was initiated in 2015. To reach a wide variety of county residents and stakeholders, County Planning Division staff within the Resource Management Agency conducted extensive community outreach to secure public, focus group, and advisory body input on the development of the draft 2040 General Plan. This included bilingual (Spanish and English) outreach materials, 25 community workshops/open houses, 27 focus group meetings, 21 advisory body meetings, over 26 presentations to community groups, 9 educational installations throughout the County, 2 Spanish language workshops with Mixtec interpretive services, and 9 public work sessions with the Planning Commission and Board of Supervisors.

During 2018, the public and the County's Planning Commission and Board of Supervisors engaged in an alternatives process designed to guide development of the 2040 General Plan.

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<sup>1</sup> Note: the 2040 General Plan and associated mapping focus on the mainland areas of the county. The EIR follows the same convention. San Nicolas is designated State or Federal Facility. Anacapa Island is designated Open Space.

The purpose of the alternatives process was to consider future land use and policy options and help the Planning Commission and Board of Supervisors select a Preferred Alternative that provided the framework for preparing the 2040 General Plan. The Alternatives Report was presented to the Board of Supervisors and Planning Commission during joint work sessions in July and November 2018.

The preliminary public review draft of the 2040 General Plan was released for public review on May 9, 2019. Following public input and workshops with the Planning Commission and Board of Supervisors, a public draft 2040 General Plan was released for public review in January 2020.

## 2. Relationship to Other Plans and Regulations

A general plan is distinct from a zoning ordinance and other land use planning documents. Although all these documents regulate how land may be used and developed, they do so in different ways. A general plan has a long-term outlook that identifies the types of development that are allowed, the spatial relationships among land uses, and the general pattern of future development. A zoning ordinance implements a general plan by regulating development through specific standards, such as lot size, building setback, setting allowable uses, or through infrastructure improvements and financing. Development must not only meet the specific requirements of the zoning ordinance but also the broader policies set forth in the general plan.

There are also nine Area Plans that are incorporated and made part of the 2040 General Plan. An Area Plan specifies the distribution, location, types, and intensity of land uses, and provides specific policies concerning development in a distinct geographical area. The goals, policies, and programs of an Area Plan are designed to supplement, not duplicate, the General Plan.

## 3. Structure and Content of the General Plan

The 2040 General Plan sets forth the goals and policies based on the Vision Statement and Guiding Principles that will guide future land use and resource decisions within the unincorporated areas of the county and identifies the implementation programs required to carry out the goals and policies of the 2040 General Plan. The 2040 General Plan also includes land use designations and a Land Use Diagram that specifies the allowable uses of land (e.g., residential, commercial) throughout the unincorporated area.

The 2040 General Plan addresses topics and issues pursuant to state requirements adopted since the existing general plan was approved in 2005. These include environmental justice, transportation issues such as assessing vehicle miles traveled (VMT) and analyzing transportation systems more holistically (e.g., “Complete Streets”), and wildfire hazards. It is designed to maintain consistency with the Guidelines for Orderly Development, greenbelt agreements, and Save Open Space and Agricultural Resources measures for Ventura County’s unincorporated areas and 10 incorporated cities. The 2040 General Plan also addresses climate change by including a vulnerability analysis and describing how the County plans to reduce greenhouse gas (GHG) emissions and adapt to a changing climate.

As part of the General Plan update process, the County assessed the goals, policies, and programs in the existing General Plan and the County Area Plans. The process did not include updates to the Area Plans. Rather, seven of the Area Plans (El Rio/Del Norte, Lake

Sherwood/Hidden Valley, North Ventura Avenue, Oak Park, Ojai Valley, Piru, and Thousand Oaks) were reformatted to match the layout of the 2040 General Plan. The remaining two Area Plans (Coastal and Saticoy) were not reformatted as part of the 2040 General Plan process.

## C. PROJECT OBJECTIVES

For the EIR, the project objectives are defined as being expressed by the Guiding Principles contained in Section 1.2 of the 2040 General Plan. The project objectives are defined as follows:

- ▶ **Land Use and Community Character:** Direct urban growth away from agricultural, rural, and open space lands, in favor of locating it in cities and unincorporated communities where public facilities, services, and infrastructure are available or can be provided.
- ▶ **Housing:** Support the development of affordable and equitable housing opportunities by preserving and enhancing the existing housing supply and supporting diverse new housing types, consistent with the Guidelines for Orderly Development.
- ▶ **Circulation, Transportation, and Mobility:** Support the development of a balanced, efficient, and coordinated multimodal transportation network that meets the mobility and accessibility needs of all residents, businesses, and visitors.
- ▶ **Public Facilities, Services, and Infrastructure:** Invest in facilities, infrastructure, and services, including renewable energy, to promote efficiency and economic vitality, ensure public safety, and improve quality of life.
- ▶ **Conservation and Open Space:** Conserve and manage the county's open spaces and natural resources, including soils, water, air quality, minerals, biological resources, scenic resources, as well as historic and cultural resources.
- ▶ **Hazards and Safety:** Minimize health and safety impacts to residents, businesses and visitors from human-caused hazards such as hazardous materials, noise, air, sea level rise, and water pollution, as well as managing lands to reduce the impacts of natural hazards such as flooding, wildland fires, and geologic events.
- ▶ **Agriculture:** Promote the economic vitality and environmental sustainability of Ventura County's agricultural economy by conserving soils/land while supporting a diverse and globally competitive agricultural industry that depends on the availability of water, land, and farmworker housing.
- ▶ **Water Resources:** Develop and manage water resources in a manner that addresses current demand without compromising the ability to meet future demand, while balancing the needs of urban and agricultural uses, and healthy ecosystems.
- ▶ **Economic Vitality:** Foster economic and job growth that is responsive to the evolving needs and opportunities of the County's economy and preserves land use compatibility with Naval Base Ventura County and the Port of Hueneme, while enhancing quality of life and promoting environmental sustainability.
- ▶ **Climate Change and Resilience:** Reduce GHG emissions to achieve all adopted targets, proactively anticipate and mitigate the impacts of climate change, promote employment

opportunities in renewable energy and reducing GHGs, and increase resilience to the effects of climate change.

- ▶ **Healthy Communities:** Promote economic, social, and physical health and wellness by investing in infrastructure that promotes physical activity, access to healthy foods, supporting the arts and integrating Health in All Policies into the built environment.
- ▶ **Environmental Justice:** Commit to the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies, protect disadvantaged communities from a disproportionate burden posed by toxic exposure and risk, and continue to promote civil engagement in the public decision-making process.

(draft EIR, pp. 3-8 through 3-9.)

## D. DISCRETIONARY APPROVALS

The following actions from the County are necessary to implement the project:

- ▶ certification of the final EIR for the County of Ventura 2040 General Plan Update,
- ▶ adoption of the mitigation monitoring and reporting plan (MMRP),
- ▶ adoption of the Findings of Fact and Statement of Overriding Consideration (this document),
- ▶ repeal the existing Ventura County General Plan (i.e., version last amended March 19, 2019) including its Resources, Hazards, Land Use. and Public Facilities and Services Appendices; except for the portions of the existing General Plan constituting the County's 2014-2021 Housing Element which consists of Chapter 3.3 and Policies 3.4.2-8, 3.4.2-9 and Program 3.4.3-3 of the Goals, Policies and Programs, and Chapter 3.3 and Chapter 3.4 of the Land Use Appendix;
- ▶ adoption of the 2040 General Plan and Background Report.

(Draft EIR, p. 3-22.)

## SECTION 2 - ENVIRONMENTAL REVIEW PROCESS

As allowed for in CEQA Guidelines Section 15084(d)(2), the County retained a consultant to assist with the preparation of the environmental documents. County staff, recognizing the County's role as lead agency, has directed, reviewed and edited as necessary all material prepared by the consultant. The Board of Supervisors, as the decision-making body, has reviewed and considered the information prepared by the consultant in coordination with County staff and issues these findings to document its exercise of its independent judgment regarding the potential environmental effects analyzed in the EIR and to document its reasoning for approving the project.

A notice of preparation (NOP) of a draft EIR was circulated to the public on January 14, 2019, in accordance with Section 15082 of the State CEQA Guidelines. It was submitted to the State Clearinghouse and distributed to applicable responsible agencies, trustee agencies, and other interested parties as required by CEQA. The NOP was circulated for 30 days, through February 19, 2019. A public scoping meeting was held on January 30, 2019, at 6:00 p.m. in the County Government Center, Hall of Administration, in Ventura, California. In response to the NOP, the County received 24 written comments. Oral and written comments were also received during the public scoping meeting. Concerns raised in response to the NOP were considered during preparation of the draft EIR. The NOP and all comments received on the NOP are presented in Appendix A of the draft EIR.

The draft EIR includes an analysis of the following issue areas:

- ▶ Aesthetics, Scenic Resources, and Light Pollution
- ▶ Agriculture and Forest Resources,
- ▶ Air Quality,
- ▶ Biological Resources,
- ▶ Cultural, Tribal Cultural, and Paleontological Resources
- ▶ Energy,
- ▶ Geologic Hazards,
- ▶ Greenhouse Gas Emissions,
- ▶ Hazards, Hazardous Materials, and Wildfire
- ▶ Hydrology and Water Quality,
- ▶ Land Use and Planning,
- ▶ Mineral and Petroleum Resources,
- ▶ Noise and Vibration,
- ▶ Population and Housing,
- ▶ Public Services and Recreation,
- ▶ Transportation and Traffic,
- ▶ Utilities.

(Draft EIR, p. 1-3.)

The County published the draft EIR for public and agency review on January 13, 2020. A 45-day public review period was provided, ending on February 27, 2020. The draft EIR was also distributed to responsible and trustee agencies, other affected agencies, surrounding counties, cities within the county, and interested parties, as well as to all parties requesting a copy of the draft EIR, in accordance with PRC Section 21092(b)(3). Additionally, the draft EIR was made available on the County's 2040 General Plan Update website (<https://vc2040.org/>); the Planning Division website (<http://vcrma.org/divisions/planning>); the County of Ventura, Resource Management Agency, Planning Division Public Counter; and twelve local libraries. A notice of availability of the draft EIR was published on January 10, 2020, in the Ventura County Star, Ojai Valley News, and Mountain Enterprise. On January 9, 2020, the notice of availability was published in Vida, Spanish language newspaper. Additionally, the notice of availability was sent via eblast to approximately 1,200 recipients on the County's list of parties interested.

As a result of these notification efforts, written and verbal comments were received from 17 state and local agencies, 40 organizations, and 216 individuals on the content of the draft EIR.

Those comments relevant to CEQA were addressed in compliance with the State CEQA Guidelines (Sections 15088, 15132). The final EIR was released on July 3, 2020. Public hearings are planned for July 16, 2020, for the Planning Commission and September 1, 2020, for the Board of Supervisors.

The final EIR includes comments received on the draft EIR; responses to these comments; and revisions to the draft EIR, as necessary, in response to these comments or to amplify or clarify material in the draft EIR. The draft and final EIR were made available for public review on the internet at <https://vc2040.org/> and <http://vcrma.org/divisions/planning>. As discussed in **Section 8**, below, none of the changes to the draft EIR, or information added to the draft EIR, constitutes “significant new information” requiring recirculation of the draft EIR pursuant to PRC Section 21092.1 and State CEQA Guidelines Section 15088.5.

## SECTION 3 - RECORD OF PROCEEDINGS

In accordance with PRC Section 21167.6(e), the record of proceedings for the County’s decision on the project includes the following documents:

- ▶ The NOP for the project and all other public notices issued by the County in conjunction with the project;
- ▶ All comments submitted by agencies or members of the public during the comment period on the NOP;
- ▶ The draft EIR for the project and all appendices;
- ▶ All comments submitted by agencies or members of the public during the comment period on the draft EIR;
- ▶ The final EIR for the project, including comments received on the draft EIR, and responses to those comments and appendices;
- ▶ Documents cited or referenced in the draft EIR and final EIR;
- ▶ The MMRP for the project;
- ▶ All findings and resolutions adopted by the Board of Supervisors in connection with the project and all documents cited or referred to therein;
- ▶ All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County’s compliance with the requirements of CEQA and with respect to the County’s action on the project;
- ▶ All documents submitted to the County by other public agencies or members of the public in connection with the project, up through the close of the final public hearing;
- ▶ Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the project;

- ▶ Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;
- ▶ Any and all resolutions adopted by the County regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- ▶ Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
- ▶ Any documents expressly cited in these findings, in addition to those cited above; and
- ▶ Any other materials required for the record of proceedings by PRC Section 21167.6(e).

Pursuant to CEQA Guidelines section 15091, the County is the custodian of the documents and other materials that constitute the record of proceedings upon which the decision is based, and such documents and other materials are available for review by responsible agencies and interested members of the public at the County of Ventura, Resource Management Agency, Planning Division.

## SECTION 4 - CONSISTENCY WITH APPLICABLE PLANS

The Board of Supervisors (Board) finds that the proposed adoption of the project is consistent with the fifth cycle Regional Housing Needs Assessment (RHNA)<sup>2</sup>, the 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)<sup>3</sup>, and the *Airport Comprehensive Land Use Plan for Ventura County (ACLUP)*,<sup>4</sup> as well as the County's Area Plans and Local Coastal Program, including subsequent amendments to such plans as required to implement the 2040 General Plan as approved. The Board agrees with, and is persuaded by, the reasoning set forth in the draft EIR, including Section 4.11, "Land Use and Planning," regarding the project's consistency with applicable plans and policies. In making these findings, the Board ratifies, adopts, and incorporates into this discussion, the reasoning and determinations of the EIR relating to consistency with applicable plans and the goals and policies within those plans. The Board has reviewed the project in relation to the RHNA, the RTP/SCS, and the ACLUP, and finds that the project, as proposed for approval, will be consistent with and in furtherance of said plans and policies.

## SECTION 5 - FINDINGS REQUIRED UNDER CEQA

PRC Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute provides that the procedures required by CEQA "are intended to assist public agencies in

<sup>2</sup> Southern California Association of Governments. 2012. *5<sup>th</sup> Cycle Regional Housing Needs Assessment Final Allocation Plan, 1/1/2014 - 10/1/2021*. Available: <http://rtpscscs.scag.ca.gov/Pages/Regional-Housing-Needs-Assessment.aspx/index.htm>

<sup>3</sup> Southern California Association of Governments. 2016. *2016-2040 Regional Transportation Plan/Sustainable Communities Strategy: A Plan for Mobility, Accessibility, Sustainability and a High Quality of Life*. Available: <http://scagrtpscscs.net/Documents/2016/final/f2016RTPSCS.pdf>

<sup>4</sup> Ventura County Airport Land Use Commission. 2000. *Airport Comprehensive Land Use Plan for Ventura County*. Adopted July 7, 2000. Prepared by Coffman Associates, Inc.



systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 also states that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles presented in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions (findings).

The first permissible finding is that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.”

The second permissible finding is that “such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes have been adopted by such other agency or can and should be adopted by such other agency.”

The third permissible finding is that “specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (State CEQA Guidelines Section 15091.) PRC Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” The State CEQA Guidelines Section 15364 adds another factor: “legal” considerations. (See *Citizens of Goleta Valley v. Bd. of Supervisors* (“*Goleta II*”) (1990) 52 Cal.3d 553, 565.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) Moreover, “feasibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 (“*CNPS*”).)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations are consistent with the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-521 (“*Laurel Hills*”), in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although the State CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level, or has simply been substantially lessened but remains significant. Moreover, although Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (State CEQA Guidelines Section 15091[a], [b].)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (State CEQA Guidelines Sections 15093, 15043[b]; see also PRC Section 21081[b].) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

The Board has adopted the third permissible finding with respect to all significant and unavoidable effects identified in the EIR, concluding that not all effects can be mitigated to less-than-significant levels. The Board therefore must consider the feasibility of project alternatives. (PRC Section 21002; *Laurel Hills, supra*, 83 Cal.App.3d at p. 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 400-403.)

As noted above, despite mitigation, certain significant environmental impacts of the project will not be mitigated to less-than-significant levels. Thus, the County is required to adopt a Statement of Overriding Considerations for the project (refer to **Section 15**).

## SECTION 6 - LEGAL EFFECT OF FINDINGS

These findings constitute the County’s best efforts to set forth the evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various mitigation measures outlined in the EIR are feasible and have not been modified, superseded or withdrawn, the County hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the Board adopts a resolution approving the project.

## SECTION 7 - SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The potential environmental impacts that would result from project implementation are listed in Table 2-4 in Chapter 2, “Executive Summary,” of the draft EIR, as updated by the revisions to the draft EIR set forth in the final EIR. In some cases, impacts that have been identified would be less than significant. In other instances, incorporation of the mitigation measures proposed in the draft EIR and final EIR would reduce the impacts to levels that are less than significant. For still other impacts, there are no feasible mitigation measures or feasible alternatives that would reduce the impact to a less-than-significant level. Those impacts would remain as significant unavoidable impacts. (See Section 6.3.2, “Environmental Impacts of the 2040 General Plan,” of the draft EIR.) For these impacts, the County has adopted a Statement of Overriding Considerations (refer to Section 15).

Mitigation measures appear in the EIR, in the MMRP, and in these Findings. The County has attempted to ensure that the measures set forth in each of these documents are consistent with one another. These measures may have been refined and clarified over time. It is possible that such revisions or clarifications have been made in one document, but not another. The Board finds that any such inconsistency is inadvertent. In the event of such inconsistency, the language of a measure in one document shall be applied in a manner that harmonizes the measure with the corresponding measure in other documents, such that the most stringent version of the measure shall apply.

The County’s findings with respect to the project’s significant and potentially significant effects and mitigation measures are set forth in **Sections 10 and 11**, below. The findings set forth in these sections are hereby incorporated by reference. This section does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the section provides a summary description of each impact, describes the applicable mitigation measures identified in the EIR and adopted by the Board, and states the Board’s findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the EIR, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the EIR’s determinations regarding mitigation measures and the project’s impacts and mitigation measures designed to address those impacts. In making these findings, the Board ratifies, adopts, and incorporates into these findings the analysis and explanation in the EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The Board has adopted all of the mitigation measures identified in these sections. To the extent any of the mitigation measures are within the jurisdiction of other agencies, the Board finds those agencies can and should implement those measures within their jurisdiction and control.

## SECTION 8 - FINDINGS REGARDING RECIRCULATION OF THE DRAFT EIR

The Board adopts the following findings with respect to whether to recirculate the draft EIR. Under Section 15088.5 of the State CEQA Guidelines, recirculation of an EIR is required when “significant new information” is added to the EIR after public notice is given of the availability of the draft EIR for public review but prior to certification of the final EIR. The term “information” can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. State CEQA Guidelines Section 15088.5(a) defines “significant new information” as a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it; or
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (State CEQA Guidelines Section 15088.5.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is “not intend[ed] to promote endless rounds of revision and recirculation of EIRs.” (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) “Recirculation was intended to be an exception, rather than the general rule.” (*Ibid.*)

The Board recognizes that the final EIR includes revisions to the text of the draft EIR (see final EIR, Chapter 3, “Revisions to the draft EIR”). As discussed in the final EIR, none of the information added to the draft EIR altered the significance conclusions. Rather, the new information amplified and clarified the information provided in the draft EIR. None of the revisions or updates to the draft’s EIR’s analyses represents “significant new information” as that term is defined by the State CEQA Guidelines Section 15088.5(a). (See final EIR, Chapter 3, “Revisions to the draft EIR”; see also final EIR, Section 2.2.7, “Master Response 7: Comments Regarding Recirculation of the Draft EIR.”)

The Board finds that recirculation of the draft EIR is not required: (1) because recirculation is not required where the new information added to the EIR merely clarifies, amplifies, or makes insignificant modifications in an adequate EIR (State CEQA Guidelines Section 15088.5[b]); and (2) because no “substantial adverse” impact would result from any of the revisions to the

portions of the draft EIR that were not recirculated (State CEQA Guidelines Section 15088.5[ae]).

## **SECTION 9 - MITIGATION MONITORING AND REPORTING PROGRAM**

PRC Section 21081.6(a)(1) requires lead agencies to “adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.” An MMRP has been prepared for the project and is being approved by the Board by the same Resolution that has adopted these findings. The County will use the MMRP to track compliance with project mitigation measures. The MMRP provides a list of all adopted project mitigation measures, identifies the parties responsible for implementing such measures, and identifies the timing for implementing each measure. The MMRP will remain available for public review during the compliance period. The final MMRP is attached to and incorporated into the environmental document approval resolution and is approved in conjunction with certification of the EIR and adoption of these Findings of Fact.

## **SECTION 10 - FINDINGS FOR SIGNIFICANT AND UNAVOIDABLE IMPACTS [CEQA GUIDELINES SECTION 15091 (A)(3)]**

This section identifies those impacts that cannot be mitigated below a level of significance. Many of these impacts can be partially mitigated, as described below, but feasible mitigation is not sufficient to reduce the impact to a less-than-significant level and the impacts would remain significant and unavoidable.

The text in this section does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, this section provides a summary description of each impact, describes the applicable mitigation measures identified in the EIR and adopted by the County, and states the County’s findings on the significance of each impact after application of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the EIR, and the County hereby incorporates by reference into these Findings the discussion and analysis in those documents supporting the EIR’s determinations. In making these Findings, the County ratifies, adopts, and incorporates into the Findings and analyses and explanations in the EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these Findings.

The County has adopted all mitigation measures identified herein.

## A. SECTION 4.2: AGRICULTURE AND FORESTRY RESOURCES

### 1. Impact 4.2-1: Loss of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance

Under the 2040 General Plan, future development of relatively higher intensity residential, commercial, mixed use, and industrial land uses would be concentrated within the Existing Community area designation (boundary) and the Urban area designation (boundary), which would lessen the potential for loss of Important Farmland and farms less than 10 acres. However, the 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.

### 2. 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 be required to ensure the permanent protection of offsite farmland of equal quality at a ~~2:1~~ 1:1 ratio (acres preserved: acres converted) through the establishment of an offsite agricultural conservation easement. "Offsite" means an area that is outside of the project's permit boundaries if applicable, would not be disturbed by the project with respect to agricultural soils or production, and that otherwise complies with the below-stated requirements. Discretionary projects to develop and provide housing for use by farmworkers and their families are not subject to this agricultural conservation easement requirement.

<u>General Plan Land Use Designation</u>	<u>Important Farmland Inventory Classification</u>	<u>Acres Lost</u>
<u>Agricultural</u>	<u>Prime/ Statewide</u>	<u>5</u>
	<u>Unique</u>	<u>10</u>
	<u>Local</u>	<u>15</u>
<u>Open Space/Rural</u>	<u>Prime/ Statewide</u>	<u>10</u>
	<u>Unique</u>	<u>15</u>
	<u>Local</u>	<u>20</u>
<u>All Land Use Designations</u>	<u>Prime/ Statewide</u>	<u>20</u>
	<u>Unique</u>	<u>30</u>
	<u>Local</u>	<u>40</u>

If the Planning Division, in consultation with the Agricultural Commissioner, determines that a discretionary project would result in direct or indirect loss of Important Farmland in exceedance of the acreage loss thresholds listed in the table above, the project applicant shall prepare and submit a report for the review and approval of the Planning Division in consultation with the Agricultural Commissioner which identifies a minimum of one proposed potential mitigation site suitable for ensuring the permanent protection of offsite farmland of equal quality at a 2:1 ratio (acres preserved: acres converted) through the establishment of ~~an~~ one or more offsite agricultural conservation easements. The preservation of more than one site agricultural conservation easement may be considered in order to meet the required number of acres. 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.

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.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**Implementation of Mitigation Measures AG-1 and AG-2, which has been required or incorporated into the project, would reduce impacts to Important Farmland to the extent feasible. The County has adopted and will implement these mitigation measures. However, any direct or indirect loss of Important Farmland would be considered a permanent loss of a valuable resource. Establishing agricultural conservation easements would conserve Important Farmland within the county but would not prevent the loss of existing Important Farmland. There are no actions or policies that the County could feasibly mandate to fully replace the loss of Important Farmland (see page 4.2-17 of the draft EIR). Therefore, this impact would remain significant and unavoidable.**

### B. SECTION 4.3: AIR QUALITY

#### 1. Impact 4.3-2: Cause Construction-Generated Criteria Air Pollutant or Precursor Emissions to Exceed VCAPCD-Recommended Thresholds

The future development and other physical changes that could occur as a result of 2040 General Plan implementation would generate construction-related emissions of criteria air pollutants and precursors, including reactive organic gas (ROG), oxides of nitrogen (NOX), respirable particulate matter with aerodynamic diameter of 10 micrometers or less (PM10), and fine particulate matter with aerodynamic diameter of 2.5 micrometers or less (PM2.5). Due to the nonattainment status of Ventura County for ozone and PM10, construction activities associated with implementation of the 2040 General Plan may result in adverse air quality impacts to existing surrounding land uses and may contribute to the existing adverse air quality condition in the county. Further, as actual construction phasing is not known, it is possible that emissions may exceed or be below modeled emissions shown in Table 4.3-2 in the draft EIR. Nonetheless, based on conservative modeling, it is likely that emissions would exceed countywide and Ojai Valley thresholds at some point during buildout of the 2040 General Plan. Therefore, construction emissions could contribute to the existing nonattainment condition in the county with respect to the California ambient air quality standards (CAAQS) and national ambient air quality standards (NAAQS) for ozone and with respect to the CAAQS for PM10 and could result in an increase in the potential for adverse health impacts to occur from exposure to ozone and PM10. This impact would be potentially significant.



## 2. Mitigation Measures

Mitigation Measure AQ-1a: New Policy HAZ-X: Construction Air Pollutant Best Management Practices

The County shall include the following new Policy HAZ-X in the 2040 General Plan.

### **Policy HAZ-X: Construction Air Pollutant Best Management Practices**

Discretionary development projects that will generate construction-related air emissions shall be required by the County to incorporate best management practices (BMPs) to reduce emissions. These BMPs shall include the measures recommended by VCAPCD in its Air Quality Assessment Guidelines or otherwise to the extent applicable to the project.

~~The County shall ensure that discretionary development will, to the extent feasible, incorporate best management practices (BMPs) to reduce emissions to be less than applicable thresholds. These BMPs include but are not limited to the most recent VCAPCD recommendations for construction BMPs (per the Air Quality Assessment Guidelines or as otherwise identified by VCAPCD).~~

Mitigation Measure AQ-1b: New Implementation Program HAZ-X: Construction Air Pollutant Best Management Practices

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

### **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<sup>1</sup> 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.

Mitigation Measure AQ-2a: New Policy HAZ-X: Fugitive Dust Best Management Practices

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

**Policy HAZ-X: Fugitive Dust Best Management Practices**

The County shall ensure that discretionary development which will generate fugitive dust emissions during construction activities will, to the extent feasible, incorporate appropriate BMPs that to reduce emissions to be less than applicable thresholds.

Mitigation Measure AQ-2b: New Implementation Program HAZ-X: Fugitive Dust Best Management Practices

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

**Implementation Program HAZ-X: Fugitive Dust Best Management Practices**

Applicants for future discretionary development projects that which will generate construction-related fugitive dust emissions that exceed applicable thresholds will shall be required by the County to include, but are not limited to, the types of mitigation dust reduction measures recommended by VCAPCD's in its Air Quality Assessment Guidelines, or otherwise, to the extent feasible and applicable such as:

- ~~▶ The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excess amounts of dust.~~
- ▶ The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excess amounts of dust.
- ▶ Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of watering (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities.
- ▶ Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:
  - All trucks shall be required to cover their loads as required by California Vehicle Code Section 23114.
  - All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.
- ▶ Graded and/or excavated inactive areas of the construction site shall be monitored by (indicate by whom) at least weekly for dust stabilization. Soil stabilization methods, such as water and roll-compaction, and environmentally-safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area should be seeded and watered until grass growth is evident, or periodically treated with environmentally-safe dust suppressants, to prevent excessive fugitive dust.

- ▶ Signs shall be posted on-site limiting traffic to 15 miles per hour or less.
- ▶ During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by on-site activities and operations from being a nuisance or hazard, either off-site or on-site. The site superintendent/supervisor shall use his/her discretion in conjunction with VCAPCD when winds are excessive.
- ▶ Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.

Personnel involved in grading operations, including contractors and subcontractors, should be advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.

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.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**The County has adopted and will implement Mitigation Measures AQ-1a, AQ-1b, AQ-2a, and AQ-2b, which have been required or incorporated into the project. Implementation of these measures 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, off-road equipment; dust suppression techniques; the idling limits for heavy-duty diesel-powered equipment; and the use of alternatively fueled construction equipment. As shown in Table 4.3-3 in the draft EIR, these mitigation measures would reduce ROG and NO<sub>x</sub> emissions below the countywide thresholds but not the Ojai Valley thresholds.**

**Although fugitive dust emissions would be reduced through mitigation, PM<sub>10</sub> emissions could still occur from construction of individual development projects. Because Ventura County is in nonattainment for PM<sub>10</sub> with respect to the CAAQS, construction emissions under the 2040 General Plan could exacerbate this existing air quality condition. Additionally, because it is unknown how many development projects could be under construction at the same time, ROG and NO<sub>x</sub> emissions could continue to exceed Ventura County Air Pollution Control District's (VCAPCD's) thresholds within the Ojai Valley. No other feasible mitigation measures are available to reduce this impact (see page 4.3-17 of the draft EIR). Therefore, because ozone precursor emissions could remain above recommended thresholds and the fact that Ventura County is in nonattainment for ozone with respect to the NAAQS and CAAQS, this impact would remain significant and unavoidable.**

### 3. Impact 4.3-3: Result in a Net Increase in Long-Term Operational Criteria Air Pollutant and Precursor Emissions That Exceed VCAPCD-Recommended Thresholds

Future development and other physical changes that could occur as a result of 2040 General Plan implementation, as described in Impact 4.3-2, would result in long-term operational emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and fine particulate matter with aerodynamic diameter of 2.5

micrometers or less. As shown in Table 4.3-4 in the draft EIR, operational activities would result in emissions of ROG and NO<sub>x</sub> that exceed the VCAPCD thresholds of significance for both countywide and the Ojai Valley. While there are policies in the 2040 General Plan that would reduce criteria air pollutant and precursor emissions, it is unknown if emission levels from future development would be reduced below the VCAPCD countywide and Ojai Valley thresholds. Because Ventura County is in nonattainment for ozone with respect to the CAAQS and NAAQS and is in nonattainment for PM<sub>10</sub> with respect to the CAAQS, future development under the 2040 General Plan could contribute to the existing nonattainment status. This impact would be potentially significant.

## 4. Mitigation Measures

Implementation of the 2040 General Plan policies would reduce criteria air pollutant and precursor emissions for all discretionary development projects. While individual projects may be able to reduce emissions to levels below applicable thresholds, the total emissions attributable to future development under the 2040 General Plan would exceed VCAPCD's thresholds and would be a considerable contribution to cumulative air pollutants in the region. No additional feasible mitigation, in addition to the 2040 General Plan policies, is available to reduce this impact (see page 4.3-19 of the draft EIR).

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**Implementation of the 2040 General Plan policies would reduce criteria air pollutant and precursor emissions for all discretionary development projects. While individual projects may be able to reduce emissions to levels below applicable thresholds, the total emissions attributable to future development under the 2040 General Plan would exceed VCAPCD's thresholds and would be a considerable contribution to cumulative air pollutants in the region. The 2040 General Plan policies that would reduce criteria air pollutant and precursor emissions have been incorporated into the project. No feasible mitigation, in addition to these 2040 General Plan policies, is available to reduce this impact (see page 4.3-19 of the draft EIR). Therefore, this impact would remain significant and unavoidable.**

## C. SECTION 4.4: BIOLOGICAL RESOURCES

### 1. Impact 4.4-1: Disturb or Result in Loss of Special-Status Species and Habitat

Future development under the 2040 General Plan may result in direct or indirect impacts on special-status plant species, wildlife species, or habitat. Compliance with State law, federal law, and 2040 General Plan policies and implementation programs would reduce potential impacts of future development under the 2040 General Plan and require project-level environmental review under CEQA to evaluate potential impacts on biological resources and mitigate significant impacts on special-status plant and wildlife species. While these laws, policies, and implementation programs would substantially lessen the likelihood of adverse effects on special-status species, there would still be potential for direct or indirect impacts because presence of special-status species may only be determined through focused or protocol-level surveys, specific avoidance measures to prevent disturbance or direct loss of these species would be required, and specific compensation requirements would be necessary if impacts cannot be avoided. The 2040 General Plan does not include policies that specifically address reconnaissance and protocol-level surveys for special-status species, specific avoidance or minimization measures, or compensation requirements. Therefore, future development under the 2040 General Plan could result in adverse effects to special-status species. This impact would be potentially significant.

### 2. Mitigation Measures

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 CNDDDB 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 (CNDDDB); 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.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**The County has adopted and will implement Mitigation Measure BIO-1 which has been required or incorporated into the project. With implementation of Mitigation Measure BIO-1 impacts on special-status species and habitat would be substantially lessened because it would require identification the species and habitats during reconnaissance-level and protocol-level surveys, avoidance of**

**these species and habitats as required by State and federal law, or incidental take coverage for State-and federally-listed species. As a result, this mitigation measure would routinely reduce project-level impacts to a less-than-significant level. 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 project-specific instances in which this mitigation measure would not reduce impacts to a less-than-significant level (see page 4.4-25 of the draft EIR). Therefore, this impact would be significant and unavoidable.**

### **3. Impact 4.4-2: Disturb or Result in Loss of Riparian Habitat, Sensitive Plant Communities, ESHA, Coastal Beaches, Sand Dunes, and Other Sensitive Natural Communities**

Future development under the 2040 General Plan may result in potential loss or degradation of riparian habitat, sensitive plant communities, Environmentally Sensitive Habitat Areas (ESHA), and other sensitive natural communities. Compliance with State law, 2040 General Plan policies and implementation programs, and the Coastal Area Plan would substantially lessen potential impacts of future development under the 2040 General Plan and require project-level environmental review under CEQA to evaluate potential impacts on biological resources and mitigate significant impacts on these habitats. While these laws, policies, and implementation programs would substantially lessen the likelihood of adverse effects on sensitive habitats, there would still be potential for disturbance or loss of sensitive habitat because presence of sensitive habitats may only be determined through focused surveys specific avoidance measures to prevent disturbance or direct loss of these habitats would be required, and specific compensation requirements would be necessary if impacts cannot be avoided. The 2040 General Plan does not include policies that specifically guide focused surveys for sensitive habitat, specific avoidance measures, or compensation requirements. Therefore, the potential loss or degradation of riparian habitat, sensitive plant communities, ESHA, and other sensitive natural communities as a result of implementing the 2040 General Plan would be potentially significant.

## **4. Mitigation Measures**

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

## **FINDINGS**

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**The County has adopted and will implement Mitigation Measure BIO-1, which has been required or incorporated into the project. Implementation of Mitigation Measure BIO-1 would substantially lessen significant impacts on sensitive habitats because it would require identification of these resources during reconnaissance-level or focused surveys, avoidance of these features as required by State and federal law, or regulatory authorization as required by State and federal law. As a result, this mitigation measure would routinely reduce project-level impacts to a less-than-significant level. 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 (see page 4.4-28 of the draft EIR). Therefore, this impact would be significant and unavoidable.**

## 5. Impact 4.4-3: Disturb or Result in Loss of Wetlands and Other Waters

Future development under the 2040 General Plan may result in potential loss or degradation of State or federally protected wetlands or waters. Compliance with State and federal laws, 2040 General Plan policies and implementation programs, and the Ventura County Coastal Area Plan would reduce potential impacts of future development under the 2040 General Plan and require project-level environmental review under CEQA to evaluate potential impacts on biological resources and mitigate significant impacts on wetland habitats. While these laws, policies, and implementation programs would reduce the likelihood of adverse effects on wetlands, 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. Therefore, this impact would be potentially significant.

## 6. Mitigation Measures

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

### FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**The County has adopted and will implement Mitigation Measure BIO-1, which has been required or incorporated into the project. Implementation of Mitigation Measure BIO-1 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, avoidance of these features as required by State and federal law, or regulatory authorization as required by State and federal law. As a result, this mitigation measure would routinely reduce project-level impacts to a less-than-significant level. 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 (see page 4.4-30 of the draft EIR). Therefore, this impact would be significant and unavoidable.**

## **7. Impact 4.4-4: Interfere with Resident or Migratory Wildlife Corridors or Native Wildlife Nursery Sites**

Future development under the 2040 General Plan may result in potential interference with the movement of resident or migratory wildlife or native wildlife nursery sites. Because development would be encouraged in and around existing developed areas, impacts to wildlife movement corridors and native wildlife nursery sites would be minimized or avoided, as these areas typically do not contain high-quality natural habitat. However, some of these areas might contain wildlife movement corridors or native wildlife nursery sites and some development may occur within or adjacent to open space areas that are more likely to contain these features. Compliance with State and federal laws, 2040 General Plan policies and implementation programs, and the Ventura County Habitat Connectivity and Wildlife Corridor ordinances would reduce potential impacts of future development under the 2040 General Plan on these features. However, because the exact location of future development is not known; because native wildlife nursery sites have not been mapped in the county; and because no law, policy, or the Habitat Connectivity and Wildlife Corridor ordinance requires complete avoidance of mapped or unmapped wildlife corridors; impacts to these resources could still occur. Therefore, this impact would be potentially significant.

## **8. Mitigation Measures**

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

### **FINDINGS**

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable**

effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).

The County has adopted and will implement Mitigation Measure BIO-1, which has been required or incorporated into the project. Implementation of Mitigation Measure BIO-1 would substantially lessen significant impacts on wildlife corridors and native wildlife nursery sites because it would require identification of these features during reconnaissance-level surveys, avoidance of these features as required by State and federal law, or regulatory authorization as required by State and federal law. As a result, this mitigation measure would routinely reduce project-level impacts to a less-than-significant level. 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 (see page 4.4-33 of the draft EIR). Therefore, this impact would be significant and unavoidable.

#### D. SECTION 4.5: CULTURAL, TRIBAL CULTURAL, AND PALEONTOLOGICAL RESOURCES

##### 1. Impact 4.5-1: Substantial Adverse Change in the Significance of an Archaeological Resource Pursuant to PRC 5024.1 and CEQA

As described in the Background Report (Appendix B of the draft EIR), the county is archaeologically and culturally significant, with many archaeological resources located near former water and food sources. As such, there is an increased likelihood for discovery of prehistoric and historic-era archaeological resources. Discretionary development that could occur during the planning horizon of the 2040 General Plan could be in areas of high archaeological sensitivity and could encounter previously undiscovered or unrecorded archaeological sites, materials, or features. Ground-disturbance associated with project-level construction activities could damage or destroy previously undiscovered archaeological features or sites, thereby resulting in a substantial change in the significance of the resource (as defined in PRC 5024.1 and CEQA Guidelines Section 15064.5). State and local regulations, requirements, and programs in place to reduce potential adverse impacts to archaeological resources. However, because of the programmatic level of analysis and because there is the possibility that future development under the 2040 General Plan could result in the discovery, damage, or alteration of an archaeological resource, full protection of these resources (even with implementation of regulations, requirements, and local programs) cannot be guaranteed. Impacts would be potentially significant.



## 2. Mitigation Measures

Mitigation Measure CUL-1a: Revised Policy COS-4.4: Discretionary Development and Cultural, Historical, Paleontological, and Archaeological Resource Preservation

The County shall include the following revised policy in the 2040 General Plan.

### **Policy COS-4.4: Discretionary Development and Tribal, Cultural, Historical, Paleontological, and Archaeological Resource Preservation**

The County shall require that all discretionary development projects be assessed for potential tribal, cultural, historical, paleontological, and archaeological resources by a qualified professional and shall be designed to protect existing resources, and shall avoid potential impacts to these resources whenever to the maximum extent feasible. Whenever possible, significant impacts shall be reduced to a less-than-significant level through the application of feasible mitigation and/or shall be mitigated by extracting extraction of maximum recoverable data. Priority shall be given to measures that avoid resources.

Mitigation Measure CUL-1b: New Implementation Program COS-X: Cultural Records Research

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

### **Implementation Program COS-X: Cultural Records Research**

As part of a discretionary application process, project applicants (Ventura County for County projects) shall initiate a records search and Sacred Lands File search with the South-Central Coastal Information Center.

Mitigation Measure CUL-1c: New Implementation Program COS-X: Cultural, Historical, Paleontological, and Archaeological Resource Assessment Procedures

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

### **Implementation Program COS-X: Cultural, Historical, Paleontological, and Archaeological Resource Assessment Procedures**

For discretionary projects, the County shall require the following:

- ▶ Projects shall be designed to protect existing resources and shall avoid potential impacts to the maximum extent feasible.<sup>1</sup>
- ▶ If determined necessary by the County, an archaeological, or paleontological, and/or Native American monitor shall be retained to monitor ground-disturbing activities during construction.
- ▶ If any materials or artifacts are discovered during ground disturbance and/or construction activities, construction shall halt until a qualified archaeologist, paleontologist, or Native American monitor can access the discovery. A report or memorandum shall be prepared by the qualified monitor documenting any findings and identifying recommendations for protection or avoidance of discovered resources. Recommendations or mitigation identified by the qualified monitor shall be implemented prior to commencing or continuing project activities and/or construction.

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.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project’s benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**The County has adopted and will implement Mitigation Measures CUL-1a, CUL-1b, and CUL-1c, which have been required or incorporated into the project. Implementation of Mitigation Measures CUL-1a, CUL-1b, and CUL-1c would require that discretionary development projects protect existing resources, avoid potential impacts to the maximum extent feasible, and implement feasible mitigation measures to reduce significant impacts. However, it is still possible that future development resulting from the 2040 General Plan could uncover previously unknown archaeological resources during project-level construction activities, the discovery of which may result in damage, destruction, or changes in significance, of the resource. Therefore, the full protection of archaeological resources cannot be guaranteed at this program level of analysis (see page 4.5-16 of the draft EIR). Impacts to archaeological resources would be significant and unavoidable.**

### 3. Impact 4.5-2: Substantial Adverse Change in the Significance of a Historic Resource Pursuant to PRC 5024.1 and CEQA

As described in Impact 4.5-1, future development that could be accommodated under the 2040 General Plan within urban or existing developed areas (where existing historic features, buildings, and structures are located). Further, future development under the 2040 General Plan could be in areas with known historical sites, or in areas where structures have not yet been evaluated for historical significance. Therefore, damage to or destruction of a building or structure that is a designated historic resource, eligible for listing as a historic resource, or a potential historic resource that has not yet been evaluated, could result in a change in its historical significance. Because existing County programs and policy documents, in addition to

the 2040 General Plan policies, would not guarantee full protection or avoidance of identified resources in all circumstances, impacts to historical resources would be potentially significant.

## 4. Mitigation Measures

Mitigation Measure CUL-1a: Revised Policy COS-4.4: Discretionary Development and Cultural, Historical, Paleontological, and Archaeological Resource Preservation

Mitigation Measure CUL-1b: New Implementation Program COS-X: Cultural Records Research

Mitigation Measure CUL-1c: New Implementation Program COS-X: Cultural, Historical, Paleontological, and Archaeological Resource Assessment Procedures

Mitigation Measure CUL-2: Revised Policy COS-4.7: Cultural Heritage Board Review

The County shall include the following revised policy in the 2040 General Plan.

### **Policy COS-4.7: Cultural Heritage Board Review**

Prior to environmental review of discretionary development projects, the County shall initiate a records search request with the South-Central Coastal Information Center and coordinate with the Cultural Heritage Board to identify sites of potential archaeological, historical, tribal cultural and paleontological significance, to ensure that all known resources have been properly identified. Should a site of archaeological, tribal, architectural, or historical significance be identified, the County shall provide an opportunity for the Cultural Heritage Board to include recommendations specific to the discretionary project and identified resource(s). If it is determined during the review that ~~determine whether~~ a site has potential archaeological, tribal, architectural, or historical significance, ~~and provide this information shall be provided~~ to the County Cultural Heritage Board for evaluation, ~~and recommendation~~ Recommendations identified by the Cultural Heritage Board shall be provided to the appropriate decision-making body.

Mitigation Measure CUL-3: New Implementation Program COS-X: Project-Level Historic Surveys and Protection of Historic Resources

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

### **Implementation Program COS-X: Project-Level Historic Surveys and Protection of Historic Resources**

During project-specific environmental review of discretionary development, the County shall define the project's area of potential effect for historic buildings and structures. The County shall determine the potential for the project to result in historic resource impacts, based on the extent of ground disturbance and site modification anticipated for the project. The potential for adverse impacts to historic resources shall also be determined pursuant to the requirements and protocol set forth in the Ventura County ISAG and Cultural Heritage Board Ordinance.

Before altering or otherwise affecting a building or structure 50 years old or older, the project applicant shall retain a qualified architectural historian according to the Secretary of the Interior Standards, to record it on a California Department of Parks and Recreation DPR 523 form or equivalent documentation, if the building has not previously been evaluated. Its significance shall be assessed by a qualified architectural historian, using

the significance criteria set forth for historic resources under CEQA Guidelines Section 15064.5. The evaluation process shall include the development of appropriate historical background research as context for the assessment of the significance of the structure in the county and the region. For buildings or structures that do not meet PRC 5024.1 or the CEQA criteria for historical resource, no further mitigation is required.

For a building or structure that qualifies as a historic resource, the architectural historian and the County shall consult to consider measures that would enable the project to avoid direct or indirect impacts to the building or structure. These could include preserving a building on the margin of the project site, using it “as is,” or other measures that would not alter the building. If the project cannot avoid modifications to a historic building or structure, the following shall be considered:

- 1) If the building or structure can be preserved on site, but remodeling, renovation or other alterations are required, this work shall be conducted in compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.
- 2) If a significant historic building or structure is proposed for major alteration or renovation, or to be moved and/or demolished, the County shall ensure that a qualified architectural historian thoroughly documents the building and associated landscape and setting. Documentation shall include still and video photography and a written documentary record/history of the building to the standards of the Historic American Building Survey or Historic American Engineering Record, including accurate scaled mapping, architectural descriptions, and scaled architectural plans, if available. The record shall be prepared in consultation with State Historic Preservation Officer and filed with the Office of Historic Preservation. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site specific and comparative archival research, and oral history collection as appropriate.
- 3) If preservation and reuse at the site are not feasible,<sup>1</sup> the historical building shall be documented as described in item (2) and, when physically and financially feasible,<sup>1</sup> be moved and preserved or reused.
- 4) If, in the opinion of the qualified architectural historian, the nature and significance of the building is such that its demolition or destruction cannot be fully mitigated through documentation, the County shall reconsider project plans in light of the high value of the resource, and implement more substantial modifications to the proposed project that would allow the structure to be preserved intact. These could include project redesign, relocation or abandonment. If no such measures are feasible,<sup>1</sup> the historical building shall be documented as described in item (2).

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.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**The County has adopted and will implement Mitigation Measures CUL-1a, CUL-1b, CUL-1c, CUL-2, and CUL-3, which have been required or incorporated into the project. Implementation of Mitigation Measures CUL-1a, 1b, and 1c would require that discretionary development projects protect existing resources, avoid potential impacts, and implement feasible mitigation measures to reduce impacts.**

**Implementation of Mitigation Measure CUL-2 would require the identification of listed, eligible, or unevaluated sites in coordination with the Cultural Heritage Board. Further, policy modifications provide the opportunity for the Cultural Heritage Board to offer project-level recommendations and guidance to ensure that efforts are made to avoid, preserve, or otherwise mitigate impacts to historic resources.**

**Implementation of Mitigation Measure CUL-3 provides on-site preservation guidance, and in the event that a structure or resource cannot be preserved, it ensures that actions would be taken to record, evaluate, avoid, or otherwise treat a listed, eligible, or previously unevaluated historic resource appropriately, in accordance with pertinent laws and regulations.**

**Through compliance with existing federal, State, and local regulations, and implementation of mitigation measures, the potential for adverse effects to historic resources would be substantially reduced. However, preservation, reuse, maintenance, and/or avoidance of historical resources may not always be feasible, and recordation of a significant historic resource does not constitute adequate mitigation for a substantial adverse change to that resource (see page 4.5-20 of the draft EIR). Therefore, because the potential for permanent loss of a historic resource cannot be precluded, impacts to historical resources would be significant and unavoidable.**

## 5. Impact 4.5-3: Substantial Adverse Change in the Significance of a Tribal Cultural Resources

California law recognizes the need to protect tribal cultural resources from inadvertent destruction and the procedures required for the treatment of tribal cultural resources, which are contained in PRC Section 21080.3.2 and Section 21084.3(a). Further, local regulations and programs are in place to protect tribal cultural resources within the county. Generally, discoveries of tribal cultural resources would be more likely to occur in areas that have been previously undeveloped, such as rural areas of the county. However, areas where native fill or soil is present may include previously undiscovered resources as well, which could include existing developed areas and undeveloped areas. In addition, it is possible that tribal cultural resources could be identified or discovered during analysis and/or development of future development under the 2040 General Plan. Because 2040 General Plan policies do not clearly define protection of tribal cultural resources, existing County regulations and policy documents, in addition to 2040 General Plan policies and implementation programs, would not fully ensure protection of known or unknown tribal cultural resources. This impact would be potentially significant.

## 6. Mitigation Measures

Mitigation Measure CUL-1a: Revised Policy COS-4.4: Discretionary Development and Cultural, Historical, Paleontological, and Archaeological Resource Preservation

Mitigation Measure CUL-1b: New Implementation Program COS-X: Cultural Records Research

Mitigation Measure CUL-1c: New Implementation Program COS-X: Cultural, Historical, Paleontological, and Archaeological Resource Assessment Procedures

Mitigation Measure CUL-2: Revised Policy COS-4.7: Cultural Heritage Board Review

Mitigation Measure CUL-3: New Implementation Program COS-X: Project-Level Historic Surveys and Protection of Historic Resources

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

Mitigation Measure CUL-4: Revised Policy COS-4.1: Cultural, Historical, Paleontological, and Archaeological Resources Inventory

The County shall include the following revised policy in the 2040 General Plan.

### **Policy COS-4.1: Tribal, Cultural, Historical, Paleontological, and Archaeological Resources Inventory**

The County shall maintain an inventory of tribal, cultural, historical, paleontological, and archaeological resources in Ventura County based on project studies and secondary resources, including record studies and reports filed with natural history programs, the California Historical Resources Information System and the Native American Heritage Commission.

Mitigation Measure CUL-5: Revised Policy COS-4.2: Cooperation for Cultural, Historical, Paleontological, and Archaeological Resource Preservation

The County shall include the following revised policy in the 2040 General Plan.

**Policy COS-4.2a: Cooperation for ~~Tribal~~ Cultural, Historical, Paleontological, and Archaeological Resource Preservation**

The County shall cooperate with cities, special districts, ~~other~~ appropriate organizations, ~~including the Native American Heritage Commission~~, and private landowners to identify known ~~tribal~~ cultural, archaeological, historical, and paleontological resources. ~~If necessary, the County shall engage in consultation with local tribes and preservation groups, to~~ and preserve the county's tribal cultural, historical, paleontological, and archaeological identified resources within the county.

**Policy COS-4.2b: Cooperation for Tribal Cultural Resource Preservation**

For discretionary projects, the County shall request local tribes contact information from Native American Heritage Commission, to identify known tribal cultural resources. If requested by one or more of the identified local tribes, the County shall engage in consultation with each local tribe to preserve, and determine appropriate handling of, identified resources within the county.

## FINDINGS

The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).

The County has adopted and will implement Mitigation Measures CUL-1a, CUL-1b, CUL-1c, CUL-2, CUL-3 CUL-4, and CUL-5 which have been required or incorporated into the project. Implementation of Mitigation Measure CUL-4 would provide clearer language identifying the maintenance of a tribal cultural resource inventory. Further, policy revisions indicate that the inventory shall include recordation of previous studies and reports filed with the California Historical Resources Information System and the Native American Heritage Commission. Availability of this information, in addition to previous studies within the county, would allow for any known tribal cultural resources to be identified prior to project-level analysis.

Implementation of Mitigation Measure CUL-5 would provide clearer language related to the preservation of tribal cultural resources, identify coordination with the Native American Heritage Commission, and require when necessary consultation with tribal and preservation groups.

**Implementation of Mitigation Measures CUL-1a, CUL-1b, and CUL-1c would require that discretionary development projects protect existing resources, avoid potential impacts, and implement feasible mitigation measures to reduce impacts.**

**Implementation of Mitigation Measure CUL-2 also would require the identification of listed, eligible, or unevaluated sites in coordination with the Cultural Heritage Board. Further, policy modifications provide the opportunity for the Cultural Heritage Board to offer project-level recommendations and guidance to ensure that efforts are made to avoid, preserve, or otherwise mitigate impacts to tribal cultural resources.**

**Through compliance with existing regulations related to tribal cultural resources, in addition to implementation of these mitigation measures, impacts to tribal cultural resources would be substantially reduced. However, it is still possible that future development under the 2040 General Plan could result in the discovery of tribal cultural resources through project-level construction activities. Discovery of such resources could result in damage, destruction, or changes in significance of the resource. Therefore, the preservation and protection of unknown tribal cultural resources cannot be guaranteed (see page 4.5-23 of the draft EIR). This impact would be significant and unavoidable.**

## **7. Impact 4.5-4: Result in Grading and Excavation of Fossiliferous Rock or Increase Access Opportunities and Unauthorized Collection of Fossil Materials from Valuable Sites**

As described in the Background Report (Appendix B of the draft EIR), the county contains a variety of paleontological resources. Specifically, the coastal and interior zone of the county contain areas with marine and terrestrial fossils. Adverse effects to paleontological resources could occur through project-level construction activities, such as earth-moving and ground disturbance. Specifically, grading and excavation of known fossiliferous rock would result in the loss of known or yet undiscovered paleontological resources. Further, unsecure areas could result in increased access to paleontologically sensitive areas and subsequently, the unauthorized collection of fossil materials. As a result, known and yet undiscovered resources could be lost and/or destroyed. While existing county programs and requirements, in addition to the identified 2040 General Plan policies, aim to protect paleontological resources, they would not fully ensure the protection of fossiliferous rock nor would they preclude the unauthorized access and/or collection of fossil materials from valuable sites. Further, it may not be feasible to design a project such that it avoids adverse impacts to paleontological resources or prevents the unauthorized access to fossil materials. This impact would be potentially significant.

## **8. Mitigation Measures**

Mitigation Measure CUL-1a: Revised Policy COS-4.4: Discretionary Development and Cultural, Historical, Paleontological, and Archaeological Resource Preservation

Mitigation Measure CUL-1b: New Implementation Program COS-X: Cultural Records Research



Mitigation Measure CUL-1c: New Implementation Program COS-X: Cultural, Historical, Paleontological, and Archaeological Resource Assessment Procedures

Mitigation Measure CUL-4: Revised Policy COS-4.1: Cultural, Historical, Paleontological, and Archaeological Resources Inventory

Mitigation Measure CUL-5: Revised Policy COS-4.2: Cooperation for Cultural, Historical, Paleontological, and Archaeological Resource Preservation

Mitigation Measure CUL-6: New Implementation Program COS-X: Implement Project-Level Security Measures  
The County shall include the following new implementation program in the 2040 General Plan.

**Implementation Program COS-X: Implement Project-Level Security Measures**

During project-level ground disturbance activities for discretionary development, in areas where paleontologically rich sites or tribal cultural resources are known to be present, project sites shall be secured during non-construction hours to ensure that the unauthorized access and the unlawful curation of fossil materials or tribal cultural resources does not occur. Such security measures may include construction fencing, unauthorized access signage, security lighting, and security cameras. For large-scale development, a security plan may be prepared prior to construction activities to detail security measures and protocol for the project site.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**The County has adopted and will implement Mitigation Measures CUL-1a, CUL-1b, CUL-1c, CUL-2, CUL-3, CUL-4, CUL-5 and CUL-6 which have been required or incorporated into the project. Implementation of Mitigation Measures CUL-1a, 1b, and 1c would require that discretionary development projects protect existing resources, avoid potential impacts, and implement feasible mitigation measures to reduce impacts.**

**Implementation of Mitigation Measure CUL-4 would provide clearer language identifying the maintenance of a paleontological resource inventory and indicate that inclusion of previous studies and reports filed with natural history programs and the California Historical Resources Information System. Availability of this information, in addition to previous studies within the county, would allow for any known paleontological sites and resources to be identified during project-level analysis.**

**Implementation of Mitigation Measure CUL-5 would provide clearer language related to the preservation of paleontological resources and encourages consultation with local preservation groups. Implementation of Mitigation Measure CUL-6 would require that proper security measures be taken during project-level development to prevent the unauthorized access to paleontologically rich sites and the unlawful collection of fossil materials.**

**Through compliance with existing regulations, implementation of the mitigation measures described above, the potential for adverse effects related to the loss of paleontological resources (either through construction activities or the unauthorized access and curation of fossil materials) would be substantially reduced. However, protection of paleontological resources may not always be feasible, as it is possible that materials and sites could be accessed unlawfully or could not be entirely avoided during construction activity (see page 4.5-26 of the draft EIR). Therefore, because the potential for permanent loss of a paleontological resource cannot be guaranteed, impacts to paleontological resources, including fossiliferous rock and fossil sites would be significant and unavoidable.**

## **E. SECTION 4.8: GREENHOUSE GAS EMISSIONS**

### **1. Impact 4.8-1: Generate GHG Emissions, Either Directly or Indirectly, That May Have a Significant Impact on the Environment**

Future development that would be accommodated by the 2040 General Plan would result in construction and operation-related GHG emissions that contribute to climate change on a cumulative basis. Programs are necessary for estimating targeted GHG reductions for 2030 and beyond, because the programs provide steps that County staff would take to implement a policy and realize the reduction potential. Many of the policies identified would support GHG reduction measures as part of future development under the 2040 General Plan but would not, on their own, specify the detailed steps that would be needed to achieve GHG reduction. Though these policies do not have implementation programs associated with them, they are still appropriate for inclusion in the 2040 General Plan, which is a programmatic document intended to provide general guidance to local decision makers for future actions. As a result, the policies, while supportive of future GHG reduction measures, do not contain enough specificity for their numeric contribution to the established 2030 and 2040 targets to be quantified. Therefore, this impact would be potentially significant.

## 2. Mitigation Measures

Mitigation Measure GHG-1: New Implementation Program HAZ-X: Prohibit Natural Gas Infrastructure in New Residential and New Commercial Development

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

### **Implementation Program HAZ-X: Prohibit Natural Gas Infrastructure in New Residential and New Commercial Development**

To support the proposed reach codes under COS-S, the 2040 General Plan shall include a new program in the Hazards and Safety element that prohibits the installation of new natural gas infrastructure in new residential development construction through amendments to the Ventura County Building Code. This program shall also be extended to include new commercial development building types such as including but not limited to offices, retail buildings, and hotels, where the use of natural gas is not critical to business operations and contain appliances that can be feasibility substituted with electricity powered equivalents. The County shall allow may exempt certain new commercial development to be exempt from these requirements where the County can make upon making findings based on substantial evidence that supports why the use of natural gas is critical to business operations, and that it is not feasible<sup>1</sup> to replace critical appliances or equipment with electricity powered equivalents. This program shall be completed no later than 2023.

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.

Mitigation Measure GHG-2: New Implementation Program HAZ-X: Building Energy Saving Ordinance for Industrial Buildings

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

### **Implementation Program HAZ-X: Building Energy Saving Ordinance for Industrial Buildings**

To address GHG emissions associated with electricity consumption by industrial buildings, which were not quantified in the GHG Inventory and Forecasting due to utility privacy rules, the County shall implement a program to adopt a Building Energy Saving Ordinance, no later than 2025, for industrial buildings over 25,000 square feet in size, modeled after the local benchmarking ordinances adopted in other local jurisdictions in California (CEC 2019). The County shall prepare reports showing the energy performance of industrial buildings relative to similar buildings in California and the United States and make these reports available to the public by request. The County, through ~~the~~ its building department, shall provide recommendations on energy efficiency retrofits and green building strategies to improve energy performance to property owners and tenants subject to the reporting requirements.

Mitigation Measure GHG-3: Do Not Include Implementation Program COS-EE in the 2040 General Plan  
The County shall not include Implementation Program COS-EE in the 2040 General Plan.

- ▶ ~~**Implementation Program COS-EE: Streamlining GHG Analysis for Projects Consistent with the General Plan.**~~ Projects subject to environmental review under CEQA may be eligible for tiering and streamlining the analysis of GHG emissions, pursuant to CEQA Guidelines Section 15183.5, provided they incorporate applicable GHG reduction measures included in the GHG Strategy contained in the General Plan and Program EIR. The County shall review such projects to determine whether the following criteria are met:
- ~~Proposed project is consistent with the current General Plan land use designation and applicable zoning designations for the project site;~~
  - ~~Proposed project incorporates all applicable GHG reduction measures (as documented in Appendix B to the General Plan and analyzed in the GHG Section of the Program EIR) into project design and/or as binding and enforceable mitigation measures in the project-specific CEQA document prepared for the project; and,~~
  - ~~Proposed project clearly demonstrates the method, timing and process for which the project will comply with applicable GHG reduction measures and/or conditions of approval.~~

~~The County may develop more specific tiering and streamlining tools or procedures, such as a consistency review checklist, or more detailed guidance for determining consistency with the GHG Strategy.~~

~~Similarly, the County may incorporate appropriate elements of such guidance and procedures into the County's Initial Study Assessment Guidelines (ISAGs).~~

Mitigation Measure GHG-4: New Implementation Program ~~COS-X~~ ~~HAZ-X~~: Greenhouse Gas Reduction Policy Enhancement Program and Revised Implementation Program COS-CC: Climate Emergency Council  
The County shall include the following new implementation program in the 2040 General Plan

**Implementation Program ~~COS-X~~ ~~HAZ-X~~: Greenhouse Gas Reduction Policy Enhancement Program**

~~The Climate Emergency Council (CEC) that would be established under COS-CC shall develop recommended subprograms which implement the 52 policies identified in Table 4.8-78 of the draft EIR that do not have associated implementation programs in the 2040 General Plan. Any recommendations that would require amendments to the General Plan, including any subprograms that may include expansions to programs already proposed in the 2040 General Plan, shall be provided to the County Planning Director. The Planning Director shall include the recommendation in a report for consideration by the Planning Commission and Board of Supervisors. This report shall be presented to the Board of Supervisors.~~

~~For any additional future policies that may be adopted as part of the County's Greenhouse Gas (GHG) Reduction Strategy (2040 General Plan, Policy COS-10.1), the CEC may recommend new subprograms. The CEC shall demonstrate in the materials~~

submitted to the Board of Supervisors that the proposed subprograms and policies would result in quantifiable GHG emission reductions that further the County's progress towards achieving the 2030, 2040, and 2050 GHG reduction targets and goals established in the 2040 General Plan. The GHG emission reduction policy topics that may be considered and analyzed by the CEC for recommendation to the Board of Supervisors are identified in the Table 4.8-7 and include but are not limited to the following:

- ▶ Sustainable Technologies;
- ▶ Regional Bicycle Infrastructure;
- ▶ Funding and Maintenance for Sidewalks;
- ▶ Amtrak Service Improvements;
- ▶ Routine Use of Alternative Transportation Options;
- ▶ Permeable Pavement;
- ▶ Facilities for Emerging Technologies;
- ▶ Electric Vehicle Charging Stations;
- ▶ Neighborhood Electric Vehicles;
- ▶ Shared Mobility Operations;
- ▶ Sustainable Community Facility Design;
- ▶ Energy Efficient Facility Construction, Purchases, Leases, Retrofits, and Expansions;
- ▶ Agricultural Waste Reuse;
- ▶ Value-Added Alternatives to Waste Disposal;
- ▶ Smart Grid Development;
- ▶ Consistent Fire Protection Standards for New Development;
- ▶ Soil Productivity;
- ▶ Incentives for Energy Efficiency;
- ▶ Battery Energy Storage Systems;
- ▶ Air Pollutant Reduction;
- ▶ Air Pollution Impact Mitigation Measures for Discretionary Development;
- ▶ Transportation Control Measures Programs;

- ▶ Alternative Transportation Modes;
- ▶ Urban Greening;
- ▶ Integrated Pest Management Practices;
- ▶ Technological Innovation; and
- ▶ Renewable Energy Facilities.

The CEC's recommended GHG reduction subprograms and policies shall be presented to the Planning Commission for review and recommendation to the Board of Supervisors, and then to the Board of Supervisors for consideration and approval, no later than 2025. The Board of Supervisors shall have sole authority to adopt (including as modified) and direct the County's implementation of the subprograms and policies that are developed and recommended by the CEC. Any CEC recommendation that would require amendments to the 2040 General Plan, County ordinances, policies or regulations shall be processed and approved by the County in accordance with all applicable legal requirements.

~~Any recommendations that would require amendments to the General Plan, including any subprograms that may include expansions to programs already proposed in the 2040 General Plan, shall be provided to the County Planning Director. The Planning Director shall include the recommendation in a report for consideration by the Planning Commission and Board of Supervisors. This report shall be presented to the Board of Supervisors by 2025.~~

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

**Implementation Program COS-CC: Climate Emergency Council**

The County shall establish a Climate Emergency Council (CEC) by a resolution of the Board of Supervisors to advise the Board of Supervisors on climate action planning and implementation of the Climate Action Plan (CAP) goals, policies, and programs.

The County agency or department responsible for implementation of this program shall draft, administer, and maintain the CEC bylaws. Initial establishment of the CEC and its bylaws shall include the following terms, duties, and membership composition:

- ▶ Term of each member is two years. At the conclusion of a term, a CEC member may be re-appointed or re-selected, as applicable, for a consecutive term by the appointing authority.
- ▶ Duties of the CEC members include attendance at duly called meetings; review, in advance, of all written material provided in preparation for CEC meetings; serve and participate on committees and/or sub-committees; and

contribute to the CEC's advisory recommendations to the Board of Supervisors;

- ▶ The officers of the CEC shall be Chairperson and Vice-Chairperson.
  - Officers shall be elected annually at regular meeting each year by CEC members. Nomination shall be made from the floor. Election shall be by simple majority.
  - Officers shall serve a one-year term. An officer may be re-elected, but no individual shall serve more than three full consecutive terms in the same office. No member shall hold more than one office at a time.
  - The Chairperson shall preside at all meetings of the CEC, sign all correspondence, reports, and other materials produced by the CEC, and perform any and all other duties prescribed by the CEC from time to time. The Chairperson may serve as an ex-officio member of all committees.
  - The Vice-Chairperson shall represent the Chairperson and/or substitute in performance of the Chairperson during their absence.
- ▶ Membership of the CEC shall be comprised of the following:
  - One person representing each Supervisorial District who has demonstrated interest in and knowledge of climate action planning shall be nominated by each of the five members of the Board of Supervisors, and confirmed by a majority of the Board of Supervisors resulting in a total of five Supervisorial District representatives;
  - One resident from each of the designated disadvantaged communities identified in the 2040 General Plan who has demonstrated an understanding of their community's needs as well as an interest in and knowledge of climate action planning shall be appointed by a majority of the Board of Supervisors; and
  - Two additional at-large members who have demonstrated special interest, competence, experience, or knowledge in climate action planning shall be selected by a majority of the CEC members.
  - Each member is entitled to one vote on each matter submitted to a vote of the CEC.

Mitigation Measure CTM-1: New Implementation Program CTM-X: Interim VMT CEQA Assessment Criteria

Mitigation Measure CTM-2: Revised Implementation Program CTM-B: Initial Study Assessment Guidelines

Mitigation Measure CTM-3: Revised Implementation Program CTM-C: Vehicle Miles Traveled (VMT) Reduction Program

## FINDINGS

The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).

The County has adopted and will implement Mitigation Measures GHG-1, GHG-2, GHG-3, GHG-4, CTM-1, CTM-2, and CTM-3, which have been required or incorporated into the project.

Regarding Mitigation Measure GHG-1, Implementation Program COS-S directs the County to update the building code to include reach codes that require new construction and major alterations to existing structures to exceed the mandatory energy performance requirements set by the 2019 building code in Title 24. Mitigation Measure GHG-1 would implement Policy COS-8.6, which states that the County will encourage zero net carbon emissions building design, which was assumed for quantifying GHG reduction benefits of the program. Adoption of a reach code is predicated on approval of a cost-effectiveness study by the California Energy Commission, pursuant to PRC Section 25402.1(h)2. Reliance on approval from the California Energy Commission before the County can approve a reach code places the decision making for implementation of this program outside of the County's control, and thus, it is not certain that the goals of Implementation Program COS-S and Policy COS-8.6 would otherwise be achieved. To support the proposed reach codes under Implementation Program COS-S, Mitigation Measure GHG-1 would prohibit the installation of new natural gas infrastructure in new residential construction through amendments to the County's zoning codes.

Mitigation Measure GHG-1 also would apply to new commercial development such as offices, retail buildings, and hotels, unless the County can make findings based on substantial evidence that the use of natural gas is critical to business operations, and it is not feasible to replace critical appliances or equipment with electricity powered equivalents. Mitigation Measure GHG-2 would reduce GHG emissions by achieving energy savings at existing and future industrial buildings through benchmarking of energy consumption and providing recommendations for energy efficiency retrofitting within large, energy intensive facilities operating in the county.

Regarding Mitigation Measure GHG-3, the 2040 General Plan has relied on validated assumptions from the Southern California Association of Governments (SCAG) and the Ventura County Transportation Commission about the scale and type of growth anticipated through 2040. For example, the GHG forecasting assumes that the County's housing stock would increase from 32,446 to 33,472



units between 2020 and 2040, a 3 percent increase. Environmentally preferable design features or alternatives from a GHG reduction standpoint may be overlooked if an individual project tiers to a programmatic EIR which evaluated impacts of GHG emissions at a county-wide scale. The types of emerging technologies that could be available when projects are considered for discretionary approval over the next two decades cannot be determined at this time. For this reason, Mitigation Measure GHG-3 specifies that the CEQA streamlining provision proposed as COS-EE in the 2040 General Plan be removed, and that the potential GHG emissions impacts of future, discretionary projects be reviewed in accordance with the most recent adopted version of the Initial Study Assessment Guidelines (ISAG) at the time of project-level environmental review.

Mitigation Measure GHG-3 could result in additional GHG emission reductions if improved technologies, design features, or the like that are infeasible or unavailable today become available and are included in future development or required as part of future project-level reviews. To the extent this were to occur, this mitigation measure would improve progress toward meeting the 2030 and post-2030 GHG reduction targets. However, it would be speculative to determine at this time whether and how Mitigation Measure GHG-3 would affect future GHG emissions in the county.

Programs are critical for estimating the 2040 General Plan's targeted GHG reductions for 2030 and beyond, because they provide more detail on the specific steps that the County will take to implement GHG reducing policies. Many of the policies would achieve GHG reductions from future development but do not, on their own, specify the proactive measures that would be implemented to achieve GHG reductions. As a result, the policies, while supportive of future GHG reduction measures, do not contain enough specificity for their numeric contribution to the established 2040 target to be quantified. In other cases, the future GHG reduction effectiveness of implementation programs of the 2040 General Plan cannot be reliably quantified at this program level of analysis, although evidence from other local governments demonstrates that these types of programs achieve GHG reductions.

Mitigation Measure GHG-4 could result in additional GHG emission reductions by prompting the County to explore subprograms based on the recommendations of a Climate Emergency Council that support the policies and implementation programs of the 2040 General Plan. This approach would allow the County to develop programs and actions with increased specificity using the latest available research, tools, and methodologies available in the evolving field of climate action planning and GHG reduction. Mitigation Measures CTM-1, CTM-2, and CTM-3 would reduce the rate of VMT associated with existing and future development in Ventura County, which would also reduce GHG emissions associated with vehicle travel. Policies and Implementation Programs of the 2040 General Plan and mitigation measures that would reduce the rate of VMT associated with existing and future development in the county are described further in Section 4.16, "Transportation and Traffic."

Most of the GHG reduction policies and implementation programs included in the 2040 General Plan, and the mitigation measures identified above, are targeted to future development (as opposed to existing development), because these are the

activities where the County has the greatest ability to enforce regulations, ordinances, and design standards. The modest amount of forecasted growth that would be accommodated by the 2040 General Plan (i.e., 4,099 new people, 1,281 housing units, 2,986 new jobs relative to 2015) means that future development accounts for a small share of forecasted GHG emissions; a large share of future forecasted GHG emissions in the county are the result of existing development. As a result, the policies and programs and mitigation measures targeting the modest amount of forecasted growth would not achieve sufficient GHG reductions to meet the 2030 target.

With the modest amount of forecast future growth in the county, substantial GHG reductions would need to be derived from measures targeting existing development, infrastructure, and associated activity levels. Most emissions that are forecast to occur in the county are from energy use in existing buildings, vehicle use and travel behavior influenced by the existing land use pattern and transportation systems, landfilled waste, and established agricultural operations. While the County encourages and promotes the reduction of or changes to these activities contributing to GHG emissions, it may decide that certain mitigation measures are infeasible based, for example, on their infringement on private property rights, reduce the economic competitiveness of local businesses, or inhibition the ability for residents to travel between residences, jobs, and amenities. Pursuant to Section 15093 of the State CEQA Guidelines, CEQA requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable. These factors are considered by the decision-making body of the lead agency following certification of the EIR and prior to making a decision about whether to approve the project.

Furthermore, as described in the regulatory setting (Section 4.8.1 of the draft EIR), the Safer Affordable Fuel-Efficient Vehicles Rule (SAFE Rule) proposed and adopted by the National Highway Traffic Safety Administration and the U.S. Environmental Protection Agency would limit the California Air Resources Board's (CARB) long-term ability for enforce State-specific GHG emissions and zero emission vehicle standards for vehicles sold in California, including within the county. As described in the methodology subsection (Section 4.8.2 in the draft EIR), these regulations contribute to legislatively adjusted GHG reductions for the 2040 General Plan and emissions factors used to convert VMT into carbon dioxide equivalent emissions for GHG inventories and forecasting. If California is unable to implement its Advanced Clean Car Standards and zero emission vehicle program it would impair the ability for the County to achieve GHG reductions consistent with the State's 2030 goal, and it is not feasible for the County to establish GHG emissions and zero emission vehicle standards for vehicles sold in its jurisdiction (see page 4.8-47 of the draft EIR). Therefore, for all the foregoing reasons, this impact would be significant and unavoidable.

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

The 2040 General Plan includes several implementation programs with a quantifiable effect on future GHG emissions, and a substantial number of additional programs and policies in every GHG emission sector that would result in further GHG emissions, although their effect on GHG emissions cannot be quantified at this program level of analysis. The 2040 General Plan policies and programs complement the main area of local government influence over GHG emissions, including renewable energy and energy efficiency, land use decisions, and local transportation infrastructure and policy. The available information that can be quantified demonstrates that future emissions in the county would be on a downward trajectory through 2050. Qualitative evidence shows that the many policies and programs that cannot be quantified at this time would lead to further GHG reductions and additional progress toward State GHG reduction targets. However, for these reasons and those described in Impact 4.8-1 (see page 4.8-47 of the draft EIR), 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. Therefore, this impact would be potentially significant.

### 4. Mitigation Measures

Mitigation Measure GHG-1: New Implementation Program HAZ-X: Prohibit Natural Gas Infrastructure in New Residential and New Commercial Development

Mitigation Measure GHG-2: New Implementation Program HAZ-X: Building Energy Saving Ordinance for Industrial Buildings

Mitigation Measure GHG-3: Do Not Include Implementation Program COS-EE in the 2040 General Plan

Mitigation Measure GHG-4: New Implementation Program HAZ-X: Greenhouse Gas Reduction Policy Enhancement Program and Revised Implementation Program COS-CC: Climate Emergency Council

Mitigation Measure CTM-1: New Implementation Program CTM-X: Interim VMT CEQA Assessment Criteria

Mitigation Measure CTM-2: Revised Implementation Program CTM-B: Initial Study Assessment Guidelines

Mitigation Measure CTM-3: Revised Implementation Program CTM-C: Vehicle Miles Traveled (VMT) Reduction Program

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State**

**CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**The County has adopted and will implement Mitigation Measures GHG-1, GHG-2, GHG-3, GHG-4, CTM-1, CTM-2, and CTM-3, which have been required or incorporated into the project.**

**No additional feasible mitigation has been identified at this time beyond the mitigation measures identified above and the policies and implementation programs of the 2040 General Plan. Under the 2040 General Plan future GHG emissions in the county would be on a downward trajectory compatible with State plans, policies, and regulations that would also result in GHG reductions in the county. However, some reductions in the transportation sector cannot be assured due to uncertainties in State regulations affecting GHG emissions from the county's transportation sector, which represents the largest share of baseline and forecast GHG emissions (as shown in Tables 4.8-1 and 4.8-2 of the draft EIR). As described in the regulatory setting (Section 4.8.1 of the draft EIR), the SAFE Rule proposed by the National Highway Traffic Safety Administration and U.S. Environmental Protection Agency would limit CARB's long-term ability to enforce State-specific GHG emissions and zero emission vehicle standards for vehicles sold in California, including within the county. As of December 2019, CARB has published guidance on adjusting emissions factors to account for the SAFE Rule Part One, but this guidance focuses specifically on criteria air pollutants and does not include GHGs such as carbon dioxide, methane and NO<sub>x</sub>. The repeal of CARB's waiver for enforcing vehicle emission standards will likely impair the ability for Ventura County to achieve GHG reductions consistent with the State's 2030 goal (with similar consequences for other local governments in California). However, the precise effects of this regulatory change on GHG emissions cannot be quantified at this time due to uncertainties about the implications of the policy at the state and regional level.**

**Additionally, longer term GHG reduction goals beyond 2030 established by State executive orders would necessitate additional or more stringent GHG reduction policies and programs beyond what is presented in the 2040 General Plan. However, due to the County's minimal growth, most of the forecast GHG emissions in 2030 and beyond are caused or influenced by from energy use in existing buildings, vehicle use and travel behavior on existing transportation systems, landfilled waste, and agricultural uses where the County has limited authority to enforce stringent actions resulting in GHG reductions beyond what have been already been included in the 2040 General Plan and the mitigation measures identified above. Although the 2040 General Plan would not conflict with State GHG reduction targets and recommended local actions established in the 2017 Scoping Plan, and the 2040 General Plan would set future GHG emissions on a downward trajectory consistent with State reduction targets, it cannot be determined at this program level of analysis that future emissions within the county meet State 2030 and post-2030 targets for GHG reduction (see page 4.8-52 of the draft EIR). Therefore, this impact would be significant and unavoidable.**

## F. SECTION 4.9: HAZARDS, HAZARDOUS MATERIALS, AND WILDFIRE

### 1. Impact 4.9-6: Expose People to Risk of Wildfire by Locating Development in a High Fire Hazard Area/Fire Hazard Severity Zone or Substantially Impairing an Adopted Emergency Response Plan or Evacuation Plan or Exacerbate Wildfire Risk

Implementation of the 2040 General Plan would expose people or structures to a significant risk of loss, injury, or death involving wildland fires, and exacerbate wildfire risk, because it would accommodate future development in or adjacent to high and very high fire hazard severity zones (FHSZ) or Hazardous Fire Areas. By their designation, these areas are prone to wildland fires and have a higher potential for severe fire events. Because future development would be allowed to occur at the urban-wildland interface, increased access, human activity, and infrastructure would occur in undeveloped areas of the county and could result in the exacerbation of the potential for wildfires to occur. Because implementation of the 2040 General Plan could result in development that exacerbates the potential for wildfires to occur and the resulting adverse environmental effects that are associated with these events, this impact would be potentially significant.

### 2. Mitigation Measures

No additional feasible mitigation is available for this impact beyond the policies and implementation programs of the 2040 General Plan.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**The County has adopted and implemented programs to minimize wildfire risks including the *2015 Ventura County Multi-Hazard Mitigation Plan*. In addition, the *Ventura County Community Wildfire Protection Plan* reduces hazardous fuels throughout the County and provide measures to reduce structural ignitability in at-risk communities. The Fire Hazard Reduction Program requires mandatory 100-foot of brush clearance around structures located in or adjacent to Hazardous Fire Areas. Many communities also have adopted their own emergency response plans. The 2040 General Plan includes a suite of policies and implementation programs that address a full spectrum of wildfire prevention standards for new development including vegetation management, fire suppression equipment,**

discouraging development in fire hazard areas, and education programs to prevent wildfires. Finally, existing federal and State building code standards, including the recently adopted 2019 fire code, would require future development to be designed to minimize fire risk. Because the effects of a wildfire are not limited to development within high FHSZs but can easily spread to adjacent communities, any development in or adjacent to a designated FHSZs or near wildland areas is at risk for wildfire. While compliance with federal, State, and local requirements would limit risk, this risk cannot be completely eliminated. No other additional policies or programs are available that could eliminate the potential for wildfires or their environmental effects to occur because the only way to fully mitigate additional exposure of people to wildfire or exacerbation of wildfire risk is to prohibit all development in or near any areas that are at risk for wildfire (see page 4.9-24 of the draft EIR). Based on the topography and vegetation characteristics of the county, very few if any such areas exist. Further, many existing developed areas already pose a wildfire risk because of their proximity to wildland areas. The County has undertaken a substantial effort to implement policies and implementation programs that would protect people and structures from the risk of wildfires while at the same time promoting the economic growth of the County. These 2040 General Plan policies and implementation programs that would reduce the risk of wildfire exposure, exacerbation, or resulting adverse environmental effects have been incorporated into the project. No additional feasible policies or implementation programs are available to reduce the risk of wildfire exposure, exacerbation, or resulting adverse environmental effects to less than significant. Therefore, this impact would be significant and unavoidable.

## G. SECTION 4.12: MINERAL AND PETROLEUM RESOURCES

### 1. Impact 4.12-3: Result in Development on or Adjacent to Existing Petroleum Resources Extraction Sites or Areas Where Petroleum Resources Are Zoned, Mapped, or Permitted for Extraction, Which Could Hamper or Preclude Access to the Resources

Future development of dwelling units and schools within compatible zone classifications with minimum parcel sizes of 10,000 and 20,000 square feet could affect the ability to develop new oil wells on neighboring parcels of approximately 0.25 to nearly 0.5 mile from these uses/structures. Depending on the size of parcels, size of the proposed structures and configuration of existing land uses, future development of residential dwellings or schools could preclude access to petroleum resources that are mapped and zoned for extraction. Policy COS-7.2 would notably increase the existing setback requirements for new oil and gas wells such that future residential development or new schools could preclude expansion of existing oil and gas operations, as well as drilling of new discretionary wells, thereby hampering or precluding access to the resource. This impact would be potentially significant.

## 2. 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.

## FINDINGS

**Mitigation Measure PR-1 was identified in the final EIR to reduce, but not avoid, this significant impact. The County finds that specific economic, legal, social, and technological, or other considerations make infeasible any mitigation, including Mitigation Measure PR-1 identified in the final EIR, and the effects therefore remain significant and unavoidable for the reasons explained below. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) As a result, Policy COS-7.2 would be included in the 2040 General Plan with the setback requirements, as previously identified by the Board for evaluation. The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

Currently, the County's zoning standards state that wells should be located a minimum of 800 feet from sensitive uses (Non Coastal Zoning Ordinance [NCZO] 8107-5.5.8 and Coastal Zoning Ordinance [CZO] 8175-5.7.8), and must be located a minimum of 500 feet from dwelling units (NCZO 8107-5.6 and CZO 8175-5.7.8), 500 feet from schools in the non-coastal area (NCZO 8107-5.6), and 800 feet from schools in the Coastal Zone (CZO 8175-5.7.8), unless these setback requirements are waived by occupants of the sensitive uses.

In February 2019, California Assembly Bill (AB) 345 was introduced to require, subject to specified variances, all new oil and gas development or enhancement operations to be located at least 2,500 feet from a residence, school, childcare facility, playground, hospital, or health clinic. A variance request to reduce the 2,500-foot distance can be filed by an oil or gas well operator with the California Geologic Energy Management Division State Oil and Gas Supervisor. Such a request may be approved if the operator can demonstrate that there is no other feasible means of accessing a legal subsurface right and provided that the variance provides as much distance to sensitive receptors as achievable and it would not endanger public health and safety. This purpose of this proposed bill is to establish "...a safe distance between drilling operations and vulnerable populations in order to avoid serious public health and safety risks and impacts" (California State Assembly 2019).

**The proposed setback distance of 2,500 feet identified in AB 345 relies on the California Council on Science and Technology (CCST) study as recommending "a**

health and safety buffer zone between sensitive land uses and oil and gas wells in order to protect communities where neighborhood drilling occurs.”<sup>5</sup> However, the CCST study does not include a specific distance from the sensitive receptors included in AB 345. Rather the study provides an overarching recommendation to “conduct studies in the Los Angeles Basin and throughout California to document public health risks and impacts as a function of proximity to all oil and gas development—not just those that are stimulated—and promptly develop policies that decrease potential exposures. Such policies might incorporate, for example, increased air pollutant emission control technologies, as well as science-based minimum surface setbacks between oil and gas development and places where people live, work, play and learn.”<sup>6</sup>

AB 345 was removed from the docket for the 2019 legislative session and introduced in the 2020 legislative session, with amendments. These amendments would require the Secretary of the Natural Resources Agency to create an environmental justice program within the agency to identify and address any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice; require the department to, on or before July 1, 2022, adopt regulations to protect public health and safety near oil and gas extraction facilities and establish a minimum setback distance between oil and gas activities and sensitive receptors such as schools, childcare facilities, playgrounds, residences, hospitals, and health clinics based on health, scientific, and other data, and would require the department to consider a setback distance of 2,500 feet at schools, playgrounds, and public facilities where children are present, and a range of other protective measures, including, but not limited to, enhanced monitoring and maintenance requirements; and would require certain consultation and public participation requirements before adopting the regulations, as provided. Mitigation Measure PR-1 would revise Policy COS-7.2 to include a broader range of sensitive uses than currently included in the County zoning ordinances’ petroleum setback requirements for occupied sensitive uses which include dwellings, schools, and health care facilities. With the proposed expansion of the types of uses considered “sensitive uses,” the lesser of the minimum setbacks for Policy COS-7.2 (1,500 feet) is proposed to apply to all types of sensitive uses as part of Mitigation Measure PR-1. The minimum setback distance of 1,500 feet for future oil and gas wells relies on the findings of studies that are specific to Los Angeles County, not Ventura County, including Los Angeles County Department of Public Health’s *Public Health and Safety Risks of Oil and Gas Facilities in Los Angeles County*<sup>7</sup>, Los Angeles County’s 2018 *Public Health and Safety Risks* report and the City of Los Angeles’ *Oil and Gas Health Report*. All three publications note that there is a lack of data to quantify the potential health risks of oil and gas development outlined in each report and used by each report to establish distance criteria between new wells and sensitive land

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<sup>5</sup> California State Assembly. 2019 (April). Assembly Committee on Natural Resources Bill Analysis: AB 345. Available: [https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=201920200AB345](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB345).

<sup>6</sup> California Council on Science and Technology and Lawrence Berkley National Laboratory. 2015 (July). An Independent Scientific Assessment of Well Stimulation in California. Volumes II and III. Available: <https://ccst.us/reports/well-stimulation-in-california/publications/>. Page 259.

<sup>7</sup> County of Los Angeles. 2018. *Public Health and Safety Risks of Oil and Gas Facilities in Los Angeles County*. Los Angeles, CA: Los Angeles County Department of Public Health.



uses. The analysis of setback distances in the draft EIR was based on the best information available at the time, which is limited in terms of quantifying health risks, and subject to disagreement among experts. Mitigation Measure PR-1 is consistent with the setback distance recommended for new discretionary oil and gas operations to the City of Los Angeles by its then-Oil Administrator, now the State Oil and Gas Supervisor leading the California Geologic Energy Management Division. However, recognizing the lack of data available to quantify the potential health risks of oil and gas development, the Board has determined that any reduction in the setbacks of Policy COS-7.2 of the 2040 General Plan, which is based on the proposed provisions of AB 345, would undermine the County's ability to validate that their policies and regulations are protective of human health and the environment, as recommended by the CCST study. Therefore, mitigation that reduces the setback to avoid or lessen any reduction of access to petroleum resources could also reduce protection of human health and the environment; such social and environmental tradeoffs render Mitigation Measure PR-1 infeasible.

While Policy COS-7.2 would put limitations on the placement of new discretionary oil and gas wells, it would not necessarily prohibit access to the oil and natural gas resources being sought. In resource locations near sensitive land uses, directional drilling (including horizontal drilling) techniques could be utilized.

As with Mitigation Measure PR-1, Policy COS-7.2 would implement permitting challenges that may affect the feasibility of local oil and gas production and, in turn, would increase the reliance on foreign imports from outside of the 2040 General Plan area.

To the extent the policy would contribute to a reduction of new oil and gas production in the unincorporated county, and to the extent the new oil and gas that would have been produced in the unincorporated area would also have been consumed in California, the demand for California-produced oil and gas would be satisfied through the importation of additional oil and gas from other countries and Alaska, which in turn could have indirect environmental impacts such as those associated with transporting the oil and gas from outside of Ventura County. Such impacts, however, would largely occur outside the 2040 General Plan project area.

Absent reducing the setback, there are no actions or policies that the County could feasibly mandate to reduce the impact that Policy COS 7.2 would have on hampering or precluding access to petroleum resources, without resulting in potential greater impacts on human health and the environment (see page 4.12-18 of the draft EIR). This impact would remain significant and unavoidable.

### 3. Impact 4.12-4: Result in the Loss of Availability of a Known Petroleum Resource That Would Be of Value to the Region and the Residents of the State

There are two policies proposed in the 2040 General Plan that would result in new requirements that would apply to new projects subject to discretionary action by the County that could limit

petroleum extraction without placing a physical limitation on location or access (Policies COS-7.7 and COS-7.8). These policies could result in the loss of availability of known petroleum resources of value to the region and the State because these policies would mandate infrastructure that may be technologically or economically infeasible to install. However, based on the analysis in the draft EIR, the volume of loss for this petroleum resource would likely be at a smaller scale and concentrated on oil operators located outside of a two-mile radius of a major oil or gas transmission pipeline. The policies would nonetheless result in the loss of availability of known petroleum resources of value to the region and the State in at least some parts of the plan area. This impact would be potentially significant.

## 4. Mitigation Measures

Mitigation Measure PR-2: Revised Policy COS-7.7: Limited Conveyance for Oil and Produced Water

~~The County shall include the following revised policy in the 2040 General Plan.~~

**Policy COS-7.7: Limited Conveyance for Oil and Produced Water.** The County shall require new discretionary oil wells to use pipelines to convey crude oil and produced water, if feasible; ~~oil and produced water shall not be trucked.~~ Trucking of crude oil and produced water may only be allowed if the proponent demonstrates that conveying the oil and produced water via pipeline is infeasible. In addition, trucking of crude oil and produced water is allowed in cases of emergency and for testing purposes consistent with federal, state and local regulations.

Mitigation Measure PR-3: Revised Policy COS-7.8: Limited Gas Collection, Use, and Disposal.

~~The County shall include the following revised policy in the 2040 General Plan.~~

**Revised Policy COS-7.8: Limited Gas Collection, Use, and Disposal.** The County shall require that gases emitted from all new discretionary oil and gas wells be collected and used or removed for sale or proper disposal, if feasible. Flaring or venting ~~shall~~ may only be allowed if the proponent demonstrates that conducting operations without flaring or venting is infeasible. In addition, flaring or venting is allowed in cases of emergency or and for testing purposes consistent with federal, State, and local regulations.

## FINDINGS

**Mitigation Measures PR-2 and PR-3 are identified in the final EIR to avoid or substantially lessen the significant environmental effect. However, the County finds that specific economic, legal, social, and technological, or other considerations make infeasible any mitigation, including Mitigation Measures PR-2 and PR-3 identified in the final EIR, and the effects therefore are significant and unavoidable for the reasons explained below. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) As a result, Policy COS-7.7 and Policy 7.8 would be included in the 2040 General Plan with the limits on conveyance of crude oil and produced water and on flaring, as previously identified by the Board for evaluation. The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**As proposed in the 2040 General Plan, Policies COS-7.7 and COS-7.8 could limit access to petroleum resources in the plan area by effectively restricting the locations where new oil and gas development could occur. Mitigation Measures PR-2 and PR-3 would revise these policies by allowing the County to approve new oil and gas wells where operators can establish the infeasibility of conducting the proposed exploration and production operations without trucking and/or flaring or venting.**

**However, as proposed in the 2040 General Plan, Policies COS-7.7 and COS-7.8 could benefit air quality, limit the release of GHGs and avoid other environmental impacts that could result from new oil and gas development that would not be authorized under the policies. Policy COS-7.7 would avoid emissions of criteria air pollutants, toxic air contaminants, and greenhouse-gas compounds resulting from the trucking of oil and produced water from new discretionary oil wells. The policy would also decrease traffic safety risks associated with the trucking oil and produced water from such new wells. Policy COS-7.7 requires new discretionary oil wells to use pipelines to convey oil and produced water; oil and produced water shall not be allowed to be trucked for new discretionary oil wells. The draft EIR concludes that as proposed, Policy COS-7.7 would avoid air pollutant emissions that would otherwise result from trucking of oil and produced water from new discretionary oil wells. Additionally, COS-7.7 would result in the reduction of trucking of crude oil and produced water which could result in a potential reduction of VMT in the unincorporated county.**

**Policy COS-7.8 requires that gases emitted from all new discretionary oil and gas wells be collected and used or removed for sale or proper disposal and flaring or venting of such gases shall not be allowed except in cases of emergency or for testing purposes. The draft EIR concluded that as proposed, Policy COS-7.8 would lessen air pollutant emissions that would otherwise result from flaring at new discretionary oil and gas wells. The draft EIR also concluded that these policies support attainment of the 2040 General Plan Guiding Principles pertaining to Hazards and Safety, Climate Change and Resilience, and Environmental Justice.**

**The County Board of Supervisors, in considering Mitigation Measures PR-2 and PR-3, must weigh the importance of allowing access to local oil and gas resources with the known local environmental consequences of oil and gas production operations, which would be limited with implementation of 2040 General Plan Policies COS-7.7 and COS-7.8. Mitigation that allows access to local oil and gas resources could also reduce protection of human health and the environment; such tradeoffs render Mitigation Measures PR-2 and PR-3 infeasible. Absent allowing trucking and flaring or venting when other options are infeasible, there are no actions or policies that the County could feasibly mandate to reduce the impact that Policies COS-7.7 and COS-7.8 would have on hampering or precluding access to petroleum resources, without resulting in potential greater impacts on human health and the environment. This impact would remain significant and unavoidable.**

## H. SECTION 4.13: NOISE AND VIBRATION

### 1. Impact 4.13-3: Expose Existing Sensitive Receptors to Traffic-Noise Increases

Future development under the 2040 General Plan would increase noise levels along area roadways over the life of the plan (as shown in Table 4.13-7 in the draft EIR). Traffic volume increases could result in traffic noise levels exceeding the County's standard of 60 a-weighted decibels (dBA) community noise equivalent level (CNEL) for outdoor noise levels at existing noise-sensitive uses along roadways. Further, the 2040 General Plan could result in a substantial increase of 3 dBA or greater at locations currently exceeding the County's traffic noise standards. Policies HAZ-9.3, HAZ-9.4, and HAZ-9.5 would require noise-generating development to be evaluated and implementation of noise control measures to reduce noise levels to acceptable levels. However, it is uncertain if recommended noise control measures would be sufficient to reduce noise levels generated by future development to acceptable levels for all future types of development in all locations and circumstances and there are no further policies related to traffic noise impacts on existing noise-sensitive uses. Therefore, this impact would be potentially significant.

### 2. Mitigation Measures

Mitigation Measure NOI-1: New Policy HAZ-X: Implement Noise Control Measures for Traffic Noise

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

#### **Policy HAZ-X: Implement Noise Control Measures for Traffic Noise**

The County shall require noise control measures to be implemented along roadways for new discretionary development generating traffic noise if either of the following circumstances would exist:

- ▶ The discretionary development would result in traffic noise levels above a County noise compatibility standard stated in Policy HAZ 9.2 in an area where traffic noise levels, under existing conditions, do not exceed the County noise compatibility standard; or,
- ▶ The discretionary development would result in an increase in traffic noise levels of 3 dBA or greater in an area where traffic noise levels under existing conditions exceed a County noise compatibility standard stated in Policy HAZ 9.2.

Noise control measures may include increased vegetation, roadway pavement improvements and maintenance, and site and building design features. If such measures are not sufficient to reduce a new discretionary development's fair share of traffic-generated noise at sensitive receptors, a sound wall barrier may be constructed. All feasible<sup>1</sup> noise reduction measures shall be implemented to ensure the development's fair share of traffic-generated noise is reduced, consistent with Policy HAZ 9.2.

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.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project’s benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**The County has adopted and will implement Mitigation Measure NOI-1, which has been required or incorporated into the project. With implementation of Mitigation Measure NOI-1, the 2040 General Plan would require discretionary development to implement noise reduction measures to reduce project-generated traffic noise. In many cases noise reduction measures would reduce traffic noise levels generated by a discretionary development at existing noise sensitive receptors to less than significant levels. However, there may be cases where noise reduction measures are either infeasible or inadequate for reducing traffic noise to less than significant levels. For example, if a new discretionary development would result in high-traffic or truck volumes on roadways near noise-sensitive receptors and, due to limited space within the County roadway right-of-way, a sound wall cannot be built, then the new discretionary development may result in project-generated traffic noise above the County standard (see page 4.13-23 in the draft EIR). Therefore, because there may be cases where discretionary development would result in project-generated traffic noise above the County standard and such project-generated noise could not be reduced, and would therefore, result in a substantial noise level increase that would exceed County standards at existing noise-sensitive receptors, this impact would be significant and unavoidable.**

### 3. Impact 4.13-6: Expose Sensitive Receptors to Construction Vibration Levels That Exceed Applicable Standards

Construction-related vibration has the potential to damage structures, cause cosmetic damage (e.g., crack plaster), or disrupt the operation of vibration-sensitive equipment. Vibration can also be a source of annoyance to individuals who live or work close to vibration-generating activities. Much of the future development under the 2040 General Plan would occur near or within existing communities and would likely not require blasting or pile driving activities. Compliance with the vibration reduction measures included in the *Construction Noise Threshold Criteria and Control Plan* would help minimize construction vibration; however, development under the 2040 General Plan could still result in vibration impacts if blasting and/or pile driving

occur. In addition, 2040 General Plan Policy HAZ-9.1 includes an exemption for noise generated during construction and, therefore, does not prohibit discretionary development that would exceed the County's noise standards during construction. Although the *Construction Noise Threshold Criteria and Control Plan* would require individual construction projects to include numerous vibration-reducing techniques and minimize exposure at receiving land uses, at this time the location, intensity, and timing of future construction activities under the 2040 General Plan, as well as relative vibration levels at nearby receptors is unknown. Further no specific policies are in place or proposed that would avoid or minimize potential adverse effects from blasting and/or pile driving activities. Therefore, it cannot be determined if future development under the 2040 General Plan would generate vibration levels that would exceed applicable standards at nearby receptors, and this impact would be potentially significant.

## 4. Mitigation Measures

Mitigation Measure NOI-2: Revised Policy HAZ-9.2: Noise Compatibility Standards

The County shall include the following revised policy in the 2040 General Plan.

### **Policy HAZ-9.2: Noise Compatibility Standards**

The County shall review discretionary development for noise compatibility with surrounding uses. The County shall determine noise based on the following standards:

1. New noise sensitive uses proposed to be located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed CNEL 60 or  $L_{eq}1H$  of 65 dB(A) during any hour.
2. New noise sensitive uses proposed to be located near railroads shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed L10 of 60 dB(A)
3. New noise sensitive uses proposed to be located near airports:
  - a. Shall be prohibited if they are in a Community Noise Equivalent Level (CNEL) 65 dB or greater, noise contour; or
  - b. Shall be permitted in the Community Noise Equivalent Level (CNEL) 60 dB to CNEL 65 dB noise contour area only if means will be taken to ensure interior noise levels of CNEL 45 dB or less.
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, does not exceed any of the following standards:
  - a.  $L_{eq}1H$  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.  $L_{eq}1H$  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.  $L_{eq}1H$  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.
5. Construction noise and vibration shall be evaluated and, if necessary, mitigated in accordance with the Construction Noise Threshold Criteria and Control Measures Plan (Advanced Engineering Acoustics, November 2005).

Mitigation Measure NOI-3: New Implementation Program HAZ-X: Revise the Construction Noise Threshold Criteria and Control Plan

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

**Implementation Program HAZ-X: Revise the Construction Noise Threshold Criteria and Control Plan**

The County shall revise the Construction Noise Threshold Criteria and Control Plan within one year of 2040 General Plan adoption to consider all potential vibration-inducing activities and include various measures, setback distances, precautions, monitoring programs, and alternative methods to traditional construction activities with the potential to result in structural damage or excessive groundborne noise. Items that shall be addressed in the plan include, but are not limited to, the following:

- ▶ Ground vibration-producing activities, such as pile driving and blasting, shall be limited to the daytime hours between 7:00 a.m. to 7:00 p.m. on weekdays or 9:00 a.m. to 7:00 p.m. on weekends and holidays.
- ▶ If pile driving is used, pile holes shall be predrilled to the maximum feasible depth to reduce the number of blows required to seat a pile.
- ▶ All construction equipment on construction sites shall be operated as far away from vibration-sensitive sites as reasonably possible.
- ▶ Earthmoving, blasting and ground-impacting operations shall be phased so as not to occur simultaneously in areas close to sensitive receptors, to the extent feasible. The total vibration level produced could be significantly less when each vibration source is operated at separate times.
- ▶ Minimum setback requirements for different types of ground vibration-producing activities (e.g., pile driving and blasting) for the purpose of preventing damage to nearby structures shall be established. Factors to be considered include the specific nature of the vibration producing activity (e.g., type and duration of pile driving), local soil conditions, and the fragility/resiliency of the nearby structures. Established setback requirements (i.e., 100 feet) can be breached if a project-specific, site specific analysis is conducted by a qualified geotechnical engineer or ground vibration specialist that indicates that no structural damage would occur at nearby buildings or structures.
- ▶ Minimum setback requirements for different types of ground vibration producing activities (e.g., pile driving and blasting) for the purpose of preventing negative human response shall be established based on the specific nature of the vibration producing activity (e.g., type and duration of pile driving), local soil conditions, and the type of sensitive receptor. Established setback requirements (i.e., 300 feet) can be breached only if a project-specific, site-specific, technically adequate ground vibration study indicates that the buildings would not be exposed to ground vibration levels in excess

of 80 VdB, and ground vibration measurements performed during the construction activity confirm that the buildings are not being exposed to levels in excess of 80 VdB.

- ▶ All vibration-inducing activity within the distance parameters described above shall be monitored and documented for ground vibration noise and vibration noise levels at the nearest sensitive land use and associated recorded data submitted to Ventura County so as not to exceed the recommended FTA levels.
- ▶ Alternatives to traditional pile driving (e.g., sonic pile driving, jetting, cast-in-place or auger cast piles, nondisplacement piles, pile cushioning, torque or hydraulic piles) shall be considered and implemented where feasible<sup>1</sup> to reduce vibration levels.

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.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project’s benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**The County has adopted and will implement Mitigation Measures NOI-2 and NOI-3, which have been required or incorporated into the project. Implementation of Mitigation Measures NOI-2 and NOI-3 would require that pile driving and blasting not occur during sensitive times of the day (i.e., late evening through early morning). Additional measures would require the construction contractor to minimize vibration exposure to nearby receptors by locating equipment far from receptors, phasing operations, and predrilling holes for potential piles. Further, the County would revise the Construction Noise Threshold Criteria and Control Plan to include vibration control measures to further refine appropriate setback distances and identify and implement alternative methods to pile driving and blasting if required.**

**These vibration control measures would result in compliance with recommended levels to prevent structural damage. However, while these measures would substantially lessen human annoyance resulting from vibration levels, at this programmatic level of analysis it is not possible to conclude that vibration levels in all locations associated with all future development under the 2040 General Plan**



would be reduced below human annoyance levels; there could be future development that results in vibration levels that cause human annoyance (see page 4.13-29 in the draft EIR). As a result, this impact would be significant and unavoidable.

## I. SECTION 4.15: PUBLIC SERVICES AND RECREATION

### 1. Impact 4.15-2: Require Expansion or Construction of New Facilities to Support Law Enforcement and Emergency Services

The 2040 General Plan land use diagram and policies would concentrate future growth in the Existing Community and Urban area designations, but also would provide for residential land development on the edges of existing urban development, which may increase response times for law enforcement and emergency services. The 2040 General Plan requires that the County provide adequate law enforcement and emergency services to county residents (Policy PFS-11.1). Nonetheless, future development, on the edges or outside of existing developed areas, could result in the need for construction of new or expanded law enforcement and emergency response facilities to maintain adequate service ratios and other performance standards. The construction of new or expanded facilities could, in turn, result in adverse impacts on the environment, depending on the location of the new facilities. Therefore, this impact would be potentially significant.

### 2. Mitigation Measures

The construction of new or expanded law enforcement and emergency services facilities could result in the types of potential adverse physical changes to the environment already evaluated and identified throughout the draft EIR. Where impacts are potentially significant, the draft EIR identifies potentially feasible mitigation measures to avoid or substantially lessen the impact. As a result, no additional mitigation measures are identified in this section to address the potentially significant impacts of constructing new or expanded law enforcement and emergency services facilities.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**The draft EIR includes a programmatic evaluation of potential adverse physical changes to the environment as a result of forecasted growth and future development under the 2040 General Plan, which includes the construction of**

**new or expanded law enforcement and emergency services facilities to serve this growth and development. These environmental impacts are analyzed in Sections 4.1 through 4.17 of the draft EIR. As discussed therein, future development would be subject to applicable laws and regulations, the policies and implementation programs in the 2040 General Plan, and mitigation measures identified throughout the draft EIR. The adverse physical impacts associated with construction of new or expanded law enforcement and emergency services facilities would be consistent with the impacts of the types of development evaluated in the draft EIR, and potentially significant impacts would be mitigated, to the extent feasible, as described in the relevant resource sections. In some cases, mitigation measures would reduce impacts to less-than-significant levels; in other cases, impacts would remain significant and unavoidable after mitigation. Because not all potentially significant impacts of the 2040 General Plan can be reduced to less-than-significant levels, and some significant and unavoidable impacts would result, the impact of constructing new or expanded law enforcement and emergency services facilities in response to increased demand under the 2040 General Plan would be significant and unavoidable (see page 4.15-11 in the draft EIR).**

### **3. Impact 4.15-3: Require Expansion or Construction of New Fire Protection Facilities and Services as a Result of Excessive Response Times, Project Magnitude, or Distance from Existing Facilities**

The 2040 General Plan land use diagram and policies would concentrate future growth in the Existing Community and Urban area designations, but also would provide for residential land development on the edges of existing urban development, which may increase response times for fire protection services. The 2040 General Plan requires that the County provide adequate fire protection facilities and services, including adequate emergency access and response times, to county residents (Policies LU-1.2, PFS-11.1, PFS-11.4). However, these policies do not completely prohibit future development outside of Existing Community or Urban area designations, and the land use designations established in the 2040 General Plan would allow for low intensity development throughout much of the county. Therefore, the 2040 General Plan could accommodate future development located in excess of 5 miles from a full-time paid fire department or result in response times in excess of 12 minutes. As a result, new or physically altered fire protection facilities could be required to adequately serve future development, the construction of which could result in substantial adverse physical impacts. Therefore, this impact would be potentially significant.

## **4. Mitigation Measures**

The construction of new or expanded fire protection facilities could result in the types of potential adverse physical changes to the environment already evaluated and identified throughout the draft EIR. Where impacts are potentially significant, the draft EIR identifies potentially feasible mitigation measures to avoid or substantially lessen the impact. As a result, no additional mitigation measures are identified in this section to address the potentially significant impacts of constructing new or expanded fire protection facilities.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**The draft EIR includes a programmatic evaluation of potential adverse physical changes to the environment as a result of forecasted growth and future development under the 2040 General Plan, which includes the construction of new or expanded fire protection facilities to serve this growth and development. These environmental impacts are analyzed in Sections 4.1 through 4.17 of the draft EIR. As discussed therein, future development would be subject to applicable laws and regulations, the policies and implementation programs in the 2040 General Plan, and mitigation measures identified throughout the draft EIR. The adverse physical impacts associated with construction of new or expanded fire protection facilities would be consistent with the impacts of the types of development evaluated in the draft EIR, and potentially significant impacts would be mitigated, to the extent feasible, as described in the relevant resource sections. In some cases, mitigation measures would reduce impacts to less-than-significant levels; in other cases, impacts would remain significant and unavoidable after mitigation. Because not all potentially significant impacts of the 2040 General Plan can be reduced to less-than-significant levels, and some significant and unavoidable impacts would result, the impact of constructing new or expanded fire protection facilities in response to increased demand under the 2040 General Plan would be significant and unavoidable (see page 4.15-12 in the draft EIR).**

### **5. Impact 4.15-4: Require Expansion or Construction of New Public Libraries or Other Facilities to Meet New Demand or Address Overcrowding and Accessibility**

Implementation of the 2040 General Plan would require that the County continue to provide access to library facilities and services throughout the county (Policies PFS-9.1 and PFS-9.5). Therefore, forecasted population growth that would be accommodated by future development under the 2040 General Plan could require expansion of existing facilities or construction of new facilities to meet increased demand or address overcrowding of adverse effects to accessibility. The construction of new or expanded library facilities could result in substantial adverse physical impacts. Therefore, this impact would be potentially significant.

## 6. Mitigation Measures

The construction of new or expanded library facilities could result in the types of potential adverse physical changes to the environment already evaluated and identified throughout the draft EIR. Where impacts are potentially significant, the draft EIR identifies potentially feasible mitigation measures to avoid or substantially lessen the impact. As a result, no additional mitigation measures are identified in this section to address the potentially significant impacts of constructing new or expanded public facilities.

### FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**The draft EIR includes a programmatic evaluation of potential adverse physical changes to the environment as a result of forecasted growth and future development under the 2040 General Plan, which includes the construction of new or expanded library facilities to serve this growth and development. These environmental impacts are analyzed in Sections 4.1 through 4.17 of the draft EIR. As discussed therein, future development would be subject to applicable laws and regulations, the policies and implementation programs in the 2040 General Plan, and mitigation measures identified throughout the draft EIR. The adverse physical impacts associated with construction of new or expanded library facilities would be consistent with the impacts of the types of development evaluated in the draft EIR, and potentially significant impacts would be mitigated, to the extent feasible, as described in the relevant resource sections. In some cases, mitigation measures would reduce impacts to less-than-significant levels; in other cases, impacts would remain significant and unavoidable after mitigation. Because not all potentially significant impacts of the 2040 General Plan can be reduced to less-than-significant levels, and some significant and unavoidable impacts would result, the impact of constructing new or expanded library facilities in response to increased demand under the 2040 General Plan would be significant and unavoidable (see page 4.15-14 in the draft EIR).**

## 7. Impact 4.15-5: Require Expansion or Construction of New Parks and Recreation Facilities and Services or Cause Substantial Physical Deterioration of Parks and Recreation Facilities Because of Overuse

Implementation of the 2040 General Plan policies would require approved subdivisions not otherwise exempted under the County Subdivision Ordinance to provide new trails and/or parkland dedication, or equivalent in-lieu fees, in accordance with the Quimby Act (Government Code, Section 66477) and County Quimby Ordinance. Additionally, implementation of the 2040 General Plan policies would require the expansion of existing park and recreation facilities or construction of new facilities to avoid physical deterioration from overuse and to maintain an acceptable ratio of parklands to population. The expansion of existing or the construction of new facilities in response to increased demand could result in adverse effects on the environment. Therefore, this impact would be potentially significant.

## 8. Mitigation Measures

The construction of new or expanded parks and recreation facilities could result in the types of potential adverse physical changes to the environment already evaluated and identified throughout the draft EIR. Where impacts are potentially significant, the draft EIR identifies potentially feasible mitigation measures to avoid or substantially lessen the impact. As a result, no additional mitigation measures are identified in this section to address the potentially significant impacts of constructing new or expanded parks and recreation facilities.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**The draft EIR includes a programmatic evaluation of potential adverse physical changes to the environment as a result of forecasted growth and future development under the 2040 General Plan, which includes the construction of new or expanded parks and recreation facilities to serve this growth and development. These environmental impacts are analyzed in Sections 4.1 through 4.17 of the draft EIR. As discussed herein, future development would be subject to applicable laws and regulations, the policies and implementation programs in the 2040 General Plan, and mitigation measures identified throughout the draft EIR.**

**The adverse physical impacts associated with construction of new or expanded parks and recreation facilities would be consistent with the impacts of the types**

of development evaluated in the draft EIR, and potentially significant impacts would be mitigated, to the extent feasible, as described in the relevant resource sections. In some cases, mitigation measures would reduce impacts to less-than-significant levels; in other cases, impacts would remain significant and unavoidable after mitigation. Because not all potentially significant impacts of the 2040 General Plan can be reduced to less-than-significant levels, and some significant and unavoidable impacts would result, the impact of constructing new or expanded parks and recreation facilities in response to increased demand under the 2040 General Plan would be significant and unavoidable (see page 4.15-16 in the draft EIR).

## J. SECTION 4.16: TRANSPORTATION AND TRAFFIC

### 1. Impact 4.16-1: Exceed VMT Thresholds

Future development and other physical changes under the 2040 General Plan would result in increased VMT beyond the applicable thresholds, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. This impact would be potentially significant.

### 2. Mitigation Measures

Mitigation Measure CTM-1: New Implementation Program CTM-X: Interim Vehicle Miles Traveled CEQA Assessment Criteria

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

#### **Implementation Program CTM-X: Interim Vehicle Miles Traveled CEQA Assessment Criteria**

Following June 30, 2020 and prior to completion of Implementation Program CTM-B, all projects (not otherwise exempt from CEQA analysis shall be evaluated for potential environmental impacts relative to VMT using the State’s minimum reduction standards, as follows:

<u>Project Type</u>	<u>Measurement Unit</u>	<u>Model Trip Types</u>	<u>Minimum Criteria</u>	<u>Baseline VMT</u>	<u>Threshold VMT</u>
<u>Residential</u>	<u>VMT/Capita</u>	<u>Average of all Home-Based Trip Types</u>	<u>15% Reduction of Regional Average</u>	<u>9.66</u>	<u>8.21</u>
<u>Office</u>	<u>VMT/Employee</u>	<u>Home Based Work Trips</u>	<u>15% Reduction of Regional Average</u>	<u>13.52</u>	<u>11.49</u>
<u>Industrial</u>	<u>VMT/Employee</u>	<u>Home Based Work Trips</u>	<u>15% Reduction of Regional Average</u>	<u>13.52</u>	<u>11.49</u>
<u>Retail</u>	<u>Unincorporated VMT</u>	<u>All Trip Types</u>	<u>No Net Increase in Regional VMT</u>	<u>7,500,249</u>	<u>7,500,249</u>
<u>Agriculture</u>	<u>Unincorporated VMT</u>	<u>All Trip Types</u>	<u>No Net Increase in Regional VMT</u>	<u>7,500,249</u>	<u>7,500,249</u>

<u>Project Type</u>	<u>Measurement Unit</u>	<u>Model Trip Types</u>	<u>Minimum Criteria</u>	<u>Baseline VMT</u>	<u>Threshold VMT</u>
Infrastructure	Unincorporated VMT	All Trip Types	No Net Increase in Regional VMT	7,500,249	7,500,249
All Other Project Types	Unincorporated VMT	All Trip Types	No Net Increase in Regional VMT	7,500,249	7,500,249

If a proposed project is found to have a significant impact on VMT, the impact must be reduced, as feasible,<sup>1</sup> by modifying the project’s VMT to a level below the established thresholds of significance and/or mitigating the impact through multimodal transportation improvements or mitigations to enhance transportation mode shift (use of alternative transportation modes). Following completion and adoption of VMT thresholds as part of the Ventura County ISAG, this implementation program shall no longer apply.

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.

Mitigation Measure CTM-2: Revised Implementation Program CTM-B: Initial Study Assessment Guidelines

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

**Implementation Program CTM-B: Initial Study Assessment Guidelines**

The County shall update and adopt its’ Initial Study Assessment Guidelines (ISAG) no later than 2025 to address Vehicle Miles Traveled (VMT) and safety metrics pursuant to CEQA Guidelines Section 15064.3. This program shall consider inclusion of the following components:

- ▶ Establishment of screening criteria to define projects not required to submit detailed VMT analysis, such as infill projects, inclusion of locally serving commercial, transit supportive projects, or transportation enhancements that reduce VMT;
- ▶ Establishment of thresholds of significance for identifying VMT related transportation impacts (to meet or exceed State requirements; at minimum the thresholds will be equivalent to the threshold values for different project types identified in Mitigation Measure CTM-1);
- ▶ Standard mitigation measures for significant transportation impacts; and
- ▶ Specify the County’s procedures for reviewing projects with significant and unavoidable impacts, under CEQA, related to VMT.

Mitigation Measure CTM-3: Revised Implementation Program CTM-C: Vehicle Miles Traveled (VMT) Reduction Program  
The County shall include the following revised implementation program in the 2040 General Plan.

**Implementation Program CTM-C: Vehicle Miles Traveled (VMT) Reduction Program**

To support climate change related goals and CEQA related VMT policies pursuant to SB 743 (2013), the County shall develop a VMT Reduction Program no later than 2025. This program ~~should~~ will contain a range of project- and program-level mitigation measures and VMT reduction strategies, that could include:

- ▶ Preparation of a Transportation Demand Management (TDM) program to promote mode shifts from single occupant vehicle use to transit, ridesharing, active transportation, telecommuting, etc.; and,
- ▶ Transportation System Management applications such as park-and-ride lots, intelligent transportation system (ITS) field deployment, pavement management, etc.

This program shall identify measures to achieve an additional five percent overall reduction in VMT by 2030, and 10 percent by 2040 (relative to 2030 and 2040 business as usual scenarios, respectively). During implementation of the 2040 General Plan, the County ~~shall~~ will review and update the VMT Reduction Program as warranted to provide additional mitigation measures and programs that achieve these levels of VMT reduction.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**Policies and implementation programs described in the 2040 General Plan provide several self-mitigating approaches to VMT impacts that would result from implementation of the 2040 General Plan. While the policies and implementation programs described in the 2040 General Plan indicate that the County is committed to VMT reduction, the County has identified Mitigation Measures CTM-1, CTM-2, and CTM-3 to provide better direction on the methods to be used to reduce VMT impacts to the extent feasible. The County has adopted and will implement Mitigation Measures CTM-1, CTM-2, and CTM-3, which have been required or incorporated into the project.**

**Mitigation Measures CTM-1, CTM-2, and CTM-3 would reduce the rate of VMT associated with existing and future development in Ventura County, but the impact would not be reduced to a less-than-significant level due to the increased development, new roadways, and increased numbers of users of the County's transportation system that would result from the growth accommodated by the**



**2040 General Plan (see page 4.16-28 in the draft EIR). This impact would be significant and unavoidable.**

### **3. Impact 4.16-2: Transportation Infrastructure Needed to Accommodate Growth Would Result in Adverse Effects Related to County Road Standards and Safety**

Implementation of the proposed 2040 General Plan would cause new trips to be added along existing substandard roadway facilities that do not comply with County road standards, producing safety concerns. Additionally, changes to land use associated with the 2040 General Plan would result in new trips and increased VMT along several roadway facilities. These facilities may include those with collision or incident rates above statewide averages or those identified by the Statewide Integrated Traffic Records System as experiencing particularly high collision incidence rates. However, a quantitative analysis of collision rates on County roadways would need to occur in order to substantiate this statement. This type of analysis is more appropriate for a project-specific impact analysis. Because increased VMT may affect roadways with high collision incidence, a potentially significant impact may result.

### **4. Mitigation Measures**

Mitigation Measure CTM-4: New Implementation Program CTM-X: Updated Traffic Impact Fee Mitigation Program  
The County shall include the following new implementation program in the 2040 General Plan.

#### **Implementation Program CTM-X: Updated Traffic Impact Fee Mitigation Program**

The County shall require that development which adds traffic to roadways traversing within a County designated substandard roadway impact area contribute the fair share cost 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.

## **FINDINGS**

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**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. The County has adopted and will implement Mitigation Measure CTM-4, which has been required or incorporated into the project. No other feasible mitigation is available to eliminate safety concerns associated with the identified substandard roadways (see page 4.16-33 in the draft EIR). Therefore, this impact would remain significant and unavoidable.**

## 5. Impact 4.16-3: Result in Inadequate Emergency Access

Implementation of the 2040 General Plan would allow for increased development to accommodate projected increases in population, households, and jobs and result in increased numbers of users on the County's transportation system. New trips may affect adequate emergency access and response times by increasing the number of vehicles and demand on the County's existing transportation infrastructure. With these increases in development and number of users on the County transportation system, the need for emergency services would also increase. This impact would be potentially significant.

## 6. Mitigation Measures

Mitigation Measure CTM-5: New Policy CTM-X: Emergency Access

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

### **Policy CTM-X: Emergency Access**

The County shall ensure that all new discretionary projects are fully evaluated for potential impacts to emergency access. Mitigation of these impacts shall be handled on a project-by-project basis to guarantee continued emergency service operations and service levels.

Mitigation Measure CTM-6: New Implementation Program CTM-X: Emergency Access Maintenance

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

### **Implementation Program CTM-X: Emergency Access Maintenance**

The County shall plan capital improvements needed to provide transportation infrastructure that is maintained and/or upgraded to provide appropriate emergency access.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

The County has adopted and will implement Mitigation Measures CTM-5 and CTM-6, which have been required or incorporated into the project. While the County is working on the upgrade and enhancement of roadways with access issues, the County would not be able to rectify all outstanding issues within the timeframe of the 2040 General Plan (see page 4.16-34 in the draft EIR). Therefore, this impact would remain significant and unavoidable.

## K. SECTION 4.17: UTILITIES

### 1. Impact 4.17-2: Increase Demand on a Utility That Results in the Relocation or Construction of New, or Expansion of Existing Water, Wastewater, Electric Power, Natural Gas, or Telecommunications Infrastructure, Resulting in the Potential for Significant Environmental Impacts

Through compliance with the polices and implementation programs of the 2040 General Plan, future development could result in new or expanded water supply, wastewater, electric power, natural gas, and telecommunication infrastructure. This could include extension or upgrades to water supply conveyance, distribution, treatment and surface water or groundwater storage infrastructure; electricity generation, transmission, and distribution infrastructures; natural gas lines, and telecommunication towers. The construction of new or expanded utility infrastructure could result in potential adverse physical changes to the environment. Therefore, this impact would be potentially significant.

### 2. Mitigation Measures

The construction of new or expanded utility infrastructure could result in the types of potential adverse physical changes to the environment already evaluated and identified throughout the draft EIR. Where impacts are potentially significant, the draft EIR identifies potentially feasible mitigation measures to avoid or substantially lessen the impact. As a result, no additional mitigation measures are identified in this section to address the potentially significant impacts of constructing new or expanded utility infrastructure.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**The draft EIR includes a programmatic evaluation of potential adverse physical changes to the environment as a result of forecasted growth and future development under the 2040 General Plan, which includes the construction of new or expanded utility infrastructure to serve this growth and development. These environmental impacts are analyzed in Sections 4.1 through 4.17 of the draft EIR. As discussed therein, future development would be subject to applicable laws and regulations, the policies and implementation programs in the 2040 General Plan, and mitigation measures identified throughout the draft EIR. The adverse physical impacts associated with construction of new or expanded utility infrastructure would be consistent with the impacts of the types of development evaluated in the draft EIR, and potentially significant impacts would be mitigated as described in the relevant resource sections. In some cases, mitigation measures would reduce impacts to less-than-significant levels; in other cases, impacts would remain significant and unavoidable after mitigation. Because not all potentially significant impacts of the 2040 General Plan can be reduced to less-than-significant levels, and some significant and unavoidable impacts would result, the impact of constructing new or expanded utility infrastructure in response to increased demand under the 2040 General Plan would be significant and unavoidable.**

### **3. Impact 4.17-4: Result in Development That Would Adversely Affect Water Supply Quantities during Normal, Single-Dry, and Multiple-Dry Years**

Existing water supplies in Ventura County are limited and existing demand may exceed supplies in some areas of the county (see Table 4.17-2 in the draft EIR). Future development under the 2040 General Plan would increase water demand related to population growth by approximately 491,900 gallons per day, assuming a use rate of 120 gallons per day per capita plus additional increases to due to industrial and commercial uses. Depending on the location of future development, adequate water supplies may not be available to meet future water demands under normal, single-dry, and multiple-dry year scenarios. New or expanded existing water supply infrastructure could be required to serve forecasted growth and future development. Overall, the 2040 General Plan policies contain various methods of water conservation and water planning, which would improve water management in the county. Discretionary development would be required to demonstrate an adequate long-term supply of water prior to project approval. Although the 2040 General Plan would include policies to conserve water and result in adequate long-term water supplies for future development, existing County standards in the Ventura County Waterworks Manual do not guarantee that water supplies be available to serve all future development during normal, single-dry, and multiple-dry years. Thus, based on available information about water supplies and demand at this program level of analysis, future development accommodated by the 2040 General Plan could adversely affect available water supplies during normal, single-dry, and multiple-dry year scenarios from public water suppliers, with adverse effects being more likely during single- and multiple-dry year scenarios. This impact would be potentially significant.

## 4. Mitigation Measures

Mitigation Measure UTL-1: New Implementation Program WR-X: Demonstrate Adequate Water Supply during Normal, Single-Dry, and Multiple-Dry Years

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

### **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.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, though not avoid, the significant environmental effects as identified in the final EIR. The County also finds that specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081[a][1] and [a][3]; State CEQA Guidelines Sections 15091[a][1] and [a][3].) The County concludes, however, that the project's benefits outweigh the significant and unavoidable effects of the project, as set forth in the Statement of Overriding Considerations below (PRC Section 21081[b]).**

**Water is a critical resource in the county and throughout California. Regulations related to water supply assessment and verification requirements for certain types of projects have been adopted by the California Legislature. (See Water Code Section 10910 et seq. [water supply assessments] and Government Code Section 66473.7 [water supply verifications].) As provided in Section 15155(f) of the State CEQA Guidelines, the degree of certainty required for analysis of a general plan is less than that appropriate for a specific development project and information contained in a water supply assessment or Urban Water Management Plan may be incorporated into the decision-making process. Mitigation Measure UTL-1 incorporates industry-standard adequacy principles to ensure that the County**

**consistently develops the information needed to evaluate the impacts at the project-level associated with providing water supply to future water demand projects.**

**This mitigation measure, together with the County’s existing water availability letter and “will serve” letter) requirements and 2040 General Plan policies and programs, including the requirement for discretionary development to demonstrate an adequate long-term supply of water prior to project approval, would reduce the potential for future development to adversely affect water supplies during normal, single-dry, and multiple-dry years. However, at this program-level of analysis it is not possible to conclude that adequate water supplies would be available during normal, single-, and multiple-dry years to meet future demand in all locations of the county for all potential project types through 2040 (see page 4.17-19 in the draft EIR). Therefore, this impact would be significant and unavoidable.**

## **SECTION 11 - FINDINGS FOR SIGNIFICANT IMPACTS THAT CAN BE REDUCED TO LESS THAN SIGNIFICANT BY PROJECT CHANGES OR ALTERATIONS, AND/OR MITIGATION MEASURES [CEQA GUIDELINES SECTION 15091 (A)(1)]**

Many of the potentially significant impacts identified in the EIR can be reduced to a less-than-significant level with the implementation of mitigation measures and/or modifications to the project. The text in this section does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, this section provides a summary description of each impact, describes the applicable mitigation measures identified in the EIR and adopted by the County, and states the County’s findings on the significance of each impact after application of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the EIR, and the County hereby incorporates by reference into these Findings the discussion and analysis in those documents supporting the EIR’s determinations. In making these Findings, the County ratifies, adopts, and incorporates into the Findings and analyses and explanations in the EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these Findings.

The mitigation measures described below will be implemented as specified in the applicable regulations and ordinances and verified by County staff, thereby constituting the required MMRP. The County has adopted all mitigation measures identified herein.

## A. SECTION 4.1: AESTHETICS, SCENIC RESOURCES, AND LIGHT POLLUTION

### 1. Impact 4.1-3: Create a New Source of Disability Glare or Discomfort Glare for Motorists Traveling along Any Road of the County Regional Road Network

Development associated with the 2040 General Plan could occur in locations visible from a County Regional Road Network (RRN) roadway that could introduce new sources of disability and discomfort glare for motorists traveling on an RRN roadway. Policies of the 2040 General Plan would address the potential glare impacts of future development, such as Policy LU-11.3, which requires new commercial and industrial developments to, among other things, minimize adverse glare impacts on adjoining and adjacent residential areas. The provisions of the NCZO, CZO, ISAG guidance for project-level reviews, and if applicable, Conditional Use Permit (CUP) conditions of approval, would generally reduce future project-specific glare impacts. However, under implementation of the 2040 General Plan there could be limited circumstances in which future development would include reflective materials and be visible from one or more RRN roadways such that discomfort or disability glare for motorists traveling along an RRN roadway could occur. At this program level of analysis, it not possible to conclude that all future development under the 2040 General Plan would not result in discomfort or disability glare to motorists traveling along an RRN roadway. Therefore, this impact would be potentially significant.

### 2. Mitigation Measures

Mitigation Measure AES-1: New Implementation Program COS-X: Review Discretionary Development for Glare Effects Along Regional Roadway Network Roadways

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

#### **Implementation Program COS-X: Review Discretionary Development for Glare Effects Along Regional Road Network Roadways**

Applicants for future discretionary development projects that include use of reflective surfaces such as metal, glass, or other materials that could produce glare and that the County determines would potentially be visible to motorists traveling along one or more RRN roadways shall submit a detailed site plan and list of project materials to the County for review and approval. If the County determines that the project would include materials that would produce disability or discomfort glare for motorists traveling along one or more RRN roadways then the County will either require the use of alternative materials, such as high-performance tinted non-mirrored glass, painted (non-gloss panels), and pre-cast concrete or fabricated textured wall surfaces, or require that the applicant submit a study demonstrating that the project would not introduce a glare source that exceeds 3:1 in a luminance histogram, which consists of inputting a set of digital photographs from a subject glare source into a computer simulation program and generating a graph that identifies the brightness level of different sections of that scene, from darkest to brightest. Glare impacts from future projects would be considered significant when the glare source to the median of the background ration exceeds 3:1 in a luminance histogram.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (PRC Section 21081[a][1]; State CEQA Guidelines Section 15091[a][1].) The effect as mitigated will be less than significant.**

**The County has adopted and will implement Mitigation Measure AES-1, which has been required or incorporated into the project. With implementation of Mitigation Measure AES-1, which requires review and approval of potential reflective materials for future discretionary development, the potential discomfort and disability glare effects along RRN roadways would be substantially reduced because the County would ensure that projects would not introduce a glare source that exceeds 3:1 in a luminance histogram (i.e., glare levels less than 3:1 in a luminance histogram would not result in discomfort or disability glare for motorists traveling along an RRN roadway; see page 4.1-28 in the draft EIR). This impact would be less than significant.**

### B. SECTION 4.3: AIR QUALITY

#### 1. Impact 4.3-5: Expose Sensitive Receptors to Substantial Increases in Toxic Air Contaminant Emissions

Implementation of the 2040 General Plan could result in exposure of sensitive receptors to construction-related toxic air contaminants (TAC). However, given that future development under the 2040 General Plan would occur by 2040 and would occur in various areas throughout the county, it is unlikely that any one sensitive receptor would be exposed to construction-related TACs for extended periods of time. Therefore, construction activity as a result of the 2040 General Plan would not result in the exposure of existing or new sensitive receptors to a substantial increase in TAC emissions. The 2040 General Plan would also result in an increase in total VMT along local roadways within the county as a result of future growth and development. Because there are urban roads in the unincorporated county that exceed 100,000 vehicles per day and rural roads that exceed 50,000 vehicles per day, new sensitive receptors could be exposed to roadway traffic levels that could result in adverse health effects from TACs. Regarding stationary sources of TACs, as discussed above, the 2040 General Plan includes policies that would limit exposure of new sensitive receptors to TACs from stationary sources such as industrial land uses. Additionally, all new development undergoing discretionary review would be required to evaluate existing TAC exposure and incorporate available reduction measures in accordance with VCAPCD requirements, if necessary. In consideration of these factors, implementation of the 2040 General Plan could result in the exposure of new sensitive receptors to a substantial increase in TAC emissions. This impact would be potentially significant.



## 2. Mitigation Measures

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 400,000 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 400,000 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 the 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.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (PRC Section 21081[a][1]; State CEQA Guidelines Section 15091[a][1].) The effect as mitigated will be less than significant.**

The County has adopted and will implement Mitigation Measure AQ-3, which has been required or incorporated into the project. Implementation of Mitigation Measure AQ-3 would require that new sensitive receptors not be located within 1,000 feet of any freeway or roadway experiencing traffic volumes that exceed 50,000 vehicles per day, respectively, which is the CARB-recommended setback distance,<sup>8</sup> unless a site-specific VCAPCD-approved Health Risk Assessment shows that associated levels of cancer risk at the sensitive receptors would not exceed 10 in 1 million. This would substantially lessen the exposure of new receptors to a substantial increase in TAC emissions (see page 4.3-23 in the draft EIR). Thus, this impact would be reduced to a less-than-significant level.

## C. SECTION 4.15: PUBLIC SERVICES AND RECREATION

### 1. Impact 4.15-1: Increase Demand for Law Enforcement and Emergency Services as a Result of Inadequate Security Measures

Implementation of the 2040 General Plan could allow for future development that does not include the adequate provision of security measures, which could result in adverse effects to the environment due to the provision of new or expanded law enforcement and emergency services that would be needed as a result of inadequate security measures. This impact would be potentially significant.

### 2. Mitigation Measures

Mitigation Measure PS-1: New Implementation Program PFS-X: Review Future Projects for Incorporation of Law Enforcement Security Measures and Emergency Services Access Need

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

#### **Implementation Program PFS-X: Review Future Projects for Incorporation of Law Enforcement Security Measures**

Future discretionary projects shall be reviewed by the County Sheriff's Department to determine whether the project includes adequate security measures and access so as not to exacerbate the need for new law enforcement/emergency services. Security measures considered adequate include but are not limited to: nighttime security lighting, cameras, alarms, fencing, window and door locks, private security patrols or special event security assistance, treatment of vulnerable surfaces with anti-graffiti coating or landscaping, removal of graffiti within a specified time period and/or other design measure to create defensible space.

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<sup>8</sup> California Air Resources Board. 2005 (April). *Air Quality and Land Use Handbook: A Community Health Perspective*. Available: <https://www.arb.ca.gov/ch/handbook.pdf>. Accessed June 10, 2018. Page 10.

## FINDINGS

The County finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (PRC Section 21081[a][1]; State CEQA Guidelines Section 15091[a][1].) The effect as mitigated will be less than significant.

The County has adopted and will implement Mitigation Measure PS-1, which has been required or incorporated into the project. With implementation of Mitigation Measure PS-1 future discretionary projects would be required to demonstrate the provision of adequate security measures prior to approval by the County. As a result, future development under the 2040 General Plan would not increase demand for new or expanded law enforcement and emergency vehicles as a result of inadequate provision of security measures (see page 4.15-10 in the draft EIR). Therefore, this impact would be less than significant.

### D. SECTION 4.16: TRANSPORTATION AND TRAFFIC

#### 1. Impact 4.16-5: Substantially Interfere With Railroad Facility Integrity and/or Operations

Implementation of the 2040 General Plan would be unlikely to allow for development that would significantly interfere with existing railroad facility integrity or operations. However, future development that would result from the 2040 General Plan could, due to project-specific details such as design features, location, construction activities, or other circumstances, potentially interfere with existing rail facilities or operations, either temporarily during construction or permanently. It is not anticipated that trips generated by future development allowed under the 2040 General Plan would interfere with existing rail facilities or operations. The 2040 General Plan includes several policies that encourage facility and service improvements to railroads, passenger rail and railroads/yards as it relates to goods movement (Policies CTM-1.15, CTM-2.23, and CTM-1.13). However, because project-specific details regarding future development under the 2040 General Plan are not available at this time, potential temporary or permanent interference with railroad facility integrity or operations cannot be precluded at this program level of analysis. Therefore, this impact would be potentially significant.

#### 2. Mitigation Measures

Mitigation Measure CTM-7: New Policy CTM-X: Railroad Safety Assessment

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

##### **Policy CTM-X: Railroad Safety Assessment**

The County shall require that all new discretionary development is evaluated for potential impacts to existing railroad facilities and operations and identify appropriate mitigation measures, as warranted therein.

## FINDINGS

**The County finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (PRC Section 21081[a][1]; State CEQA Guidelines Section 15091[a][1].) The effect as mitigated will be less than significant.**

**The County has adopted and will implement Mitigation Measure CTM-7, which has been required or incorporated into the project. With implementation of Mitigation Measure CTM-7, which requires review and mitigation of project impacts on railroad facilities and operations, the potential impact is substantially reduced (see page 4.16-35 in the draft EIR). This impact would be reduced to a less-than-significant level.**

## SECTION 12 - FINDINGS FOR IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT

This section identifies those impacts that are less than significant. The County has reviewed and considered the information in the EIR addressing potential environmental effects, proposed mitigation measures, and alternatives. The County, relying on the facts and analysis in the EIR, which were presented to the Board and reviewed and considered prior to any approvals, concurs with the conclusions of the EIR that all of the following impacts will be less than significant.

### A. SECTION 4.1: AESTHETICS, SCENIC RESOURCES, AND LIGHT POLLUTION

#### 1. Impact 4.1-1: Physically Alter a Scenic Resource that is Visible from a Public Viewing Location

Scenic resources visible from public viewing locations located throughout the county would be protected from physical alteration by the proposed 2040 General Plan land use diagram, which protects scenic resource areas with the open space designation and accommodates higher intensity development within the Existing Community and Urban area designations, 2040 General Plan, including Area Plan, policies and programs that govern the design and location of future development, and the Scenic Resource Protection Overlay Zone requirements of the NCZO. This impact would be less than significant.

#### 2. Impact 4.1-2: Substantially Obstruct, Degrade, Obscure, or Adversely Affect the Character of a Scenic Vista that is Visible from a Public Viewing Location

Development in all areas where there are scenic resources (including Scenic Resource Protection Overlay Zones and areas known to have other scenic resources) would be subject to various existing regulations governing the protection of scenic vistas, including the policies

and programs of the 2040 General Plan, including Area Plans, and the provisions of the Scenic Resource Protection Overlay Zone. Therefore, future development under the 2040 General Plan would not obstruct, degrade, obscure, or adversely affect the character of a scenic vista that is visible from a public viewing location, or adversely affect visual character. This impact would be less than significant.

### **3. Impact 4.1-4: Create a New Source of Substantial Light or Glare Which Would Adversely Affect Day or Nighttime Views in the Area**

The 2040 General Plan would allow for future development that could introduce new sources of light and glare. However, the proposed land use pattern, Policy LU-11-3, and provisions of the NCZO and CZO adequately regulate light and glare impacts such that light and glare associated with future development would not be substantial and therefore would not adversely affect day or nighttime views. This impact would be less than significant.

## **B. SECTION 4.2: AGRICULTURE AND FORESTRY RESOURCES**

### **1. Impact 4.2-2: Result in Classified Farmland Near Any Nonagricultural Land Use or Project**

Future development under the 2040 General Plan would not be expected to result in adverse impacts to agricultural uses by locating non-agricultural development near classified farmland due to policies and programs that limit conflicts to agricultural uses, establish buffers between crop production, orchard production, classified farmland and nonagricultural uses, to minimize agricultural land conversion. Future growth and development are expected to occur near or within existing community boundaries and cities, pursuant to the Guidelines for Orderly development. Therefore, the potential for conflicts would be minimal. This impact would be less than significant.

### **2. Impact 4.2-3: Conflict with Williamson Act Contracts or Agricultural Preserves**

No direct land use conflicts with existing Land Conservation Act (LCA, also known as the Williamson Act) contracts would occur as a result of the land use diagram of the 2040 General Plan because it would not change the land use designation of any land under an existing LCA contract. No environmental impacts associated with residential development adjacent to any land under LCA/Williamson Act Contracts and Agricultural Preserves are expected to occur due to the protections and guidelines established in policies and programs that limit conflicts with agricultural uses and establishment of buffers between most agricultural and nonagricultural uses. Future growth and development are expected to occur near or within Existing Community area designation (boundary) and Urban area designation (boundary), pursuant to the Guidelines for Orderly development. This impact would be less than significant.

### 3. Impact 4.2-4: Conflict with Land Zoned as Forestland, Timberland, or Timberland Production Zone

The 2040 General Plan would not conflict with or result in a loss of land zoned as forestland, timberland, or Timberland Production Zone. The County NCZO regulates forest resources through Section 8104-6.2. The county does not contain land which produces timber commercially for eventual use as lumber or pulp; however, there are six Christmas tree farms totaling approximately 94 acres that are zoned Timber-Preserve (T-P) pursuant to the provisions of the Timberland Preserve Zone of the County NCZO. The 2040 General Plan proposes no changes to the existing Agricultural, Open Space, or Rural land use designations. Therefore, the T-P zones would be compatible with the land use designations of the 2040 General Plan and no conflicts with land zoned as T-P would occur. The 2040 General Plan does not contain any programs or policies regarding timber resources. There are no specific programs or policies related to timber resources in the Area Plans. This impact would be less than significant.

## C. SECTION 4.3: AIR QUALITY

### 1. Impact 4.3-1: Conflict with or Obstruct Implementation of the 2016 Ventura County Air Quality Management Plan

Ventura County is in nonattainment for ozone with respect to the CAAQS. As a result, VCAPCD is required to develop a plan to achieve and maintain the State ozone standards by the earliest practicable date. The 2016 Ventura County Air Quality Management Plan (AQMP) addresses the attainment and maintenance of the NAAQS and CAAQS. The AQMP ozone control strategy is based on anticipated city and county population growth. Thus, a general plan amendment or revision that would increase population growth greater than that estimated in the 2016 Ventura County AQMP would have a significant cumulative adverse air quality impact. Because the population estimates under implementation of the 2040 General Plan would be less than the population estimates assumed in the 2016 Ventura County AQMP, and policies under 2040 General Plan would be consistent with the ozone control strategy, the 2040 General Plan would not result in a significant cumulative adverse air quality impact because it would not conflict with or obstruct implementation of the 2016 Ventura County AQMP. This impact would be less than significant.

### 2. Impact 4.3-4: Result in a Short- or Long-Term Increase in Localized CO Emissions That Exceed VCAPCD-Recommended Thresholds

Given that Ventura County is in attainment for carbon monoxide (CO) and is not projected to exceed CAAQS or NAAQS within the South Central Coast Air Basin, it is not anticipated that the adoption of the 2040 General Plan would result in localized CO impacts, considering that individual discretionary project implemented under the 2040 General Plan would be dispersed throughout the unincorporated county. Additionally, federal and State vehicle emissions standards are anticipated to result in a decrease in CO concentrations. Based on the emissions modeling conducted for 2040 General Plan, and shown in Table 4.3-4 in the draft EIR, mobile-source CO emissions would not exceed 387 pounds per day during operation,

which is below the South Coast Air Quality Management District -recommended screening threshold of 550 pounds per day<sup>9</sup> (see Appendix C of the draft EIR for detailed modeling results). For these reasons, local mobile-source CO emissions generated by future development that could be accommodated under the 2040 General Plan would not result in or substantially contribute to concentrations of CO that exceed the 1-hour or 8-hour CAAQS and NAAQS. This impact would be less than significant.

### **3. Impact 4.3-6: Result in Other Emissions (Such as those Leading to Odors) Adversely Affecting a Substantial Number of People**

Future nonresidential land uses or specific facilities in the county could generate odor emissions that could be a nuisance. However, the Land Use and Community Character Element includes land use compatibility policies that would serve to reduce potential impacts from receptors near existing odors sources. Additionally, VCAPCD Rule 51 regulates nonagricultural uses that potentially emit odors, further reducing the potential for odor impacts on existing and new sensitive receptors in the county. As a result, implementation of the 2040 General Plan would not result in odor impacts on existing sensitive receptors or future sensitive receptors. Therefore, this impact would be less than significant.

## **D. SECTION 4.4: BIOLOGICAL RESOURCES**

### **1. Impact 4.4-5: Conflict with Any Local Policies or Ordinances Protecting Biological Resources**

Because applicants for projects requiring discretionary approval would be required to abide by the restrictions in and implement mitigation based on the Ventura County Oak Woodland Management Plan and Tree Protection Regulations, future development under the 2040 General Plan is not expected to conflict with these plans and ordinances. The Aesthetics (Section 4.1), Hydrology and Water Quality (Section 4.10), and Noise and Vibration (Section 4.13) sections of the draft EIR include analysis of local ordinances concerning lighting, noise, and water quality that may have an indirect effect on biological resources. Therefore, impacts related to potential conflicts with local policies or ordinances protecting biological resources would be less than significant.

## **E. SECTION 4.6: ENERGY**

### **1. Impact 4.6-1: Result in the Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources or Conflict with or Impede State or Local Plans for Renewable Energy or Energy Efficiency**

The 2040 General Plan policies and programs would support energy conservation and efficiency during construction and operation activities under implementation of the 2040 General Plan. Per-capita energy consumption would be decreased by the State's requirements

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<sup>9</sup> South Coast Air Quality Management District. 2019 (April). South Coast AQMD Air Quality Significance Thresholds. Available: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>. Accessed October 17, 2019.

for more energy efficient buildings and policies and programs that encourage buildings with energy performance that is more efficient than State standards. The 2040 General Plan encourages future sustainable building practices that would promote efficient energy consumption associated with construction activities. Reliance on fossil fuels would be decreased by supporting the electrification of vehicles by deploying charging infrastructure, promoting building electrification, and encouraging alternative modes of transportation. The deployment of additional renewable energy generation sources at the distributed and utility-scales would increase reliance on renewable sources of electricity. As a result, the 2040 General Plan would not result in the wasteful, inefficient, or unnecessary consumption of energy and would not conflict with or obstruct State and local plans for energy efficiency or renewable energy; it would support the goals set forth in these plans. This impact would be less than significant.

## **F. SECTION 4.7: GEOLOGIC HAZARDS**

### **1. Impact 4.7-1: Result in Development within a State of California-Earthquake Fault Zone designated by the Alquist-Priolo Earthquake Fault Zoning Act or a County-Designated Fault Hazard Area that Exposes People or Structures to Fault Rupture Hazards or Directly or Indirectly Causes Fault Rupture**

Implementation of the 2040 General Plan would accommodate future development, including habitable structures and non-residential development, within the vicinity of active faults. Future development under the 2040 General Plan would be required by law to conform to the Ventura County Building Code, and thus the California Building Code (CBC). Adherence to existing regulations would safeguard future development under the 2040 General Plan from seismic activity and require that development is sited away from State of California– Earthquake Fault Zone designated by the Alquist-Priolo Earthquake Fault Zoning Act or County–Designated Fault Hazard Areas. The policies of the 2040 General Plan would further reduce the likelihood of impacts related to fault rupture, including ground shaking and ground failure. Implementation of the 2040 General Plan would not expose people or structures to fault rupture hazards, or directly or indirectly cause fault rupture. This impact would be less than significant.

### **2. Impact 4.7-3: Result In Development Within a State of California Seismic Hazards Zone that Exposes People or Structures to Liquefaction Hazards or Directly or Indirectly Cause the Risk of Loss, Injury, or Death Involving Liquefaction**

Under the 2040 General Plan, land in the vicinity of the Santa Clara River and in the Oxnard Plain, where potential liquefaction hazards are most likely, and within areas mapped as Seismic Hazard Zones for landslide and liquefaction hazards would largely be designated Agricultural. However, there are some lands designated for other land uses located within areas known to be prone to liquefaction and within Seismic Hazard Zone areas. Through adherence to requirements in the Ventura County Building Code, Special Publication 117A, and the Ventura County Building Code, all improvements and development would be designed to minimize potential risks related to liquefaction. Existing regulatory requirements specify mandatory and



relatively prescriptive actions that must occur during project development and that would effectively reduce the inherent hazard. Adherence to existing regulations and implementation of 2040 General Plan policies would ensure the risk of loss, injury or death from future development involving liquefaction would be reduced. This impact would be less than significant.

**3. Impact 4.7-4: Result in Development that Exposes People or Structures to Landslide or Debris flow Hazards as a Result of Mapped Landslides, Potential Earthquake-Induced Landslide Zones, and Geomorphology of Hillside Terrain or Directly or Indirectly Cause Landslides**

Because areas prone to landslides are located throughout the county, it is likely that future development under the 2040 General Plan could be located within areas with landslide hazard potential. Adherence to regulations such as the Ventura County Building Code, including the CBC, Special Publication 117A, Ventura County Building Code requirements, and 2040 General Plan policies, future development would be designed to minimize potential risks related to landslide and debris flow hazards, and would not directly or indirectly cause landslides. This impact would be less than significant.

**4. Impact 4.7-5: Result in Development that Exposes People or Structures to the Risk of Loss, Injury, or Death Involving Soil Expansion or Directly or Indirectly Cause Soil Expansion If Development Is Located within an Expansive Soils Hazard Zone or Where Soils with an Expansion Index Greater Than 20 is Present**

Future development under the 2040 General Plan could occur within known expansive soils areas, which could result in damage to foundations, walls, or other improvements located on those soils. Structures, including residential units and commercial buildings, could be damaged as a result of settlement where structures are underlain by expansive soils. However, future development under the 2040 General Plan would be required to comply with standard industry practices and State requirements, such as the CBC, also included in the Ventura County Building Code. Furthermore, the 2040 General Plan includes Policy HAZ-4.13, which would minimize risks associated with expansive soils by requiring geotechnical engineering investigations and incorporation of appropriate safeguards into the project design to prevent adverse effects from soil expansion. Thus, with compliance with existing regulations, impacts would be less than significant.

**5. Impact 4.7-6: Result in Development that Expose People or Structures to the Risk of Loss, Injury, or Death Involving Subsidence or Directly or Indirectly Cause Subsidence If Development Is Located within a Subsidence Hazard Zone**

Future development under the 2040 General Plan could occur in areas prone to subsidence, which could result in structural damage to buildings if they are not properly designed. The risk of damage and injury resulting from future development within areas prone to subsidence or areas related to oil, gas, or groundwater withdrawal would be substantially lessened through building permit review procedures and construction standards. Compliance with the CBC, the Ventura County Building Code, and 2040 General Plan Policies HAZ-4.15 and HAZ-4.16 would substantially lessen the risk of loss, injury, or death associated with future development located within a subsidence hazard zone and safeguard future development from direct or indirect cause subsidence. This impact would be less than significant.

**G. SECTION 4.9: HAZARDS, HAZARDOUS MATERIALS, AND WILDFIRE**

**1. Impact 4.9-1: Create a Significant Hazard to the Public or the Environment Through the Routine Transport, Use, or Disposal of Hazardous Materials or Hazardous Waste**

Future development under the 2040 General Plan may result in the routine use, transport, or disposal of hazardous materials or hazardous waste. However, County activities and discretionary development would be required to comply with State law, federal law, and 2040 General Plan policies and implementation programs that would substantially lessen potential impacts related to the use, storage, transport, or disposal of hazardous materials or hazardous waste. Therefore, implementation of the 2040 General Plan would not create a significant hazard to the public or the environments related to the use, transport, or disposal of hazardous materials or hazardous waste. This impact would be less than significant.

**2. Impact 4.9-2: Create a Significant Hazard to the Public or the Environment Through the Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials or Hazardous Waste into the Environment**

Implementation of the 2040 General Plan could accommodate an increase in activities that commonly store, use, and dispose of hazardous materials and hazardous waste, such as in the agricultural, industrial, open space, and commercial land use designations. Additionally, existing industries and businesses that use hazardous materials or generate hazardous waste may expand or increase in response to the forecasted growth accommodated by the 2040 General Plan. However, future development accommodated by the 2040 General Plan would be required to comply with applicable federal, State and local regulations, and 2040 General Plan policies related to the transportation, use, storage, and disposal of hazardous materials and hazardous waste. Compliance with such regulations would minimize the potential for an accidental release to occur and provide planning mechanisms for prompt and effective cleanup

if an accidental release did occur. Therefore, the impact related to an accidental hazardous materials or waste release would be less than significant.

### **3. Impact 4.9-3: Emit Hazardous Emissions or Handle Hazardous Materials Within One-Quarter Mile of an Existing or Proposed School**

While the 2040 General Plan could accommodate future development with potential for hazardous materials usage or handling to be located within 0.25 mile of an existing or proposed school, compliance with federal and State regulations pertaining to hazardous wastes, as well as 2040 General Plan policies and implementation programs, would substantially lessen adverse public health and safety impacts. This impact would be less than significant.

### **4. Impact 4.9-4: Create a Significant Hazard Due to Location on a Site Which is Included on a List of Hazardous Materials Sites**

Implementation of the 2040 General Plan could result in future development on or near a site identified in one of the regulatory databases, compiled pursuant to Government Code Section 65962.5. Compliance with federal and state laws and regulations, as well as 2040 General Plan policies, would ensure that development would occur on sites that have been properly closed and remediated such that no remaining hazards from past contamination would remain. Therefore, this impact would be less than significant.

### **5. Impact 4.9-5: Locate Inconsistent Land Uses Within the Sphere of Influence of Any Airport, or Otherwise Result in a Safety Hazard to People Residing or Working Near an Airport**

Implementation of the 2040 General Plan could result in residential, commercial, or industrial development that is located near an airport. Because all future development would be required to comply with the land use and development standards, including the restrictions on uses within the airport safety zones, established in the adopted ACLUP, development within the immediate vicinity of an airport would not substantially increase the risk of people living or working in these areas to hazards associated with airport operations because incompatible uses would be restricted within the various airport safety zones. Further, compliance with federal and State laws and regulations regarding airport operations, as well as 2040 General Plan policies restricting incompatible land uses near airports, would ensure no land use compatibility impacts would occur. This impact would be less than significant.

## H. SECTION 4.10: HYDROLOGY AND WATER QUALITY

### 1. Impact 4.10-1: Directly or Indirectly Decrease the Net Quantity of Groundwater in a Groundwater Basin That Is Overdrafted or Create an Overdrafted Groundwater Basin

As described in the Background Report (Appendix B of the draft EIR), several groundwater basins exist within the county, three of which are considered overdrafted basins, as identified by the California Department of Water Resources (DWR). Development that occurs over the planning period is anticipated to both increase water demand and introduce impervious features with potential to impair groundwater recharge. Through compliance with groundwater sustainability plans (GSPs) and Ventura County Ordinance 4468, which prohibits new wells for the extraction of groundwater in many groundwater basins, and 2040 General Plan Policy COS-2.10, the 2040 General Plan would not directly or indirectly decrease the net quantity of groundwater in a groundwater basin that is overdrafted or create an overdrafted groundwater basin. This impact would be less than significant.

### 2. Impact 4.10-2: Result in Net Groundwater Extraction That Causes Overdrafted Basins in Groundwater Basins That Are Not Overdrafted or Are Not in Hydrologic Continuity with an Overdrafted Basin

Aside from the overdrafted groundwater basins discussed under Impact 4.10-1, above, several additional groundwater basins are present throughout the county. Future development under the 2040 General Plan would increase demand for water supply, sources of which include water from local lakes and reservoirs as well as groundwater, which is currently estimated to provide 67 percent of the water supply in the plan area (see Appendix B of the draft EIR). Because new groundwater wells are restricted throughout the county until GSPs for each high priority basin are adopted, and because the Sustainable Groundwater Management Act would manage groundwater resources in the future, development under the 2040 General Plan would not result in net groundwater extraction that results in overdrafting the groundwater basins or associated hydrologic units. This impact would be less than significant.

### 3. Impact 4.10-3: Result in Any Increase in Groundwater Extraction in Areas Where the Groundwater Basin and/or Hydrologic Unit Condition Is Not Well Known or Documented and There Is Evidence of Overdraft Based upon Declining Water Levels in a Well or Wells

Several groundwater basins are located throughout the county. Through compliance with the Sustainable Groundwater Management Act and adopted GSPs for these basins, the 2040 General Plan would not result in groundwater extraction that results in the overdrafting of groundwater basins. Further, because any additional groundwater extraction above existing conditions is limited by Ventura County Ordinance 4468, and because any future discretionary projects would be required to perform project-specific CEQA analysis that would include

analysis of whether the project is proposed in an area where there is evidence of overdraft and little known about the groundwater condition, implementation of the 2040 General Plan would not result in a net increase in groundwater extraction that would adversely affect the underlying groundwater basins. This impact would be less than significant.

#### **4. Impact 4.10-4: Degrade the Quality of Groundwater and Cause Groundwater to Exceed Groundwater Quality Objectives Set by the Applicable Basin Plan**

The types of land uses that could be accommodated by the 2040 General Plan could generate new sources of pollution, which could enter groundwater from point sources (e.g., an industrial site or faulty septic system) or from nonpoint sources over a broad area (e.g., infiltration of water contaminated with pesticides in agricultural areas). There are numerous regulations and requirements in place to protect groundwater quality. Compliance with these requirements would eliminate or substantially lessen the generation of pollutants that could degrade groundwater quality and exceed groundwater quality objectives of applicable Basin Plans. This impact would be less than significant.

#### **5. Impact 4.10-5: Result in the Use of Groundwater, in Any Capacity, and Would Be Located within 2 Miles of the Boundary of a Former or Current Test Site for Rocket Engines**

As discussed in Impact 4.9-2, in Section 4.9, “Hazards, Hazardous Materials and Wildfire,” two constituents associated with rocket engine testing—perchlorate and trichloroethylene (TCE)—have been detected in southeast Ventura County at the Santa Susana Field Laboratory site, which was previously utilized for research, development, and testing of rocket engines (see Appendix B of the draft EIR). This area and the areas that surround it would be designated as Open Space under the 2040 General Plan. If discretionary development in this limited area were to occur, the construction of any new groundwater wells associated with the proposal would be subject to County review, which would assess the location of the proposal relative to known sites of groundwater contamination. Also, as described in Impact 4.9-2, applicants for all discretionary projects proposing to utilize groundwater in any capacity that are located within 2 miles of the boundary of a former or current test site for rocket engines are required to test the groundwater for perchlorate and trichloroethylene. Therefore, the 2040 General Plan is not expected to result in the pumping of groundwater within 2 miles of areas used for rocket testing. This impact would be less than significant.

#### **6. Impact 4.10-6: Increase Surface Water Consumptive Use (Demand) in a Fully Appropriated Stream Reach, as Designated by SWRCB, or Where Unappropriated Surface Water Is Unavailable**

Water supply sources in the county include water from local lakes and reservoirs, groundwater, and the State Water Project. Recently, because of decreased supply of groundwater and reservoirs due to drought, water agencies began purchasing water from Lake Casitas, which is part of the fully appropriated stream reach, as designated by the State Water Resource Control

Board 10 (also, see Appendix B of the draft EIR). It is assumed that water supply sources for future development under the 2040 General Plan could include the same sources of supply as existing conditions. Because the appropriation of water occurs at the State level, the County cannot authorize additional consumptive use of these waters. Further, discretionary development is required to demonstrate provision of access to adequate water supply through the permit application process. Therefore, the 2040 General Plan would not increase demand for surface water consumptive use from a fully appropriated stream reach, or where unappropriated surface water is unavailable. This impact would be less than significant.

## **7. Impact 4.10-7: Increase Surface Water Consumptive Use (Demand) Including Diversion or Dewatering Downstream Reaches, Resulting in an Adverse Impact on One or More of the Beneficial Uses Listed in the Applicable Basin Plan**

As discussed under Impact 4.10-6, above, the county unincorporated area's water supply currently comes from lakes and reservoirs, including Lake Casitas, groundwater, and the State Water Project (see also Appendix B of the draft EIR). Although project-specific details of future development under the 2040 General Plan are not known, it is assumed that water supply sources for future development would use the same sources of supply as existing conditions. Future development under the 2040 General Plan would increase water demand. However, through compliance with existing federal and State regulations, the 2040 General Plan would not result in diversion or dewatering downstream reaches that would result in an adverse impact on one or more of the beneficial uses listed in the Basin Plans. This impact would be less than significant.

## **8. Impact 4.10-8: Degrade the Quality of Surface Water, Causing It to Exceed the Water Quality Objectives Contained in the Applicable Basin Plan**

Future development under the 2040 General Plan has the potential to result in direct and indirect impacts on surface water quality related to accidental spills or increase in the pollutant load in runoff, increased rates of surface water runoff associated with new impervious surfaces, and increased amounts of polluted stormwater runoff. Through compliance with existing federal and State regulations, as enforced through the National Pollutant Discharge Elimination System (NPDES) permit requirements, new point sources generated by future development under the 2040 General Plan would not result in degradation of surface water quality, causing it to exceed the water quality objectives contained in the Basin Plan. For these reasons, the 2040 General Plan also would not degrade the quality of surface water, causing it to exceed the water quality objectives contained in the applicable Basin Plan. For these reasons, the 2040 General Plan also would not result in substantial risk of release of pollutants due to inundation in a flood hazard, tsunami, or seiche zone. Therefore, this impact would be less than significant.

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<sup>10</sup> State Water Resources Control Board. 1991. *Declaration of Fully Appropriated Stream Systems*. Available: [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/fully\\_appropriated\\_streams/docs/fas\\_maps/ventura.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/fully_appropriated_streams/docs/fas_maps/ventura.pdf). Accessed September 11, 2019.

## 9. Impact 4.10-9: Cause Stormwater Quality to Exceed Water Quality Objectives or Standards in the Applicable MS4 Permit or Any Other NPDES Permits

The State Water Resources Control Board and the Regional Water Quality Control Board require specific permits for a variety of activities that have potential to discharge pollutants to waters of the State and adversely affect water quality. To receive an NPDES permit, a notice of intent to discharge must be submitted to the Regional Water Quality Control Board and design and operational best management practices (BMPs) must be implemented to reduce the level of contaminated runoff.<sup>11</sup> The NPDES program also regulates stormwater discharges from municipal separate storm sewer systems (MS4). All stormwater discharge conveyance from future development under the 2040 General Plan would be required to occur within MS4 systems. Through compliance with existing regulations and permits, such as NPDES and MS4 permits, the 2040 General Plan would not cause stormwater quality to exceed water quality objectives or standards in the applicable MS4 permit or other NPDES permits. For these reasons, the 2040 General Plan also would not result in substantial risk of release of pollutants due to inundation in a flood hazard, tsunami, or seiche zone. Therefore, this impact would be less than significant.

## 10. Impact 4.10-12: Result in Erosion, Siltation, or Flooding Hazards

Construction activities associated with future development under the 2040 General Plan have the potential to temporarily alter drainage patterns. These activities could expose bare soil to rainfall and stormwater runoff, which could accelerate erosion and could result in sedimentation or siltation of stormwater and, eventually, water bodies. Additionally, future development under the 2040 General Plan could alter the existing drainage pattern of the site through the addition of impervious surfaces throughout the county. Increased rates of surface water runoff associated with new impervious surfaces could promote increased erosion and sedimentation or other stormwater contamination and negatively impact surface water and groundwater quality. With implementation of BMPs required under the Ventura Countywide Stormwater Quality Management Program, proposed policies under the 2040 General Plan, and Area Plans, future development under the 2040 General Plan would not result in substantial erosion, siltation, or flooding hazards. For these reasons, the 2040 General Plan also would not result in substantial risk of release of pollutants due to inundation in a flood hazard, tsunami, or seiche zone. This impact would be less than significant.

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<sup>11</sup> State Water Resources Control Board. 2004. National Pollutant Discharge (NPDES) Stormwater Program Questions and Answers. January 21, 2004. Available: [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/epa\\_q&a.pdf](https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/epa_q&a.pdf). Accessed September 11, 2019.

## 11. Impact 4.10-14: Impact Flood Control Facilities and Watercourses by Obstructing, Impairing, Diverting, Impeding, or Altering the Characteristics of the Flow of Water, Resulting in Exposing Adjacent Property and the Community to Increased Risk of Flood Hazards

The 2040 General Plan would result in land use development that could adversely affect flood control facilities by reducing their capacity, introducing impervious surfaces that could increase erosion and sedimentation, and/or encroaching on flood control facilities. However, the 2040 General Plan incorporates Policy PFS-6.1, which would ensure that adequate flood control facilities are provided for future development, as deemed necessary by the County Public Works Agency and Watershed Protection District. 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 Watershed Protection District 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. Through compliance with existing regulations and implementation of policies incorporated into the 2040 General Plan, this impact on flood control facilities would be less than significant.

## 12. Impact 4.10-15: Result in Conflicts With the Ventura County Watershed Protection District's Comprehensive Plan Through Potential Deposition of Sediment and Debris Materials within Existing Channels and Allied Obstruction of Flow; Overflow of Channels during Design Storm Conditions; and Increased Runoff and the Effects on Areas of Special Flood Hazard and Regulatory Channels Both On- and Off-Site, for Projects Not Located within the Ventura County Watershed Protection District's Comprehensive Plan

As discussed under Impact 4.10-12, future development under the 2040 General Plan could result in sedimentation into existing channels during both construction and operation. However, all future development under the 2040 General Plan would be required to comply with the Ventura Countywide Stormwater Quality Management Program. As discussed under Impact 4.10-13, various areas of the county are mapped as areas susceptible to flood hazards, as identified by the Federal Emergency Management Agency's Ventura County DFIRM and Ventura County Watershed Protection District. In the absence of stormwater improvements at future development sites, alterations of the drainage pattern could substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. However, various 2040 General Plan policies are incorporated that require drainage studies and BMPs for future development projects. Thus, the 2040 General Plan would not result in projects that would result in potential deposition of sediment and debris materials within existing channels and allied obstruction of flow, overflow of channels during design storm conditions, or increased runoff and the effects on Areas of Special Flood Hazard and regulatory channels both on- and off-site. This impact would be less than significant.



### **13. Impact 4.10-16: Result in Noncompliance with Building Design and Construction Standards Regulating Flow to and from Natural and Man-Made Drainage Channels**

As described in the ISAG, any project that does not comply with the applicable requirements of the listed regulations, manuals and standards is considered to have a potentially significant impact. These regulations include the Ventura County Building Code, Ventura County Land Development Manual, and the Ventura County Subdivision Ordinance, among others. Any future development under the 2040 General Plan would be required to comply with all applicable federal, State, and local regulations, including County regulations related to drainage. Therefore, this impact would be less than significant.

### **14. Impact 4.10-17: Be Designed to Meet All Applicable Requirements for Onsite Wastewater Treatment Systems**

Areas not serviced by wastewater disposal service providers typically have septic systems, also referred to as onsite wastewater treatment systems (OWTS), for public sewer utility. Under the 2040 General Plan, proposed land uses would largely consist of Open Space and Agricultural uses, which could result in the need for OWTS. Through adherence with existing State and local regulations, this impact related to construction of OWTS would be less than significant.

## **I. SECTION 4.11: LAND USE AND PLANNING**

### **1. Impact 4.11-1: Result in Physical Development That Is Incompatible With Land Uses, Architectural Form Or Style, Site Design/Layout, Or Density/Parcel Sizes Within Existing Communities**

Because the policies and programs in the 2040 General Plan would not result in physical development that is incompatible with existing land uses, architectural form or style, site design/layout, or density/parcel sizes within existing communities, this impact would be less than significant.

### **2. Impact 4.11-2: Result in Physical Development That Would Divide An Established Community**

By promoting land use compatibility, the 2040 General Plan minimizes the potential for allowing future development or other physical changes that would physically divide an established community. Therefore, established communities would not be physically divided, but instead, growth and expansion would be facilitated and organized in an efficient manner. This impact would be less than significant.

### **3. Impact 4.11-3: Cause an Environmental Impact Due To A Conflict With A Regional Plan, Policy, or Program**

Because the 2040 General Plan includes policies consistent with RHNA, the 2016 RTP/SCS, and the ACLUP and requires coordination with these regional plans and programs, implementation of the 2040 General Plan would not cause a significance environmental impact due to a conflict with an applicable regional plan, policy or program. This impact would be less than significant.

## **J. SECTION 4.12: MINERAL AND PETROLEUM RESOURCES**

### **1. Impact 4.12-1: Result in Development on or Adjacent to Existing Mineral Resources Extraction Sites or Areas Where Mineral Resources Are Zoned, Mapped, or Permitted for Extraction, Which Could Hamper or Preclude Extraction of the Resources**

As described in the Background Report (Appendix B of the draft EIR), aggregate resources (i.e., construction-grade sand and gravel) are the primary mineral resources extracted in Ventura County. The land use diagram of the 2040 General Plan would accommodate future development on land designated by the State Mining and Geology Board as MRZ-2 where they are underlain by mineral deposits of statewide significance. With the implementation of policies proposed in the 2040 General Plan, the potential for development on or adjacent to mineral resources that are zoned, mapped, or permitted for extraction, which could hamper or preclude extraction of the resources, would be less than significant.

### **2. Impact 4.12-2: Result in the Loss of Availability of a Known Mineral Resource That Would Be of Value to the Region and the Residents of the State**

Through 2040 General Plan policies, the County seeks to balance the development and conservation of mineral resources with economic, health, safety, and social and environmental protection values while promoting the extraction of local mineral resources to minimize economic costs and environmental effects associated with importing these resources from outside of the county. Under the 2040 General Plan, the County would maintain classification and designation reports and maps of mineral resources deposits recognized as having regional or statewide significance. With the implementation of policies proposed in the 2040 General Plan, future development would not be anticipated to result in the loss of a known mineral resource other than petroleum that would be of value to the region and the residents of the State. This impact would be less than significant with respect to mineral resources other than petroleum.

## K. SECTION 4.13: NOISE AND VIBRATION

### 1. Impact 4.13-1: Expose Sensitive Receptors to Construction Noise Levels That Exceed Applicable Standards

Future development under the 2040 General Plan would generate temporary noise level increases on and adjacent to individual construction sites. Construction noise could exceed the County's evening and nighttime 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.

### 2. Impact 4.13-2: Expose New Sensitive Land Uses to Traffic Noise

Future development under the 2040 General Plan would include new residential and other noise-sensitive uses that could be exposed to long-term noise exceeding the County's standard for noise generated from roadways of 45 dBA CNEL for indoor noise levels and 60 dBA CNEL for outdoor noise levels. Implementation of the 2040 General Plan policies and programs would ensure that future development located in areas with noise levels that potentially exceed acceptable standards would be evaluated and that appropriate sound attenuation techniques would be implemented on a case-by-case basis. With 2040 General Plan implementation, if noise levels at new noise-sensitive receptors cannot be reduced below the County's standards, such development would be prohibited by Policy HAZ-9.1. Therefore, future development under the 2040 General Plan would not be exposed to noise levels that exceed County noise standards. This impact would be less than significant.

### 3. Impact 4.13-4: Expose Noise-Sensitive Land Uses to Operational Stationary Noise That Exceeds Applicable Standards

As discussed in the Background Report (Appendix B of the draft EIR), the primary sources of stationary noise in the county consist of industrial and agricultural operations, and miscellaneous sources. The amount of industrial land use proposed under the 2040 General Plan would be minor, totaling approximately 1,400 acres and less than 1 percent of the total county area. In addition, 2040 General Plan Policy HAZ-9.2 would require new stationary noise generators proposed near any noise sensitive use, to incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor would not exceed adopted noise standards. In addition, Policy HAZ-9.5 would require development to comply with adopted noise standards through proper site and building design features and Policy HAZ-9.1 would prohibit any discretionary development that would not meet County noise standards. Further, development under the 2040 General Plan would be subject to the County's zoning ordinances. Because the 2040 General Plan would not result in a substantial increase in stationary noise-generating uses and would implement policies to

ensure noise-sensitive land uses are not exposed to noise levels above County noise standards, this impact would be less than significant.

## **L. SECTION 4.14: POPULATION AND HOUSING**

### **1. Impact 4.14-1: Eliminate Three or More Existing Affordable Housing Units or Displace Substantial Numbers of People or Housing Units**

Implementation of the policies and programs in the 2040 General Plan and compliance with applicable regulations would ensure that future development could be accommodated within the plan area. The County has planned for future growth in areas near existing communities. While some housing could be displaced through development of areas near existing communities, these areas either would continue to be under residential land use designations or would add new residential areas (e.g., replace non-residential land uses) within the plan area such that a net gain in residential capacity would be achieved. Further, as has been past practice in the county, the County would continue to engage with SCAG through each RHNA planning cycle to ensure adequate land is available to meet its RHNA obligations. Overall, substantial numbers of people or housing, including affordable housing, would not be displaced through implementation of the 2040 General Plan. This impact would be less than significant.

### **2. Impact 4.14-2: Induce Substantial Unplanned Population Growth**

Policies and programs within the 2040 General Plan do not promote unplanned growth, but rather direct where and how projected growth within the unincorporated county is expected to occur. The 2040 General Plan would not induce substantial unplanned population growth beyond the projections prepared by SCAG. Therefore, this impact would be less than significant.

### **3. Impact 4.14-3: Result in Low-Income Employment Opportunities that could Generate Demand for New Housing that Exceeds the County's Inventory of Land to Develop Low-Income Housing**

While an increase in employment opportunities within the plan area is expected during the 2040 planning horizon, the county has adequate capacity to meet the current RHNA allocation for housing in all household income categories. In addition, policies and programs within the 2040 General Plan would ensure that housing needs, including future housing needs for the projected increase in low-income employment would be met. As further discussed in Impact 4.14-1, the 2040 General Plan would not displace or eliminate substantial numbers of any housing, including affordable housing. Therefore, because the 2040 General Plan includes policies and programs to ensure adequate low-income housing for projected increases in low-income employment opportunities through the planning horizon, this impact would be less than significant.

## **M. SECTION 4.16: TRANSPORTATION AND TRAFFIC**

### **1. Impact 4.16-4: Conflict With Adopted Policies, Plans, or Programs Regarding Public Transit, Bicycle, or Pedestrian Facilities, or Otherwise Decrease the Performance or Safety of Such Facilities**

Implementation of the 2040 General Plan would improve the existing bicycle and pedestrian circulation infrastructure in Ventura County and would require future development to provide multimodal circulation improvements. Increases in the County's population and employment that could result under implementation of the 2040 General Plan would also likely lead to increases in pedestrian and bicycle travel compared to current levels. New trips and increased VMT may result in an interference with the operations of existing transit services and/ or routes. However, several policies included in the 2040 General Plan address these impacts by encouraging the coordination, expansion and access improvements of public transportation facilities needed to mitigate these impacts, including CTM-2.23 and CTM-2.25. These policies state the County's commitment to expand access and safety of public transportation options that may be affected. This impact would be less than significant.

### **2. Impact 4.16-6: Substantially Interfere with or Compromise the Operations or Integrity of an Existing Pipeline**

Investigation of the type, location, and operations of existing or future pipelines for the transportation of petroleum, petroleum products, natural gas, and similar pipelines would be evaluated as part of a standard review process as projects are submitted for review by the County. Where existing pipelines are identified, the County and project applicants would work with utility owners to relocate utilities, abandon the utilities in place, or protect the utilities in place, as required to protect the operations and integrity of the pipelines. Unknown utility facilities could also be encountered during excavation and other earth-moving activities. However, California Government Code Section 4216 requires contractors to contact DigAlert, which notifies utility companies of proposed excavation sites. Utility companies are required to mark where underground pipelines and transmission lines are located, to ensure they are not affected during construction. Given these and other procedures in place to avoid such impacts to pipelines, this impact would be less than significant.

## **N. SECTION 4.17: UTILITIES**

### **1. Impact 4.17-1: Cause a Disruption or Rerouting of an Existing Utility Facility**

Future development under the 2040 General Plan could include new housing, commercial and industrial businesses, and other uses, which would require extension of utility facilities such as pipelines and powerlines to provide utility services. During construction, relocation of facilities and extension of existing supply lines could temporarily cause a disruption of service while connections are being completed. Unknown utility facilities could also be encountered during excavation and other earth-moving activities, which may affect provisions of water,

wastewater, gas, electric, and telecommunication services. However, California Government Code Section 4216 requires contractors to contact DigAlert, which notifies utility companies of proposed excavation sites. Utility companies are required to mark where underground pipelines and transmission lines are located, to ensure they are not affected during construction. Further, all utility connections would be constructed in accordance with all applicable building codes and applicable standards governing construction of utility infrastructure to ensure adequately sized and properly constructed systems. Any necessary connections would be constructed before occupancy and in a manner that would minimize the potential for utility service disruption of existing uses. Thus, future development under the 2040 General Plan would not cause a substantial disruption or rerouting of utility facilities and this impact would be less than significant.

## **2. Impact 4.17-3: Result in Inadequate Wastewater Treatment Capacity to Serve Future Demand, in Addition to the Provider's Existing Commitments**

As discussed in the Background Report (Appendix B of the draft EIR), the county is served by 16 wastewater collection, treatment, recycling, and disposal service providers, consisting of the County, county services areas, special districts, cities, and contract entities. As indicated in Table 4.17-1 in the draft EIR, additional treatment capacity is generally available throughout the county except for Camrosa Water District, which is nearing capacity. Wastewater treatment facilities are subject to the NPDES permit program, which protects the beneficial uses of surface water that could be used for drinking, fishing, swimming, agriculture, and other activities. The NPDES permitting, which also includes waste discharge requirements under State law, provides limitations on daily treatment and flows, as well as the allowable concentrations or total loads of various constituents of concern found in treated effluent to protect public health. Effluent treatment facilities must be constructed and operated to meet the waste discharge requirements. Thus, because implementation of the 2040 General Plan policies and implementation programs, and NPDES permitting requirements would require adequate wastewater services to be provided to new development, this impact would be less than significant.

## **3. Impact 4.17-5: Result in a Direct or Indirect Adverse Effect on a Landfill's Disposal Capacity, Such That It Reduces Its Useful Life to Less Than 15 Years**

Future development under the 2040 General Plan would contribute to an increase in solid waste generation because of increased population levels and new businesses. Because there is substantial capacity available at the landfills that serve the county (as shown in Table 4.17-3 in the draft EIR), and because implementation of 2040 General Plan policies would aid in the long-term reduction of solid-waste generation in the county and State-mandated diversion requirements related to organic waste and recyclable materials would be supported, this impact would be less than significant.

## SECTION 13 - FINDINGS FOR IMPACTS FOR WHICH ANALYSIS UNDER CEQA IS NOT REQUIRED

In response to 2019 revisions to the State CEQA Guidelines (PRC Section 15126.2) and the 2015 California Supreme Court case, *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4<sup>th</sup> 369, impacts from exposure of a project to environmental hazards are not considered effects subject to CEQA unless a project exacerbated the risks from such hazards. However, lead agencies retain the authority, separate and apart from CEQA, to include a review of potential impacts of the environment on a project when a project is undertaken by a lead agency, such as the 2040 General Plan. The 2040 General Plan is a comprehensive document that broadly establishes policy, not only related to the environment, but also related to public health and safety. Therefore, the analysis in the EIR considers whether the 2040 General Plan could cause or exacerbate various hazards (i.e., geologic; seiche, tsunami, and flood hazards; noise) and whether the 2040 General Plan could result in impacts from exposure to these hazards. These impacts are not required for CEQA findings; therefore, the County is not making CEQA findings for these impacts. However, the County includes the following for the purpose of full disclosure of the EIR analyses pertaining to the project.

### A. SECTION 4.7: GEOLOGIC HAZARDS

#### 1. Impact 4.7-2: Have Potential to Expose People or Structures to the Risk of Loss, Injury, or Death involving Ground-Shaking Hazards

As discussed in Impact 4.7-1, the 2040 General Plan would allow future development which could expose people or structures to potential risk of loss, injury, or death from ground-shaking hazards. Adherence to existing regulations and implementation of 2040 General Plan policies would safeguard that future development does not result in risk of loss, injury or death involving ground-shaking hazards. This discussion of potential exposure to risk involving ground-shaking hazards is provided for information purposes only and is neither required by CEQA nor subject to its requirements.

### B. SECTION 4.10: HYDROLOGY AND WATER QUALITY

#### 1. Impact 4.10-10: Be Located within 10 to 20 Feet of Vertical Elevation from an Enclosed Body of Water Such as a Lake or Reservoir, Resulting in a Seiche Hazard

Development under the 2040 General Plan could occur within seiche hazard zones; however, policies are in place that would ensure future development under the 2040 General Plan would incorporate appropriate measures to protect structures from seiche hazards. This discussion of potential exposure to risk involving seiche hazards is provided for information purposes only and is neither required by CEQA nor subject to its requirements.

Impact 4.10-11: Be Located in a Mapped Area of Tsunami Hazard Although limited development is projected to occur within tsunami hazard zones under the 2040 General Plan, people and structures in may be in areas at risk. The 2040 General Plan requires that the County update planning documents, maps, and the *Tsunami Operational Area Response Guide*,<sup>12</sup> when necessary to reflect the most current tsunami information, and identify actions necessary to mitigate property damage, and maintain evacuation readiness. This discussion of potential exposure to risk involving tsunami hazards is provided for information purposes only and is neither required by CEQA nor subject to its requirements.

## 2. Impact 4.10-13: Be Located in a Mapped Area of Flood Hazards

Various areas of the county are mapped as areas susceptible to flood hazards due to location of development within a 100-year flood zone, as defined by the Federal Emergency Management Agency, and dam failure inundation. Multiple policies have been incorporated into the 2040 General Plan to reduce potential impacts related to flooding. Specific to dams, the California Department of Water Resources, Division of Dam Safety, implements an annual inspection program to ensure dams are safe and performing as intended, and includes an assessment of seismic, hydrologic, and static parameters. Further, the 2040 General Plan includes policies to minimize loss of life, injury, property damage related to dam failure. This discussion of potential exposure to risk involving flood hazards is provided for information purposes only and is neither required by CEQA nor subject to its requirements.

## C. SECTION 4.13: NOISE AND VIBRATION

### 1. Impact 4.13-5: Expose Noise-Sensitive Land Uses to Airport Noise That Exceeds the Standards in the Ventura County Airport Comprehensive Land Use Plan

Four airports are located in Ventura County. The 2040 General Plan land use designations does not propose residential land uses, or any other sensitive land use, within a 60 CNEL aircraft noise contour of the Camarillo Airport, Santa Paula Airport, and Oxnard Airport, as outlined in the ACLUP. An existing residential community is located within the Naval Base Ventura County Point Mugu 60 – 65 dBA CNEL aircraft noise contour; future residential development under the 2040 General Plan could occur in this existing community. All other land uses proposed within a 60 dBA CNEL aircraft noise contour consist of agricultural, open space, and State or federal facility land uses, which allow for minimal development of noise-sensitive uses. However, 2040 General Plan Policy HAZ-9.6 would prohibit development within 60 CNEL noise contour unless interior noise levels can be mitigated to meet a maximum of 45 dBA CNEL. The 2040 General Plan policies would continue to apply if the ACLUP is updated and noise contours are recalculated. The 2040 General Plan would be consistent with the ACLUP and would not expose any noise-sensitive receptors to aircraft noise that exceeds ACLUP standards. This discussion of potential exposure to aircraft noise is provided for information purposes only and is neither required by CEQA nor subject to its requirements.

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<sup>12</sup> Ventura County. 2017. *Tsunami Operational Area Response Guide*. Ventura, CA: Ventura County Sheriff's Office of Emergency Service.



## 2. Impact 4.13-7: Expose Noise-Sensitive Land Uses to Railroad Noise and Vibration that Exceeds Applicable Standards

Because no new transit or rail uses are anticipated and development would only be constructed within close proximity to rail lines if the County noise standard of 60 dBA CNEL for outdoor noise levels and 45 dBA CNEL for indoor habitable areas would be met, the 2040 General Plan would not expose sensitive land uses to railroad noise or vibration. This discussion of potential exposure to railroad noise and vibration is provided for information purposes only and is neither required by CEQA nor subject to its requirements.

## SECTION 14 - FINDINGS REGARDING INFEASIBILITY OF PROJECT ALTERNATIVES [CEQA GUIDELINES SECTION 15091(A)(3)]

### A. BASIS FOR ALTERNATIVES FEASIBILITY AND ENVIRONMENTAL IMPACT ANALYSIS

CEQA mandates that every EIR evaluate a no project alternative, plus a range of potentially feasible alternatives to the project or its location that would avoid or substantially lessen the significant impacts of the project (State CEQA Guidelines Section 15126.6[a][b]). The Board finds that the range of alternatives studied in the EIR reflects a reasonable range of alternatives.

These findings consider the feasibility of each alternative analyzed in the EIR. Under CEQA, “‘(f)feasible’ means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors” (State CEQA Guidelines Section 15364). As described above, the concept of feasibility permits agency decisionmakers to consider the extent to which an alternative is able to meet some or all of a project’s objectives. In addition, the definition of feasibility encompasses desirability to the extent that an agency’s determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors (See *CNPS, supra*, 177 Cal.App.4th 957, 1001). An “alternative that ‘is impractical or undesirable from a policy standpoint’ may be rejected as infeasible” (*Ibid.*). Additionally, an alternative “‘may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record’” (*Ibid.*).

### B. DESCRIPTION OF ALTERNATIVES AND FEASIBILITY ASSESSMENT

The EIR identified and compared the significant environmental impacts of the project alternatives listed below. In accordance with the provisions of the State CEQA Guidelines Section 15126.6, the following project alternatives were evaluated:

- ▶ Alternative 1: No Project-No General Plan Update,
- ▶ Alternative 2: Existing Community and Urban Area Designations Alternative,
- ▶ Alternative 3: Dense Cores Alternative, and

- ▶ Alternative 4: Zero Net Energy Buildings Alternative.

Further details on these alternatives, and an evaluation of their environmental effects relative to the environmental effects of the 2040 General Plan, are provided below. Table 6-1 in Chapter 6, “Alternatives,” in the draft EIR provides a qualitative summary of the environmental effects of these alternatives in comparison to the effects of the 2040 General Plan.

## 1. Alternative 1: No Project-No General Plan Update

### DESCRIPTION

CEQA requires a No Project Alternative (Alternative 1) to be analyzed in the EIR. The No Project Alternative assumes that the 2040 General Plan would not be adopted or implemented. Under the “No Project” alternative the current 2005 General Plan land use map and the existing policies and programs would remain in effect. The land use map would be similar to the 2040 General Plan, but future development would be governed by the Existing Community and Urban land use designations in the existing General Plan, which do not provide clear guidance on allowable land use types (e.g., residential, commercial, industrial, mixed use) and do not set forth standards by land use type for maximum density or intensity of development, minimum lot size, or maximum lot coverage. The location and requirements of the Agricultural, Open Space, and Rural land use designations would be the same as the 2040 General Plan. This alternative assumes no change in market demand for housing types, commercial uses, or industrial development. Forecasted growth in population, housing units, and jobs in the unincorporated area by 2040 is assumed to be the same as under the 2040 General Plan.

### FINDINGS

The County Board of Supervisors finds that specific economic, environmental, legal, social, technological or other considerations make Alternative 1 infeasible and rejects this alternative for the reasons explained below.

First, Alternative 1 would not reduce most of the 2040 General Plan’s significant impacts to less-than-significant levels, and in some cases would result in greater impacts. One exception where Alternative 1 would eliminate a significant impact of the project is related to petroleum resources (Impact 4.12-3). Under Alternative 1, significant impacts on access to petroleum resources would be less than significant because Alternative 1 would not include policies that further restrict the siting and operation of new discretionary oil and gas wells. While this impact would be eliminated, environmental impacts related to air quality, energy, GHG emissions, and transportation would be more severe under Alternative 1 because it would not include the many 2040 General Plan policies and implementation programs that would result in air pollutant and GHG emissions reductions, more efficient energy consumption, increased renewable energy consumption, and lower rates of VMT. Impacts would also be slightly more severe for the following resources areas because Alternative 1 would not include the 2040 General Plan policies and programs that are protective of these resources: Aesthetics; Cultural, Tribal Cultural, and Paleontological Resources; Biological Resources; Wildfire Hazards; Hydrology and Water Quality; Land Use and Planning; and Utilities and Service Systems. Overall, Alternative 1 would be less environmentally protective compared to the 2040 General Plan and would result in similar or greater impacts for most resource areas.

Second, for the Public Facilities, Services, and Infrastructure objective, Alternative 1 would not provide as great of public benefit as the project because it would not contain policies that encourage the development of efficient land use patterns and alternative transportation projects, nor does it require the development of zero-net energy buildings. As a result, Alternative 1 would invest to a lesser extent in facilities, infrastructure, and services, including renewable energy, to promote efficiency and economic vitality, ensure public safety, and improve quality of life.

Third, Alternative 1 would not achieve the Climate Change and Resilience project objective (i.e., reduce GHG emissions to achieve all adopted targets, proactively anticipate and mitigate the impacts of climate change, promote employment opportunities in renewable energy and reduce GHG emissions, and increase resilience to the effects of climate change) because unlike the 2040 General Plan it does not include GHG reducing policies and programs that would result in the substantial decrease of GHG emissions from current levels by 2040. No such policies are part of the current general plan.

Fourth, Alternative 1 does not address recent topics and issues that have been adopted pursuant to state laws. Such requirements include policies addressing environmental justice, transportation issues such as assessing VMT and analyzing transportation systems more holistically (e.g., “Complete Streets”), and wildfire hazards. As a result, Alternative 1 would not result in the many public benefits that would result from policies and implementation programs that address these topics or comply with state mandates that are included in the project.

Overall and for the reasons described above, Alternative 1 would not be environmentally superior to the project.

## 2. Alternative 2: Existing Community and Urban Area Designations Alternative

### DESCRIPTION

The Existing Community and Urban Area Designations Alternative (Alternative 2) would include the same policies and implementation programs as the 2040 General Plan evaluated in this draft EIR, but would revise the land use diagram to encourage more compact development patterns in the county and create additional opportunities for construction of attached and multi-family housing units, as discussed further below. The mitigation measures identified for the 2040 General Plan would also be applied to this alternative, where relevant and appropriate given the potential for reduced effects in some resource areas.

The Agriculture, Open Space, and Rural land use designations of this alternative would be the same as under the 2040 General Plan. Approximately 98 percent of the unincorporated county would remain designated as either Open Space (approximately 88 percent), Agriculture (approximately 9 percent), or Rural (approximately 1 percent) land uses. Also, as with the 2040 General Plan, future development of relatively higher intensity residential, commercial, mixed use, and industrial land uses would continue to be concentrated within the Existing Community area designation (boundary) and the Urban area designation (boundary), generally located adjacent to the boundaries of incorporated cities or along highway corridors such as State Route (SR) 33, SR 118, SR 126, and Highway 101 (refer to Figure 3-3 in Chapter 3, “Project Description,” of the draft EIR). The residential, commercial, mixed use, and industrial land use

designations of the 2040 General Plan would apply to approximately 1.2 percent of land in the unincorporated county.

However, the land use diagram of this alternative would be different from the 2040 General Plan in the following ways: (1) Very Low Density or Low Density Residential lands located within the Existing Community area designation (boundary) and Urban area designation (boundary) would be designated as Medium-Density Residential or Residential High Density, and (2) additional land would be designated for commercial and/or mixed-use development within these areas to complement the Medium-Density Residential and Residential High-Density designations. Accompanying such re-designations in the land use diagram would be necessary changes in the zoning designations and minimum parcel sizes (suffices in the Zoning Compatibility Matrix) as well as updates to the development standards to ensure increases in lot coverages, reduced setbacks and parking requirements, increased building heights to a maximum of 45 or 50 feet to accommodate a minimum of three-story development (such as podium parking with two-stories residential above) in order to allow the County to accommodate the same amount of forecasted growth as the 2040 General Plan within more compact areas.

In addition, this alternative would employ policy incentives and disincentives to focus future population, housing, and employment growth within the Urban and Existing Community area designations. The types of policies and programs that would be created or revised to focus development within these areas would include changing development impact fees, parking standards, and permitting timelines. County investments in new or upgraded public infrastructure and other public expenditures would be prioritized within Urban and Existing Community area designations and limited elsewhere. This alternative could also include use of a transfer of development rights programs in which landowners outside of Urban and Existing Community area designations would be compensated for redirecting their development rights to land within these areas.

This alternative would also include policies, programs, and investments to achieve community design and infrastructure within Urban and Existing Community area designations that leads to substantial increases in walking, biking, and public transit for all trips and greatly decreases trips made by vehicle to achieve major reductions in the rate of VMT. Examples of policies, programs, and investments include pricing for vehicle parking; providing protected bike lanes, walkways, and other dedicated right of way for people walking and biking; decreasing the number of travel lanes on existing roadways and highways, and repurposing that space for public transit, biking, and/or walking; eliminating vehicle parking in the public right of way; providing dedicated right of way for public transit vehicles; subsidizing neighborhood or community-level shuttle services; support for mobility services like rideshare, carshare, and bikeshare; and building and urban design that is oriented to people and use of the public realm and not the automobile.

Overall population growth, housing, and employment projections for this alternative would be the same as under the 2040 General Plan. The lands within the Existing Community area designation (boundary) and Urban area designation (boundary) would become highly urbanized communities featuring high density and intensity development that create substantial additional opportunities to accommodate new housing units and commercial, office, and mixed-use land uses, which in turn would result in substantially higher rates of population and job growth within these area designations relative to the 2040 General Plan.

## FINDINGS

The County Board of Supervisors finds that specific economic, environmental, legal, social, technological or other considerations make Alternative 2 infeasible and rejects this alternative for the reasons explained below.

First, Alternative 2 may reduce anticipated effects of the project in the following areas, but not to less than significant levels: agriculture and forestry resources (loss of Important Farmland); cultural, tribal cultural, and paleontological resources; biological resources; GHG emissions, hazards and hazardous materials (wildfire risk); petroleum resources; population and housing (elimination of affordable housing units or displacement of substantial numbers of people or housing units); and transportation and traffic (VMT), because it would reduce the physical footprint of where development would occur and would result in a more-compact development pattern, and would implement major new policies, programs, and capital investments within Urban and Existing Community area designations to achieve substantial increases in walking, biking, and public transit use for all trips and greatly reduce trips made by vehicle to achieve major reductions in the rate of VMT.

Second, Alternative 2 would result in environmental tradeoffs and potentially greater impacts within Urban and Existing Community area designations related to aesthetics (adversely affect the character of a scenic vista that is visible from a public viewing location); air quality (exposure of sensitive receptors to operational and construction emissions); land use and planning (physical development that is incompatible with land uses, architectural form or style, site design/layout, or density/parcel sizes within existing communities); noise and vibration (exposure of sensitive receptors to traffic noise increases and construction noise and vibration increases); population and housing (elimination of affordable housing units or displacement of substantial numbers of people or housing units); public services and recreation (expansion or construction of new public facilities, including for law enforcement, emergency services, fire protection facilities, libraries, parks and recreation); and utilities (relocation, construction, or expansion of water, wastewater, electric power, natural gas, or telecommunications infrastructure).

Specifically, the increases in lot coverage and building heights and reduced setbacks and parking requirements within Urban and Existing Community area designations would result in taller buildings with greater mass that would affect public views of scenic resources and would be less compatible with physical development in existing communities, including less compatible with existing historic buildings and resources. The increased construction activity associated with accommodating more growth within Urban and Existing Community area designations and implementing capital improvements to increase walking, biking, and transit trips would increase exposure of sensitive receptors to air emissions and noise impacts during construction. Additional construction activity and related impacts also would result from expansion or new construction of public facilities and utilities to accommodate increased demand within Urban and Existing Community area designations. Exposure of sensitive receptors to higher operational air emissions and noise levels also would occur within these areas due to greater numbers of sensitive receptors being located in close proximity to high traffic volume roadways and freeways that would serve the higher density and intensity development of Alternative 2. Alternative 2 would not be environmentally superior to the project.

Third, Alternative 2 would be generally consistent with most of the objectives of the project, but to a lesser extent for several objectives. Although generally consistent with the Land Use and Community Character objective to direct urban growth away from agricultural, rural, and open space lands (in favor of locating it in cities and unincorporated communities where public facilities, services, and infrastructure are available or can be provided), the land use pattern that would result from this alternative would create highly urbanized, dense areas of focused growth that could adversely affect the character of the county's existing communities. The areas in and around Existing Community or Urban area designations would experience notable change in character and the areas outside of these urban centers would experience very low growth and potential for change. These changes would also generate similar indirect effects on nearby incorporated cities. Alternative 2 also would meet the Land Use and Community Character objective to a lesser extent than the project because the County would not be able to provide a comparable level of public facilities, services, and infrastructure under this alternative, for reasons provided below.

Under Alternative 2, County investments in new or upgraded public infrastructure and other public expenditures would be prioritized within Urban and Existing Community area designations and limited elsewhere. One of the major components of Alternative 2 includes implementing policies, programs, and capital investments to achieve substantial increases in levels of walking, biking, and public transit use and major reductions in the rate of VMT within Urban and Existing Community area designations. For these reasons, this alternative would meet the Circulation, Transportation, and Mobility objective to a lesser extent than the project. By focusing investment within Urban and Existing Community area designations and limiting it elsewhere, and by prioritizing walking, biking, and transit use and deprioritizing vehicle use, this alternative would impede the County's ability to develop a "balanced, efficient, and coordinated multimodal transportation network that meets the mobility and accessibility needs of all residents, businesses, and visitors." The mobility and accessibility needs of residents, businesses, and visitors located outside of Urban and Existing Community area designations would be de-prioritized under this alternative.

Similarly, by focusing public investments in Urban and Existing Community area designations and limiting them elsewhere, this alternative, when compared to the project, would be less consistent with the Public Facilities, Services, and Infrastructure objective, because it would result in large areas of the unincorporated county not receiving adequate investment "in facilities, infrastructure, and services, including renewable energy" that "promote efficiency and economic vitality, ensure public safety, and improve quality of life." The Economic Vitality and Water Resources objectives would therefore also be met to a lesser extent because Alternative 2 would not make adequate public investments in infrastructure to "foster economic and job growth" outside of Urban and Existing Community area designations and would not balance the water supply "needs of urban and agricultural uses, and healthy ecosystems." Discouraging growth and limiting public investment outside of Urban and Existing Community area designations would generally support the Agriculture objective by "conserving soils/land" but Alternative 2 would be less supportive of farmworker housing than the project.

Fourth, the types of policies and programs that would be created or revised to focus development within these areas would include reducing development impact fees to incentivize growth within the Existing Community area designation (boundary) and Urban area designation (boundary). This alternative would require new sources of funding and/or reallocation of existing funding sources away from other services and programs, including

implementation programs identified in the 2040 General Plan, such as those designed to reduce GHG emissions or adapt to climate change impacts. On top of the new and/or reallocated funding needed to provide adequate services, facilities, and utilities to support the growth pattern of Alternative 2, this alternative would also require substantial sources of funding to implement the types of policies, programs, and capital improvements required to achieve substantial increases in walking, biking, and transit use and major reductions in the rate of VMT. To the extent such funding would be derived by increasing sales or other taxes, such tax increases would require voter approval which could not be assured. For these reasons Alternative 2 would be financially infeasible.

Fifth, there are practical complications to implementation of this alternative that make it undesirable for selection at this time. The types of programs required to support the success of incentive programs and development right transfer programs involve lengthy study and complicated implementation framework that would not be readily available at the time of project adoption. The County would need to embark on a time-intensive and costly process to develop these programs that is not justified by the relatively modest reduction in effects of the project described previously and the lesser extent to which this alternative would meet the project objectives.

### 3. Alternative 3: Dense Cores Alternative

#### DESCRIPTION

The Dense Cores Alternative (Alternative 3) would include the same policies and implementation programs as the 2040 General Plan evaluated and would build on the Existing Community and Urban Area Designations Alternative and would retain the same incentive and disincentive programs to promote higher-density, mixed use development within the boundaries of the Existing Community and Urban area designations, but it would further refine the areas in which growth would be encouraged to the following: only areas within Existing Community and Urban area designations that are contiguous with incorporated cities along the Highway 101 corridor (i.e., areas within Existing Community and Urban area designations that are adjacent to the cities of Ventura, Oxnard, Camarillo, and Thousand Oaks). The county's forecasted population, housing, and job growth would be accommodated within these areas by revising the land use diagram to provide appropriate medium and high-density residential designations and non-residential designations (e.g., mixed use, commercial, industrial). These areas were identified because they are near established infrastructure and Highway 101, which is a key regional transportation corridor.

#### FINDINGS

The County Board of Supervisors finds that specific economic, environmental, legal, social, technological or other considerations make Alternative 3 infeasible and rejects this alternative for the reasons explained below.

First, Alternative 3 may reduce anticipated effects of the project in the following areas, but not to less than significant levels: agriculture and forestry resources (loss of Important Farmland); cultural, tribal cultural, and paleontological resources; biological resources; GHG emissions, hazards and hazardous materials (wildfire risk); petroleum resources; population and housing

(elimination of affordable housing units or displacement of substantial numbers of people or housing units); and transportation and traffic (VMT), because it would reduce the physical footprint of where development would occur and would result in a more-compact development pattern, and would implement major new policies, programs, and capital investments within Urban and Existing Community area designations that are contiguous with incorporated cities along the Highway 101 corridor to achieve substantial increases in walking, biking, and public transit use for all trips and greatly reduce trips made by vehicle to achieve major reductions in the rate of VMT.

Second, Alternative 3 would result in environmental tradeoffs and potentially greater impacts within Urban and Existing Community area designations that are contiguous with incorporated cities along the Highway 101 corridor. Generally, the effects directly linked to ground disturbance would be reduced under this alternative. Conversely, the effects of infill development, including displacement of housing, and short- and long-term air quality and noise impacts to sensitive receptors, could increase. Specifically, potentially greater impacts would result related to aesthetics (adversely affect the character of a scenic vista that is visible from a public viewing location); air quality (exposure of sensitive receptors to operational emissions from Highway 101 and construction emissions); land use and planning (physical development that is incompatible with land uses, architectural form or style, site design/layout, or density/parcel sizes within existing communities); noise and vibration (exposure of sensitive receptors to traffic noise increases along roadways and Highway 101 and construction noise and vibration increases); population and housing (elimination of affordable housing units or displacement of substantial numbers of people or housing units); public services and recreation (expansion or construction of new public facilities, including for law enforcement, emergency services, fire protection facilities, libraries, parks and recreation); and utilities (relocation, construction, or expansion of water, wastewater, electric power, natural gas, or telecommunications infrastructure). These changes would also generate indirect effects (such as increased demand for public services) in Ventura, Oxnard, Camarillo, and Thousand Oaks. Due to proximity to these established cities, this alternative could disproportionately draw upon the resources of these cities, resulting in impacts to public facilities and infrastructure in these areas.

Specifically, the increases in lot coverage and building heights and reduced setbacks and parking requirements within Urban and Existing Community area designations that are contiguous with incorporated cities along the Highway 101 corridor would result in taller buildings with greater mass that would affect public views of scenic resources and would be less compatible with existing physical development in these areas, including less compatible with existing historic buildings and resources. The increased construction activity associated with accommodating more growth within Urban and Existing Community area designations that are contiguous with incorporated cities along the Highway 101 corridor and implementing capital improvements to increase walking, biking, and transit trips would increase exposure of sensitive receptors to air emissions and noise impacts during construction. Additional construction activity and related impacts also would result from expansion or new construction of public facilities and utilities to accommodate increased demand within these four communities. Exposure of sensitive receptors to higher operational air emissions and noise levels also would occur within these areas due greater numbers of sensitive receptors being located in close proximity to high traffic volume roadways and freeways including Highway 101 that would serve the higher density and intensity development of Alternative 3.



Third, Alternative 3 would be generally consistent with most of the objectives of the project, but to a lesser extent for several objectives. Although generally consistent with the Land Use and Community Character objective to direct urban growth away from agricultural, rural, and open space lands (in favor of locating it in cities and unincorporated communities where public facilities, services, and infrastructure are available or can be provided), the land use pattern that would result from this alternative would create highly urbanized, dense areas of focused growth that could adversely affect the character of these four existing communities. The areas in and around Existing Community or Urban area designations that are contiguous with incorporated cities along the Highway 101 corridor would experience notable change in character and the areas outside of these urban centers would experience very low growth and potential for change. These changes would also generate similar indirect effects on nearby incorporated cities. Alternative 3 also would meet the Land Use and Community Character objective to a lesser extent than the project because the County would not be able to provide a comparable level of public facilities, services, and infrastructure under this alternative, for reasons provided below.

Under Alternative 3, County investments in new or upgraded public infrastructure and other public expenditures would be prioritized within Urban and Existing Community area designations that are contiguous with incorporated cities along the Highway 101 corridor and limited elsewhere. One of the major components of Alternative 3 includes implementing policies, programs, and capital investments to achieve substantial increases in levels of walking, biking, and public transit use and major reductions in the rate of VMT within Urban and Existing Community area designations that are contiguous with incorporated cities along the Highway 101 corridor. For these reasons, this alternative would meet the Circulation, Transportation, and Mobility objective to a lesser extent than the project. By focusing investment within Urban and Existing Community area designations and limiting it elsewhere, and by prioritizing walking, biking, and transit use and deprioritizing vehicle use, this alternative would impede the County's objective to develop a "balanced, efficient, and coordinated multimodal transportation network that meets the mobility and accessibility needs of all residents, businesses, and visitors." The mobility and accessibility needs of residents, businesses, and visitors located outside of Urban and Existing Community area designations that are contiguous with incorporated cities along the Highway 101 corridor would be deprioritized under this alternative.

Similarly, by focusing public investments in Urban and Existing Community area designations that are contiguous with incorporated cities along the Highway 101 corridor and limiting them elsewhere, this alternative, when compared to the project, would be less consistent with the Public Facilities, Services, and Infrastructure objective, because it would result in large areas of the unincorporated county not receiving adequate investment "in facilities, infrastructure, and services, including renewable energy" that "promote efficiency and economic vitality, ensure public safety, and improve quality of life." The Economic Vitality and Water Resources objectives would therefore also be met to a lesser extent because Alternative 3 would not make adequate public investments in infrastructure to "foster economic and job growth" outside of Urban and Existing Community area designations that are contiguous with incorporated cities along the Highway 101 corridor and would not balance the water supply "needs of urban and agricultural uses, and healthy ecosystems." Discouraging growth and limiting public investment outside of Urban and Existing Community area designations that are contiguous with incorporated cities along the Highway 101 corridor would generally support the

Agriculture objective by “conserving soils/land” but, relative to the project, Alternative 3 would be less supportive of the provision of the Agriculture objective related to farmworker housing.

Fourth, the types of policies and programs that would be created or revised to focus development within these areas would include reducing development impact fees to incentivize growth within the Existing Community and Urban area designations that are contiguous with incorporated cities along the Highway 101 corridor. This alternative would require new sources of funding and/or reallocation of existing funding sources away from other services and programs, including implementation programs identified in the 2040 General Plan, such as those designed to reduce GHG emissions or adapt to climate change impacts. On top of the new and/or reallocated funding needed to provide adequate services, facilities, and utilities to support the growth pattern of Alternative 3, this alternative would also require substantial sources of funding to implement the types of policies, programs, and capital improvements required to achieve substantial increases in walking, biking, and transit use and major reductions in the rate of VMT. To the extent such funding would be derived by increasing sales or other taxes, such tax increases would require voter approval which could not be assured. For these reasons Alternative 3 would be financially infeasible.

Fifth, there are practical complications to implementation of this alternative that make it undesirable for selection at this time. The types of programs required to support the success of incentive programs and development right transfer programs involve lengthy study and complicated implementation framework that would not be readily available at the time of project adoption. The County would need to embark on a time-intensive and costly process to develop these programs that is not justified by the relatively modest reduction in effects of the project described previously and the lesser extent to which this alternative would meet the project objectives.

## 4. Alternative 4: Zero Net Energy Buildings Alternative

### DESCRIPTION

The Zero Net Energy Buildings Alternative (Alternative 4) would include the same policies, implementation programs, and land use diagram as the 2040 General Plan. The alternative would also include policies and implementation programs designed to reduce energy consumed in buildings. The mitigation measures identified for the 2040 General Plan would also be applied to this alternative, where relevant and appropriate given the potential for reduced effects in some resource areas.

Zero net energy (ZNE) means that the total amount of energy consumed by a building on an annual basis is equal to the amount of renewable energy generated by the building (or on the site). The Zero Net Energy Buildings Alternative would employ a three-pronged approach to address the energy consumption of the built environment and achieve greater GHG reductions than the 2040 General Plan, which would result in increased progress toward meeting the State’s 2030 GHG reduction of 40 percent below 1990 levels. This alternative would include the same policies and programs and land use diagram as the 2040 General Plan but would also include: (1) a ZNE requirement for new construction, (2) a program to retrofit County-owned buildings to ZNE performance, and (3) an incentive program that encourages the retrofitting of privately-held buildings to ZNE, or near ZNE performance through energy

efficiency upgrades, on-site renewable energy generation and appliance replacements. The retrofit actions would be designed to achieve ZNE performance for the County's existing building stock by 2040. As described above, while these measures may be possible from a technological standpoint, the County does not have the legal authority to require improvements to existing homes and businesses.

Existing buildings account for a greater proportion of forecast energy consumption and GHG emissions from the County's building energy sector and this will remain the case given that the pace of new construction is forecast to be a small portion of the County's overall building stock. New buildings are also vastly more energy efficient than older buildings of the same type due to compliance with state-mandated building codes.

To achieve major participation in the retrofitting of existing buildings to ZNE performance several measures could be deployed by the County, including subsidies or incentive programs, large-scale public information campaigns and partnerships with other public agencies, community groups, non-profit organizations, and others. Further, revenue sources from the County, State or other private sources would need to be established to fund these programs. Incentives or subsidies for property owners would be designed to reduce energy consumption through the retrofitting of appliances, windows, insulation, and lighting and deployment of on-site renewable energy generation and storage systems. Adopting ordinances to require energy efficiency or on-site renewable energy system improvements could be aimed at specified trigger points, such as the point-of-sale or during application for major building renovations. Measures to achieve ZNE for new buildings could include adopting an ordinance requiring ZNE for all new buildings, both commercial and residential.

## FINDINGS

The County Board of Supervisors finds that specific economic, environmental, legal, social, technological or other considerations make Alternative 4 infeasible and rejects this alternative for the reasons explained below.

First, Alternative 4 results in similar impacts for most resource areas. The significant and unavoidable impact related to GHG emissions would be reduced, but would remain significant and unavoidable. Effects on other resources including agricultural and forestry resources; cultural, tribal cultural, and paleontological resources; hydrology and water quality; transportation and traffic; biological resources; and mineral and petroleum resources would be the same as those identified for the 2040 General Plan.

Second, the benefits cannot be guaranteed due to the incentive based nature of this alternative. Alternative 4 would result in modest reductions in GHG impacts compared to the 2040 General Plan because emissions attributable to buildings would be less. However, participation of private property owners in a zero net energy retrofit program would be voluntary. Even if such a program were highly incentivized by County or other public dollars, and/or supported by robust technical assistance, some property owners could decline to perform the alterations necessary to achieve ZNE performance, and choose to avoid building envelope improvements or replacement of functional equipment before the end of the product's useful life that this alternative would require.

Third, the achievement of zero net energy performance is not limited to building design, but also occupant behavior. While it is possible for existing buildings to be retrofitted to become zero net energy the transformation of all existing buildings in the county to this performance standard and the ability to achieve and maintain this standard is limited by participant behavior, which can range from austere to wasteful depending on the habits of individual households<sup>13</sup> and also by businesses, customers, and visitors.

Fourth, Alternative 4 would achieve some project objectives to a lesser extent than the 2040 General Plan, making this alternative undesirable from a policy standpoint. For example, a zero-net energy requirement would be less supportive of the Housing objective to support development of “affordable and equitable housing opportunities” because the requirement would increase the cost of new construction and could slow or increase the financial burden of property sales and other upgrades that could trigger the retrofit requirement. Moreover, this requirement could present an inequitable burden on minority, elderly and lower-income populations that are less likely to be able to afford or finance the upgrades and may face hurdles to access financial incentive programs. As an example, seniors over the age of 70 have been found to use more energy than the average household, likely due to increased use of air conditioning.<sup>14</sup> At the same time seniors are also more likely to inhabit older homes, which require more retrofitting to bring to ZNE standards. Mandating ZNE retrofits could place an undue burden on a segment of the population dependent on a fixed retirement income. Similarly, by subjecting all existing development to these strict requirements, Alternative 4 would limit the County’s ability to be “responsive to the evolving needs and opportunities of the County’s economy” with respect to fostering economic and job growth. As such, could impair the County’s ability to fulfill the Economic Vitality objective over the life of the project.

Fifth, Alternative 4 is financially infeasible. A key component of the anticipated benefits of this alternative compared to the 2040 General Plan is that it addresses emissions from the existing building stock through a program to retrofit County-owned buildings to ZNE performance and an incentive program that encourages the retrofitting of privately-held buildings. However, the types of interventions needed to achieve zero net energy throughout the existing building stock would be prohibitively expensive for the County and/or building owners to undertake on their own, requiring funding from investors or grants. Achieving ZNE in existing residential building would require a combination of deep energy retrofitting and on-site renewable energy generation and this would come a relatively high cost to homeowners.

Studies of deep energy efficiency retrofitting of single-family homes nationwide show an average cost of \$22.11 per square foot for a package of measures needed to achieve substantial energy savings in existing dwellings.<sup>15</sup> Using a 1,380 square foot home as an example, which is the median size for existing homes in California<sup>16</sup>, retrofit costs would be \$30,512. The average cost for a residential solar installation in Ventura County was \$4.65 per

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<sup>13</sup> Picard, T. et. Al. 2020. Robustness of Energy Performance of Zero-Net-Energy Homes. Available: <https://www.sciencedirect.com/science/article/abs/pii/S0378778820310148> Accessed: June 30, 2020.

<sup>14</sup> Powell, A. 2019. Aging Population Increases Energy Use. Harvard Gazette. Available: <https://news.harvard.edu/gazette/story/2019/06/harvard-research-shows-energy-use-climbs-with-age-and-temperature/>. Accessed June 30, 2020

<sup>15</sup> Less, B, and Walker, I. 2014 A Meta-Analysis of Single-Family Deep Energy Retrofit Performance in the U.S., Table 15 Page 50. Available: <https://www.osti.gov/servlets/purl/1129577/>. Accessed June 29, 2020.

<sup>16</sup> U.S. Census Bureau. 2017. American Housing Survey: California – Rooms, Size, and Amenities – All Occupied Units. Available: [www.census.gov/programs-surveys/ahs/data.html](http://www.census.gov/programs-surveys/ahs/data.html). Accessed June 29, 2020.

watt in 2019.<sup>17</sup> Assuming that the rooftop of a 1,380 square foot example home could accommodate a 5-kilowatt solar photovoltaic system, the cost for that install would be \$23,250 plus an additional \$9,600 for a stationary battery storage system with a 5 kilowatt power rating to optimize the renewable energy generation for time of use.<sup>18</sup> The total cost for these upgrades would be approximately \$63,000. These costs would increase based on the size of the home retrofitted as well as the age of the home, with older homes generally being more expensive to retrofit. These upgrades would not necessarily guarantee a home with ZNE performance, as described in the previous paragraph which discussed occupant behavior, but instead a home with design features leading toward ZNE performance.

With Ventura County's median home price of \$367 per square foot in March 2020<sup>19</sup> a \$46 per square foot (\$63,000/1,380) added cost for retrofitting, solar and battery storage would represent a 12 percent increase to the resale cost of a typical home. While some of these costs could potentially be reduced through utility incentives, the initial upgrade costs not covered by these programs would be incurred by homeowners or passed along to future buyers at the time of transaction. Long term savings from avoided energy consumption could offset these costs over time. However, this assumes that the participant incurring the cost of the upgrades is the same one paying the utility bill, which is typically not the case in situation where property is being leased to a tenant. While renters could experience cost reductions in their monthly energy bills because of these upgrades, a landlord incurring the substantial costs for upgrades would likely increase monthly rents to cover these costs, resulting in reduced housing affordability.

Sixth, this Alternative 4 is economically infeasible. As established above, new development and certain actions related to existing buildings could become markedly more costly if required to achieve ZNE standards. As a result, it is anticipated that the rates of new construction, major renovations, and home sales would decline in the unincorporated county. In addition, potential buyers in the area may be deterred from purchasing buildings bearing the costs of ZNE upgrades in favor of comparable buildings in neighboring jurisdictions without such requirements. This would reduce the fees collected by the County to fund county programs, as well as public infrastructure and services.

Finally, implementation of Alternative 4 could result in legal complications and potential infeasibility. There is not a clear regulatory authority within State law for local governments to require retrofitting of existing buildings for the specific purpose of GHG reduction or energy efficiency. Generally, the County can only encourage, not require, these actions in existing buildings.

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<sup>17</sup> Go Solar California 2020, California Distributed Generation Statistics 2019, Residential Solar in Ventura County, CA. Available: <https://www.californiadgstats.ca.gov/charts/> Accessed: June 29, 2020

<sup>18</sup> EnergySage, 2020. The Tesla Powerwall home battery complete review: What does a powerwall cost? Available: <https://news.energysage.com/tesla-powerwall-battery-complete-review/>. Accessed: June 30, 2020.

<sup>19</sup> Zillow, 2020 (March). Ventura County Home Prices and Values. Available: <https://www.zillow.com/ventura-county-ca/home-values/> Accessed: June 30, 2020.

# SECTION 15 - STATEMENT OF OVERRIDING CONSIDERATIONS [CEQA GUIDELINES SECTION 15093]

As discussed in the Findings above, the Board's approval of the 2040 General Plan will result in significant adverse environmental effects that cannot be avoided with the adoption of all feasible mitigation measures and there are no feasible project alternatives that would mitigate or substantially lessen the impacts. Despite the occurrence of these effects, however, the Board chooses to approve the project because, in its view, the economic, environmental, social, and other benefits of the 2040 General Plan will render the significant effects acceptable.

In making this Statement of Overriding Considerations in support of the findings of fact and the project, the Board has considered the information contained in the EIR for the project, as well as the public testimony and the record of proceedings in which the project was considered. The Board has balanced the project's benefits against the unavoidable adverse impacts identified in the EIR. The Board hereby determines that the project's benefits outweigh the significant and unavoidable adverse impacts, as discussed in **Section B**, below.

## A. SIGNIFICANT AND UNAVOIDABLE IMPACTS

Pursuant to PRC Section 21081(b) and the State CEQA Guidelines Section 15093, the County has balanced the benefits of the proposed project against the following significant unavoidable adverse impacts associated with the proposed project and has adopted all feasible mitigation measures with respect to these impacts.

### 1. Agriculture and Forestry Resources

- ▶ Impact 4.2-1: Loss of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance

### 2. Air Quality

- ▶ Impact 4.3-2: Cause Construction-Generated Criteria Air Pollutant or Precursor Emissions to Exceed VCAPCD-Recommended Thresholds
- ▶ Impact 4.3-3: Result in a Net Increase in Long-Term Operational Criteria Air Pollutant and Precursor Emissions That Exceed VCAPCD-Recommended Thresholds

### 3. Biological Resources

- ▶ Impact 4.4-1: Disturb or Result in Loss of Special-Status Species and Habitat
- ▶ Impact 4.4-2: Disturb or Result in Loss of Riparian Habitat, Sensitive Plant Communities, ESHA, Coastal Beaches, Sand Dunes, and Other Sensitive Natural Communities
- ▶ Impact 4.4-3: Disturb or Result in Loss of Wetlands and other Waters
- ▶ Impact 4.4-4: Interfere with Resident or Migratory Wildlife Corridors or Native Wildlife Nursery Sites

## 4. Cultural, Tribal Cultural, and Paleontological Resources

- ▶ Impact 4.5-1: Substantial Adverse Change in the Significance of an Archaeological Resource Pursuant to PRC 5024.1 and CEQA
- ▶ Impact 4.5-2: Substantial Adverse Change in the Significance of a Historic Resource Pursuant to PRC 5024.1 and CEQA
- ▶ Impact 4.5-3: Substantial Adverse Change in the Significance of a Tribal Cultural Resources
- ▶ Impact 4.5-4: Result in Grading and Excavation of Fossiliferous Rock or Increase Access Opportunities and Unauthorized Collection of Fossil Materials from Valuable Sites

## 5. Greenhouse Gas Emissions

- ▶ Impact 4.8-1: Generate GHG Emissions, Either Directly or Indirectly, That May Have a Significant Impact on the Environment.
- ▶ Impact 4.8-2: Conflict with an Applicable Plan, Policy, or Regulation for the Purpose of Reducing the Emissions of GHGs

## 6. Hazards, Hazardous Materials, and Wildfire

- ▶ Impact 4.9-6: Expose People to Risk of Wildfire by Locating Development in a High Fire Hazard Area/Fire Hazard Severity Zone or Substantially Impairing an Adopted Emergency Response Plan or Evacuation Plan or Exacerbate Wildfire Risk

## 7. Mineral and Petroleum Resources

- ▶ Impact 4.12-3: Result in Development on or Adjacent to Existing Petroleum Resources Extraction Sites or Areas Where Petroleum Resources Are Zoned, Mapped, or Permitted for Extraction, Which Could Hamper or Preclude Access to the Resources
- ▶ Impact 4.12-4: Result in the Loss of Availability of a Known Petroleum Resource That Would Be of Value to the Region and the Residents of the State

## 8. Noise and Vibration

- ▶ Impact 4.13-3: Expose Existing Sensitive Receptors to Traffic-Noise Increases
- ▶ Impact 4.13-6: Expose Sensitive Receptors to Construction Vibration Levels That Exceed Applicable Standards

## 9. Public Services and Recreation

- ▶ Impact 4.15-2: Require Expansion or Construction of New Facilities to Support Law Enforcement and Emergency Services

- ▶ Impact 4.15-3: Require Expansion or Construction of New Fire Protection Facilities and Services as a Result of Excessive Response Times, Project Magnitude, or Distance from Existing Facilities
- ▶ Impact 4.15-4: Require Expansion or Construction of New Public Libraries or Other Facilities to Meet New Demand or Address Overcrowding and Accessibility
- ▶ Impact 4.15-5: Require Expansion or Construction of New Parks and Recreation Facilities and Services or Cause Substantial Physical Deterioration of Parks and Recreation Facilities Because of Overuse

## 10. Transportation and Traffic

- ▶ Impact 4.16-1: Exceed VMT Thresholds
- ▶ Impact 4.16-2: Transportation Infrastructure Needed to Accommodate Growth Would Result in Adverse Effects Related to County Road Standards and Safety
- ▶ Impact 4.16-3: Result in Inadequate Emergency Access

## 11. Utilities

- ▶ Impact 4.17-2: Increase Demand on a Utility That Results in the Relocation or Construction of New, or Expansion of Existing Water, Wastewater, Electric Power, Natural Gas, or Telecommunications Infrastructure, Resulting in the Potential for Significant Environmental Impacts
- ▶ Impact 4.17-4: Result in Development That Would Adversely Affect Water Supply Quantities during Normal, Single-Dry, and Multiple-Dry Years

## B. OVERRIDING CONSIDERATIONS

In the Board’s judgment, the project and its benefits outweigh its unavoidable significant effects. The following statements, based in part upon the Guiding Principles of the 2040 General Plan, support this conclusion. The Board finds that each of the enumerated benefits is individually meritorious and, taken together, provide substantial public benefits that justify adoption of the 2040 General Plan.

### 1. Provides a Legally Compliant Framework to Guide Future Development in a Logical Manner

Population growth in unincorporated Ventura County is anticipated to occur through 2040 irrespective of the general plan. Draft population growth forecasts prepared by SCAG for the 2020 RTP/SCS (SCAG 2017) and included in Chapter 6 of the General Plan Alternatives Report presented to the Ventura County Board of Supervisors in July of 2018 indicate that the population of unincorporated Ventura County will increase from 99,755 people in 2020 to 101,832 people in 2040. The 2040 General Plan provides a strategic framework to accommodate regional population growth at intensities that are appropriate with respect to existing development, environmental resources, community character, available services, and



available infrastructure. The 2040 General Plan promotes sustainable development through goals and policies that balance the need for adequate infrastructure, housing, and economic vitality with the need for resource management, environmental protection, and preservation of quality of life for residents in the unincorporated county.

The proposed 2040 General Plan is easier to navigate and meets current regulatory standards. State planning laws have changed dramatically since the County last comprehensively updated the General Plan in 1988. In addition to new state laws, the California Office of Planning and Research published the updated General Plan Guidelines in 2017. Importantly, California State law and foundational legal decisions require that the Land Use Element contain specific direction on the density and intensity of land uses allowed within given designations (Gov. Code § 65302 (a)). The update incorporates new requirements to meet the statutory requirements for general plans by modernizing the land use designations established through the Land Use Element to include appropriate specificity and synchronizes the policies in the 2040 General Plan with those of the Area Plans to promote consistency.

The 2040 General Plan includes policies, programs, and land use designations that would largely concentrate future development within the established Existing Community area designation (boundary) and the Urban area designation (boundary) which are unincorporated urban enclaves with a mix of residential, commercial, mixed use, and industrial land use designations. The 2040 General Plan has components that are meant to guide government and community interaction and maintain the future sustainability of the economic, physical, and social development goals. It is a living document designed to adjust continuously to new opportunities and challenges. Through the continual upkeep of the 2040 General Plan, the County's approach to development throughout the unincorporated county would be comprehensive and unified.

As detailed further in the statements that follow, the 2040 General Plan would implement the project objectives established through the Guiding Principles contained in Section 1.2 of the 2040 General Plan. The Guiding Principles are central ideas that articulate the County's commitment to achieving the Vision Statement, and were developed with input provided by the public, Board of Supervisors, and Planning Commission between November 2017 and May 2018. The Vision Statement and Guiding Principles reflect the values and principles important to county residents.

## 2. Preserves Community Character

The Land Use Plan and policies in the 2040 General Plan would direct urban growth away from agricultural, rural, and open space lands, in favor of locating growth in cities and unincorporated communities where public facilities, services, and infrastructure are available or can be provided. The 2040 General Plan would establish a Land Use Plan that supports a balanced, graduated pattern of development.

The 2040 General Plan includes new policies that would require discretionary development outside of Existing Communities be planned and designed to maintain the scenic open space character of the surrounding area (Policy COS-3.6) and encourage discretionary development in rural areas to maintain views of hillsides, beaches, forests, creeks, and other distinctive natural areas through building orientation, height, and bulk (Policy LU-16.10). The 2040 General Plan also requires that new land use patterns emphasize efficient use of land and

infrastructure, walkable neighborhoods, contemporary development practices, and sense of place consistent with the Guidelines for Orderly Development (Policy LU-1.4).

### **3. Provides Affordable and Equitable Housing**

The 2040 General Plan would support the development of affordable and equitable housing opportunities by preserving and enhancing the existing housing supply and supporting diverse new housing types, consistent with the Guidelines for Orderly Development. In this regard, the 2040 General Plan includes policies and programs that promote farmworker, affordable and diverse housing types. Specifically, policies that support the development of safe and quality farmworker housing that facilitates a reliable labor force and promotes efficient agricultural operations (Policy LU-8.5), improve the economic viability of agriculture through policies that support agriculture as an integral business to the County (Policy AG-1.6), direct state regional housing needs allocations predominantly to cities to ensure consistency with the County's Save Open Space and Agricultural Resources initiative and the SCAG's Sustainable Communities Strategy (Policy LU-1.3), evaluate employment generating discretionary development resulting in 30 or more new full-time and full-time-equivalent employees to assess the project's impact on lower income housing demand within the community (Policy LU-4.5), exempt farmworker housing complexes and housing exclusively for lower-income households from level of service roadway standards (Policy CTM-1.5), and direct the County to research existing regulatory impediments to the creation of new housing types that have the potential to fulfill unmet housing needs (e.g., tiny homes, co-housing developments) and if necessary, amend applicable ordinances to allow for their development (Implementation Program C Expansion of Allowed Housing Types). Finally, the 2040 General Plan indicates that the Housing Element "ensures that there is adequate land to appropriately accommodate the County's fair share of population growth and housing needs."

### **4. Promotes a Balanced, Efficient, and Coordinated Multimodal Transportation Network**

The 2040 General Plan would support the development of a balanced, efficient, and coordinated multimodal transportation network that meets the mobility and accessibility needs of all residents, businesses, and visitors. In this regard, the 2040 General Plan includes policies and programs designed to both meet the evolving needs of urban centers, such as increased access to alternative modes of transportation, and efficient transport of goods and people in the County's rural and agricultural areas. The 2040 General Plan includes policies that would address new State requirements for complete streets (Policies CTM-2.1, CTM-2.18), mobility options (Policies CTM-2.13, CTM-2.16, and CTM-4.2), and use of the "vehicle miles traveled" metric. There are also several new policies related to bicycle facilities, including Policy CTM-3.9 through which the County will actively pursue outside funding opportunities for bicycle network improvements.

### **5. Invests in Public Facilities, Services, and Infrastructure**

The 2040 General Plan promotes investments in public facilities, services, and infrastructure that are mindful of the County's goals to address the issues of climate change and environmental justice. For example, Policy PFS-1.1 requires the equitable provision of public services and facilities; Policy LU-17.1 requires that within designated disadvantaged communities, the County

shall consider environmental justice issues as they relate to the equitable provision of public services and infrastructure such as parks, recreational facilities, community gardens, public safety facilities, and other beneficial uses that improve the overall quality of life; Policy EV-5.2 encourages efforts to equitably extend broadband capacity throughout the county, including to designated disadvantaged communities, and to encourage private sector investments in state-of-the-art high speed fiberoptic infrastructure for both commercial and residential use; and Implementation Program B requires the County to work with the Economic Vitality Strategic Plan Steering Committee to explore designated Opportunity Zones identified pursuant to the Federal Tax Cuts and Job Act (December 22, 2017) to ensure that investment in these areas benefits the residents living within them and minimizes potential displacement. The County will seek funding sources first for construction of new sidewalks in low-income areas and then for sidewalk maintenance particularly in low-income areas (Policy CTM-2.22). The 2040 General Plan also includes policies to implement smart grid technologies (Policy PFS-7.6) and develop solar generation plus energy storage at critical facilities and community microgrids for resilience during power outages (Policy PFS-7.7).

## 6. Preserves Open Space

The 2040 General Plan would create a new goal (COS-9) to develop and maintain a comprehensive system of parks, recreation, and natural open space lands that meet the active and passive recreation and open space needs of Ventura County residents and visitors. Open space would be preserved through the concentration of development in Urban Areas and Existing Communities; use of cluster or compact development techniques in discretionary development adjacent to natural open space resources; maintaining large lot sizes in agricultural areas, rural and open space areas; discouraging conversion of lands currently used for agricultural production or grazing; limiting development in areas constrained by natural hazards; and encouraging agricultural and ranching interests to maintain natural habitat in open space areas where the terrain or soil is not conducive to agricultural production or grazing (Policy COS-9.1). Policies in the 2040 General Plan also provide that the County shall place a high priority on preserving open space lands for recreation, habitat protection, wildlife movement, flood hazard management, public safety, water resource protection, and overall community benefit (Policy COS-9.3) and shall explore possible resources for public acquisition of permanent open space for public use (Policy COS-9.2). The 2040 General Plan also includes Goal LU-19 and four associated policies (Policies LU-19.1 through LU-19.4), which would enhance inter-agency coordination to achieve mutually beneficial land use conservation and development.

## 7. Minimizes Safety Hazards

The 2040 General Plan includes new or enhanced policies that would minimize health and safety impacts to residents, businesses and visitors from human-caused hazards such as hazardous materials, noise, air, sea level rise, and water pollution, as well as managing lands to reduce the impacts of natural hazards such as flooding, wildland fires, geologic events, and climate change adaptation and resilience. The 2040 General Plan also includes policies 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 safety (Goal HAZ-8).

The 2040 General Plan specifically includes several new policies that are designed to minimize the hazards associated with wildfire, including Policy HAZ-1.2, which requires defensible space clear zones, and Policy HAZ-1.5, which discourages building homes in Very High Fire Severity Zones; and Policy HAZ-1.8 to collaborate with the federal agencies to better manage fuel loads on federally-owned or managed lands. Further, the policies, programs, and land use diagram are designed to limit the potential for land use conflicts that may expose residents to hazardous conditions.

## 8. Supports the Agricultural Economy

There are several new goals and policies in the Agricultural Element of the 2040 General Plan that will foster a healthy agricultural economy in ways that are not present in the current general plan. By promoting the vitality of the industry and supporting modernization of the agricultural operations, these aspects of the 2040 General Plan would benefit the agricultural sector. The County will promote the expansion of agricultural activities to include new and innovative specialty agricultural practices and products through Goal AG-3 and Policies AG-3.1 through AG-3.3 that promote integrated pest management, as well as locally owned farms and specialty products. Through Goal AG-4 and five new policies (AG-4.1 through AG-4.5), the County will ensure equitable access to fresh, locally grown, and healthy agricultural products for residents throughout the county. Through Goal AG-5 and four new policies (AG-5.2 through AG-5.5), the County will encourage sustainable and regenerative farming and ranching practices that promote resource conservation and reduce GHG emissions. Through Goal AG-6 and two new policies (AG-6.1 and AG-6.2) the County will increase the resilience of the agricultural sector.

Further, through Policy LU-6.1, the County will require non-agricultural land uses adjacent to agricultural uses to incorporate adequate buffers (e.g., fences, setbacks) to limit conflicts with adjoining agricultural operations. The County will also support the development of safe and quality farmworker housing that facilitates a reliable labor force and promotes efficient agricultural operations through Policy LU-8.5.

## 9. Balances Water Resources Among Current and Future Demand for Urban, Agricultural, and Ecosystem Uses

The 2040 General Plan includes several new policies that address the urgent and evolving consideration of water supply. This includes diversifying water supply portfolios (Policy WR-1.3) and supporting the use of groundwater basins for water storage (Policy WR-1.9). When reviewing discretionary development applications, the County will consider the location within a watershed and local watershed management plans (Policy WR-1.2) and require the appropriate use of water conservation techniques such as low-flow plumbing fixtures, use of graywater or reclaimed water for landscaping, retention of stormwater runoff for direct use and/or groundwater recharge, and landscape water efficiency standards that meet or exceed the standards in the California Model Water Efficiency Landscape Ordinance.

In areas identified as important recharge areas by the County or the applicable Groundwater Sustainability Agency, the County will condition discretionary development to limit impervious surfaces where feasible and shall require mitigation in cases where there is the potential for discharge of harmful pollutants within important groundwater recharge areas (Policy WR-4.2). Further, the County will encourage the use of in-stream water flow and recycled water

for groundwater recharge while balancing the needs of urban and agricultural uses, and healthy ecosystems, including in-stream waterflows needed for endangered species protection (Policy WR-4.4).

Through Goal WR-6 and three associate policies (Policies WR-6.1 through WR-6.3), the County will work to sustain an adequate water supply through water efficiency and conservation. Through Goal WR-7 and Policy WR-7.1, the County will consider the water needs of the natural environment with other water uses in the county. The 2040 General Plan also includes new policies to encourage onsite water reuse (Policy PFS-4.5) and water reclamation through public water systems (Policy PFS-4.6).

## 10. Promotes Economic Vitality

The 2040 General Plan will foster economic and job growth that is responsive to the evolving needs and opportunities of the County's economy, while enhancing quality of life and promoting environmental sustainability. The 2040 General Plan includes a new goal (EV-1) to foster a robust and diversified local economy that provides quality employment and attracts stable businesses in Existing Communities and unincorporated Urban Areas. Specifically, the County will encourage the development of sustainable and innovative visitor-serving attractions that expand on the tourism market in Ventura County (Policy EV-1.5).

## 11. Supports Sustainable and Resilient Development

The 2040 General Plan integrates the topics of sustainability (balancing land use and resource protection needs) and healthy communities throughout. The 2040 General Plan includes policies and implementation programs that identify community-wide GHG emissions reduction targets and GHG reduction measures to achieve the targets in the unincorporated county, consistent with State guidance and applicable GHG protocols. Finally, the 2040 General Plan incorporates analysis of climate change vulnerability and adaptation measures to help address and mitigate countywide vulnerabilities to climate change, per the requirements of Senate Bill 379.

The policies and programs in the 2040 General Plan promote GHG emission reductions in both qualitative and quantifiable ways. Implementation of the quantified policies and programs in the 2040 General Plan would collectively provide reductions of 168,065 metric tons of carbon dioxide equivalent by 2030, an approximate 11 percent reduction from forecast 2030 levels. The County will coordinate GHG reduction implementation and maintenance with the cities in the county, VCAPCD, and other organizations to promote countywide collaboration on addressing climate change (Policy COS-8.3).

The 2040 General Plan includes new policies related to increasing vehicle occupancy, use of alternative modes of transportation, and use of emerging technologies that reduce emissions. Specific new policies include Policy PFS-2.2, through which the County will include electrical vehicle charging station infrastructure in new County initiated facility construction to the extent feasible and will look for opportunities to install electric vehicle charging stations as part of any major renovation, retrofit, or expansion of County facilities. The County will identify future park-and-ride lots within the unincorporated areas of Ventura County to facilitate more carpooling, vanpooling, and public transportation use under Policy CTM-4.4. Under Policy HAZ-10.7, the County will give a strong preference to fuel efficient vehicles for County use. The 2040 General Plan also includes a new goal to use emerging technologies and environmentally sustainable

practices to increase transportation system efficiency and resiliency (Goal CTM-6), and 11 new policies that would support the goal through a variety of actions, including the support of alternative fueling and vehicle charging stations (Policies CTM-6.1 through 6.11).

To reduce GHG emissions from development, the County will implement a combination of measures included in the 2040 General Plan (Policy COS-10.4). The County will also encourage discretionary development on commercial- and industrial- designated land to incorporate sustainable technologies, including energy- and water-efficient practices and low- or zero-carbon practices (Policy LU-11.4), allow the production of alternative energy and alternative fuels on land within the Industrial designation to reduce the reliance on petroleum-based fuel and GHG emissions (Policy LU-11.9), and promote sustainable design features in community facilities to reduce energy demand and environmental impacts through new policies (Policies PFS-2.1 and PFS 2.2). The County will promote sustainable building practices that incorporate a “whole systems” approach for design and construction that consumes less energy, water, and other nonrenewable resources, by facilitating passive ventilation and effective use of daylight (Policy COS-8.7), supporting the transition to zero net energy and zero net carbon buildings (Policy COS-8.6), and working with utility providers to offer residents options to purchase and use renewable energy resources (Policy COS-8.5).

The 2040 General Plan also promotes employment opportunities in renewable energy. This includes job training in green construction (Policy EV-6.3); sustainable business development (Policy EV-4.3); as well as promoting the efforts of existing businesses that meet green business criteria; job training in green building techniques and regenerative farming; and striving to build green technologies into and decarbonize existing government buildings and facilities (Policy EV-4.2).

Finally, the 2040 General Plan includes policies and programs to proactively anticipate and mitigate the impacts of climate change. Through Policies PFS-6.3 and PFS-6.4, the County will monitor projected climate change impacts, and coordinate with local, regional, state, and federal agencies to identify existing and potential projected impacts and develop strategies to maintain and improve flood control facilities. New policies are included to monitor and make adaptive improvements to public facilities and services (Policy PFS-1.2) and review the proposed location of new essential public facilities. The County will also improve resilience to sea level rise and coastal flooding through new Goal HAZ-3 and three associated policies (HAZ-3.1 through HAZ-3.3.). In addition, new Goal HAZ-11 associated policies (HAZ-11.1 through HAZ 11.10) would improve resilience to increasing temperatures resulting from climate change.

The 2040 General Plan would result in reduced effects on air quality and contributions to climate change, while proactively planning for the effects of climate change. This would result in clear benefits to the residents of the county and the environment.

## 12. Results in Healthy Communities

The 2040 General Plan will promote economic, environmental, social, and physical health and wellness by investing in infrastructure that promotes physical activity, access to healthy foods, supporting the arts and integrating Health in All Policies into the built environment. The 2040 General Plan includes a variety of new policies that would promote healthy communities. Through Policy CTM-2.11, the County will establish land use patterns that promote shorter travel distances between residences, employment centers, and retail and service-oriented

uses to support the use of public transportation, walking, bicycling, and other forms of transportation that reduce reliance on single-passenger automobile trips.

### 13. Promotes Environmental Justice

The 2040 General Plan would promote environmental justice and would commit the County to the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies, protect disadvantaged communities from a disproportionate burden posed by toxic exposure and risk, and continue to promote civil engagement in the public decision-making process. The 2040 General Plan complies with the requirements of Government Code Section 65302(h).

The 2040 General Plan includes Goal LU-17 and eight supporting policies (LU-17.1 through LU-17.8), to plan for and provide fair treatment and quality of life to all people regardless of race, color, national origin, or income when provisioning public facilities, services, and infrastructure. Within designated disadvantaged communities, the County shall consider environmental justice issues as they relate to the equitable provision of public services and infrastructure such as parks, recreational facilities, community gardens, public safety facilities, and other beneficial uses that improve overall quality of life. Policy PFS-5.1 would require that new landfills are sited in areas that do not pose health and safety risks, based on objective criteria.

Other new policies include PFS-1.6, which establishes that the County will prioritize non-emergency capital improvement projects that provide the greatest benefit to county residents, including addressing deficiencies in Designated Disadvantaged Communities. The 2040 General Plan also includes Goal LU-18 and five supporting policies (LU-18.1 through LU-18.5) to promote meaningful dialogue and collaboration between members of designated disadvantaged communities and decision-makers to advance social and economic equity.

### 14. Promotes Air Quality and Public Health and Safety

The 2040 General Plan will promote air quality to protect public health, safety and welfare through a variety of new policies that promote reduction of air pollutants. As a result, the following policies would be included in the 2040 General Plan as they were previously identified by the Board for evaluation. Policy HAZ-10.1 would reduce air pollutants from stationary and mobile sources; Policies HAZ-10.2 and HAZ-10.3 require consistency with the AQMP and VCAPCD rules, permit requirements and Best Available Control Technology, respectively; Policy HAZ-10.2 requires that discretionary development that would have a significant adverse air quality impact shall only be approved if it is conditioned with all reasonable mitigation measures to avoid, minimize or compensate (offset) for the air quality impacts; Policy COS-7.2 will require new discretionary oil wells to be located a minimum of 1,500 feet from residential dwellings and 2,500 from any school; Policy COS-7.7 will require new discretionary oil wells to use pipelines to convey oil and produced water; and Policy COS-7.8 will 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 will only be allowed in cases of emergency or for testing purposes.

## C. CONCLUSION

For the abovementioned reasons, adoption and implementation of the 2040 General Plan would have environmental, economic, social, and other benefits that outweigh its unavoidable adverse environmental impacts. The Board finds the project benefits outlined above override the significant and unavoidable environmental impacts associated with the project.

Implementation of the 2040 General Plan would help attain regional goals for land use, transportation, and economic stability; require environmentally sustainable development; and provide a guiding framework for future development. The Board finds that any residual or remaining effects on the environment resulting from the project, identified as significant and unavoidable in the Findings of Fact, are acceptable due to the benefits set forth in this Statement of Overriding Considerations. Therefore, the County has adopted this Statement of Overriding Considerations.