



November 9, 2020

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

Re: Agenda Item #41: Safe Parking Permit Program, North Ventura Ave.

Dear Chair Long and Honorable Members of the Board of Supervisors:

Thank you for the opportunity to provide comments on the proposed ordinance to establish a Safe Parking Permit Program for sections of North Ventura Avenue, Crooked Palm Road, Canada Larga Road, and Casitas Vista Road.

Recommended Action #1 of Supervisor Bennett's November 10, 2020 letter to the Board of Supervisors (Board) asserts that the proposed ordinance is "categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15308 as a regulatory action to assure the maintenance and protection of the environment, and further find[s] that no unusual circumstance or other exemption set forth in CEQA Guidelines section 15300.2 preclude use of the exemption."

This assertion is incorrect. CEQA Guidelines section 15308 provides for categorical exemptions for actions taken by an agency to protect the environment. CEQA Guidelines state that "a categorical exemption shall not be used for any activity where there is a *reasonable possibility* that the activity will have a significant effect on the environment due to unusual circumstances or a reasonable possibility that the project will have a significant effect due to unusual circumstances."

The County has not released or publicly disclose any discussion or rationale supporting their determination to apply this categorical exemption. Nor has the County has publicly disclosed any information outlining actions that they will take under this proposed ordinance that would prevent the reasonable possibility of environmental impacts. Examples of such actions would include installing a temporary gray water collection and filtration facility for the permit holders and specific measures to protect the stormwater system and Ventura River from trash and waste exposure.

Instead, the proposed ordinance significantly reduces the penalties for wastewater and trash violations. Penalties for violations of environmental regulations is one method used to reduce the "reasonable possibility of environmental impacts." By reducing penalties for environmental pollution and not describing specific actions that will be taken to add environmental

protections, the proposed ordinance is not a regulatory action taken to ensure protection of the environment. The County cannot apply the exemption outlined in section 15308 to the proposed action.

In addition, section 15300.2 of the CEQA Guidelines contains a specific exception that precludes the County's ability to apply any categorical exemption for the proposed action.


Section 15300.2(d) states: "a categorical exemption shall not be used for a project that may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway." As the County is aware, California Streets and Highways Code section 263.3 includes "Route 33 from Route 101 near Ventura to Route 150" in the state scenic highway system. The portions of North Ventura Avenue, Crooked Palm Road, and Casitas Vista Road identified in the proposed ordinance are visible from and fall within the viewshed of state-designated scenic Highway 33. As such, the County cannot apply a categorical exemption to this action and must conduct a CEQA analysis of the proposed ordinance before adopting this ordinance.

Furthermore, the recently adopted 2040 Ventura County General Plan mandates the County "protect the visual character of scenic resources visible from state or County designated scenic roadways" (Policy COS-3.1). The proposed ordinance violates this mandate and is not in compliance with the 2040 General Plan.

CEQA Guidelines section 15300.2(d) clearly prohibits applying any categorical exemption to this proposed ordinance. And significant case law prohibits an agency from applying the exemptions in CEQA Guidelines section 15308 to any action that "trades off" protecting one aspect of the environment for another. That is, the County cannot apply this exemption merely on the unsupported assertion that the action "improves" one potential environmental impact (such as trash accumulation) but then fail to analyze the potential impacts on scenic resources.

We urge the Board of Supervisors to comply with CEQA regulations and ensure that appropriate action and attention are given to evaluate the direct and indirect impacts on the environment that may reasonably occur as a result of this proposed ordinance.

Sincerely,

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

Louise Lampara
Executive Director