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LOS ANGELES
ORANGE COUNTY
SAN DIEGO
SAN FRANCISCO
SANTA BARBARA COUNTY
VENTURA COUNTY

September 14, 2020

VIA EMAIL: clerkoftheboard@ventura.org

Supervisor Kelly Long, Chair
Supervisor Bob Huber
Supervisor John C. Zaragoza
Supervisor Steve Bennett
Supervisor Linda Parks

Ventura County Board of Supervisors

Re: Agenda Item 41 (and Agenda Items 35 and 42), September 15, 2020

Continued Consideration and Certification of the 2040 General Plan Final Environmental Impact, Adoption of the 2040 General Plan Except for the Housing Element, Planning Division Case Number PL17-0141 (State Clearinghouse No. #2019011026) and Integrally Related General Plan Update Matters

Dear Honorable Chair Long and Supervisors:

We write to you on behalf of our client coalition of agricultural property and mineral owners in Ventura County. We earlier identified the coalition members for your Board with specificity. This letter supplements our letters on behalf of the coalition to the Planning Commission dated July 9, 2020 and July 15, 2020, and our letter to you dated August 31, 2020.

In our prior correspondence, we respectfully requested that the Planning Commission and your Board extend the hearings on the Ventura County 2040 General Plan Update (“GPU”) and Final Environmental Impact Report (“Final EIR”) until such time as you could comply with the central mandate of the California Environmental Quality Act (“CEQA”), which is to prioritize informed public input and decisionmaking. These are far from normal times. Our lives are governed by a once-in-a-century pandemic and now raging wild fires; business as usual is inappropriate. However, in response to our requests, we have witnessed:

- An extraordinarily rushed process, even were the world not afflicted by cataclysmic events, that has repeatedly relied on the dumping by the County of thousands of pages of essential new documents, with at best 72 hours, and in some instances no time, for public review and comment;

MusickPeeler

Ventura County Planning Commission

September 14, 2020

Page 2 of 3

- A Final EIR that gave short shrift to important public and agency comments, and that failed in its fundamental task, which was to provide the required evidentiary foundation for its conclusions;
- A series of seemingly intentional Brown Act and Public Records Act violations that appear to have been orchestrated and designed to support your freight-train-like hurry;
- The absence of any independent Planning Commission recommendation, revealing only that the Planning Commissioners were of the mistaken belief that they had no authority, let alone a legal obligation, to exercise their own judgment in this matter;
- Substantive new additions to the General Plan Update following the close of any public opportunity for input or environmental review, including most recently the insertion of highly detailed rules and a hasty timeline dictating the membership of the newly significant Climate Emergency Council;
- Stripping out integral zoning ordinance amendments, the Housing Element, and potentially now also material Building Code updates from the General Plan process that will be considered by your Board in mere weeks after General Plan action, thus ensuring that the public is kept in the dark and cannot meaningfully engage here;
- Violations of the constitutional procedural and substantive due process and equal protection rights of your affected constituents;
- A failure to achieve the State's minimum recommended outreach to our disadvantaged and Spanish-speaking communities, including no translation of any of the basic General Plan documents into Spanish *before* your adoption of them; and
- A repeated refusal to engage in a financial analysis of the impacts of the proposed General Plan policies so that the communities impacted by your actions can understand the consequences before they suffer them.

To date, your Board has appeared to sublimate all legal, practical and moral standards in favor of some undisclosed self-imposed deadline to adopt a defective General Plan Update today. Many of us have never before witnessed such heedless abandon by a legislative body. You are capable of far better. Your constituents deserve your best effort.

This recitation of the most troubling aspects of your deficient proceedings is not meant to substitute for the detailed and reasoned letters submitted for your consideration by us, and by other commenters, including VCEDA, Ventura County CoLAB and its many community partners, the Western States Petroleum Association, California Resources Corporation, Aera Energy, Carbon California Company, and ABA Energy. We expressly concur in their comments.

MusickPeeler

Ventura County Planning Commission
September 14, 2020
Page 3 of 3

We also respectfully request that you take the additional time necessary to correct the Brown Act defects that undermined your September 1, 2020 hearing, and that threaten its September 15, 2020 continuation. To that end, please be advised that our Zoom registration to comment on agenda item 41 during your September 15, 2020 meeting was denied, with notice that no public comment is allowed. Despite that rejection, we continue to reserve all rights to identify and provide additional comments to your Board in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jane Ellison Usher". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jane Ellison Usher
for MUSICK, PEELER & GARRETT LLP

cc: Laura K. McAvoy, Esq., Musick Peeler & Garrett