

Exhibit 12.b

Planning Division Responses to Written Comments from the Los Padres Forest Watch

Ojai Quarry Reclamation Plan Amendment
Case No. PL18-0136

INTRODUCTION

By letter dated, May 27, 2021, the Los Padres Forest Watch (LPFW) submitted comments in opposition of the proposed Reclamation Plan Amendment (RPA) for the Ojai Quarry. Provided below are the responses of Planning Division staff to the LPFW comments, numbered in correspondence to the marked copy of the LPFW's letter.

RESPONSES TO COMMENTS

1. A Notice of Violation has not been issued to the operator of the Ojai Quarry regarding landscaping issues. Staff continues to work with the operator to achieve compliance with these CUP requirements; and a revised planting plan is being prepared.
2. County staff does not agree that a Subsequent Environmental Impact Report (EIR) is warranted or appropriate for the proposed RPA. The letter provided by LPFW does not include any substantial evidence that the proposed amendment would result in a potentially significant effect on the environment not analyzed in the previously certified EIR. The EIR addendum prepared for the proposed RPA includes environmental findings based on the facts of the case. As discussed in those findings, there are no changes in the project, no changes in the circumstances under which the project is undertaken, and no new information which results in a new significant environmental effect or a substantial increase in the severity of a previously identified significant environmental effect since the certification of the previous EIR (CEQA Section 15162(a)). Therefore, an addendum is the appropriate document to satisfy the requirements of CEQA.
3. County staff does not agree that the proposed RPA sets a precedent. The County's consideration of the proposed RPA is based on compliance with applicable laws and regulations. As indicated in the Planning Director staff report and subsequent decision dated June 25, 2021, staff finds that the proposal meets the requirements of State law and County ordinance. The issues of slope stability and on-site drainage have been adequately addressed in the technical reports attached to the Planning Director and Planning Commission staff reports (see Exhibit 3).
4. The proposed RPA is a logical follow-on item to the Quarry's approved conditional use permit renewal/modification of 2017. The applicant applied for the RPA in 2018. Since that time, staff worked closely with the operator and the State Division of Mine

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Reclamation to thoroughly review and approve the amendment. County staff does not agree that a Subsequent EIR be prepared based on the passage of time. The 1995 EIR has no expiration date and is still a valid CEQA document that analyzes the potential impacts of all phases of the Ojai Quarry. The CEQA guidelines state that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the criteria under Section 15162(a) apply. As described in the environmental findings within the addendum (see Exhibit 4), those criteria do not apply in this case.