

October 1, 2008

City of Oxnard  
Planning Division  
214 South C Street  
Oxnard, CA 93030  
Attn: Kathleen Mallory, Project Planner

Subject: Additional Comments on DEIR – North and South Ormond Beach Specific Plans

Dear Ms Mallory:

The City of Oxnard recently re-circulated a draft EIR (DEIR) for the South Ormond Beach Specific Plan. The review period ended on September 22, 2008. Ventura County Planning Division forwarded comments to you from several County Agencies at that time. Since then, it has been brought to our attention that the County may, in fact, be a Responsible Agency under CEQA due to project details that were not made clear or evaluated in the DEIR. The following outlines our findings:

- The DEIR states that the South Ormond Beach Specific Plan will require up to 1.1 million cubic yards of fill material (page 3.2-25), yet the DEIR does not identify the origin of this fill material and does not evaluate the impacts related to its excavation and/or transport. The EIR should have at minimum evaluated possible fill material locations and haul routes.
- We have been informed that page 8 of the Development Agreement that is currently proposed as part of the Specific Plan states that the "City agrees that grading and soil removal may occur from the Open Space Property and be transported, relocated, and stockpiled, if necessary, on the Project site subject to Grading Permit and/or Stockpile Permit which shall be ministerially processed and approved." The Open Space Property referred to is the southern 220 acres which are not part of the proposed Specific Plan and not proposed to be annexed to the City.
- The intent of the developer to use these 220 acres as a borrow site is not mentioned or evaluated in the EIR. Pursuant to CEQA, our review of the DEIR was limited to the information in the DEIR, not information contained in the Development Agreement. Any information about the project description that is contained in the Development Agreement and which has a potential to impact the environment is required to be included and evaluated in the DEIR.

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Ormond Beach Specific Plan DEIR

- Due to the fact that the 220 acres are not proposed to be annexed, they will remain in Ventura County's jurisdiction. Thus, any agreements between the City and the developer relative to permits on this property would be invalid. Any grading on the 220 acres would be subject to County Ordinances and a grading permit is likely required. If more than 1,000 cubic yards of earth are proposed to be excavated and removed to another site, a mining permit (Conditional Use Permit) is required in the AE zone in accordance with the Ventura County Non-Coastal Zoning Ordinance.
- As such, the County of Ventura appears to be at the very least a responsible agency under CEQA. The DEIR must identify the County as an agency whose approval is required and list the entitlements and/or permits that are needed from the County. In addition, the DEIR must identify the site as a borrow site, identify the extent and depth of the grading, and evaluate all of the impacts associated with the removal of earth from the site.
- It appears that a portion of the project area also lies within the Ventura County Coastal Zone Boundary. Approvals that are required for Ventura County agencies may also require approval from the California Coastal Commission this possibility also needs to be disclosed in the DEIR.

Because the County's role was not identified, the necessary entitlements not identified and the impacts of the project not properly explained or evaluated, the DEIR must be revised and re-circulated so as to give the County the opportunity to review it as a responsible agency or an agency whose approval is required in order for the project to proceed. If the project intends to use the 220 acres as a borrow site, as appears to be the case, presumably the project cannot be approved until the proper permits from appropriate county agency(ies) be obtained.

If you have any questions regarding this letter, you may contact me at 805/654-2497 or Kari Finley at 805/654-3327.

Sincerely,



Bruce Smith  
Manager, General Plan Section

Ref: RMA 08-033