



**BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA**

**SUPERVISORS MATT LAVERE, LINDA PARKS,
KELLY LONG, ROBERT O. HUBER AND CARMEN RAMIREZ IN MEMORIAM
September 13, 2022 at 11:00 a.m.**

Second Public Hearing Regarding Adoption of an Ordinance of the County of Ventura and an Ordinance of the Ventura County Watershed Protection District to Prohibit Camping and Related Activities In, On, or Within Publicly Owned Property in a Red Line Channel or Related Critical Public Infrastructure; All Supervisorial Districts. (Public Works Agency)

- (X) All Board members are present.
- (X) The Board holds a public hearing.
- (X) The following person is heard: David Fleisch.
- (X) Upon motion of Supervisor Long, seconded by Supervisor Huber, and duly carried, the Board hereby approves recommendations as stated in the Board letter.

By: Lori Key
Lori Key
Deputy Clerk of the Board

September 13, 2022

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Subject: Second Public Hearing Regarding Adoption of an Ordinance of the County of Ventura and an Ordinance of the Ventura County Watershed Protection District to Prohibit Camping and Related Activities In, On, or Within Publicly Owned Property in a Red Line Channel or Related Critical Public Infrastructure (Ordinances); Find that Adoption of the Ordinances is Exempt from the California Environmental Quality Act; All Supervisorial Districts.

Recommendations:

1. Adopt an ordinance of the County of Ventura adding Division 5, Chapter 7 of the Ventura County Ordinance Code to prohibit camping and related activities in, on, or within publicly owned property in a red line channel or related critical public infrastructure, attached as Exhibit 1, and an ordinance of the Ventura County Watershed Protection District adopting Chapter 7 of Division 5 of the Ventura County Ordinance Code, attached as Exhibit 2 (collectively, "Ordinances").
2. Find that adoption of the Ordinances is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the adoption of the Ordinances may cause a significant effect on the environment, and CEQA Guidelines section 15308 as a regulatory action to assure the maintenance and protection of the environment, and that no unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2 preclude use of the exemption.
3. Direct County Counsel to prepare, and direct the Clerk of the Board to publish, a summary of the Ordinances pursuant to Government Code section 25124(b)(1).



Fiscal/Mandates Impact:

No fiscal impact from the proposed Ordinances is anticipated to the County or entities toward which the new Ordinances are directed.

Executive Summary:

A public hearing regarding the Ordinances was held by your Board on July 26, 2022, at which time the Ordinances were introduced and read in title only.

The Public Works Agency and the Ventura County Watershed Protection District (“District”) seek adoption of an ordinance of the County of Ventura (Exhibit 1) and a companion ordinance of the Watershed Protection District (Exhibit 2) to prohibit camping and related activities in, on, or within “publicly owned property” in a “Red Line Channel” or “related critical public infrastructure” as those terms are defined by the Ordinances. The purpose of the Ordinances is to protect public health, safety, and natural resources by prohibiting camping and related activities on publicly owned property and critical public infrastructure located within Red Line Channels under the jurisdiction of the District. Note: Since its introduction on July 26th, the proposed County Ordinance (Exhibit 1) has been revised for non-substantive typographical issues.

Discussion:

The County of Ventura owns and holds easements over certain real property located within Red Line Channels under the jurisdiction of the District; the County also owns and operates Related Critical Public Infrastructure (e.g., flood control facilities, access roads, etc.) located in or adjacent to Red Line Channels. In recent years, the number and size of homeless encampments in these Red Line Channels has increased. Red Line Channels are of critical importance to Ventura County in that they directly convey stormwater and runoff to the Pacific Ocean, provide flood control protection, and contain environmentally sensitive habitat areas for endangered and threatened species. In addition, Red Line Channels also contain large amounts of dense, highly flammable vegetation which, while attractive to encampments due to the sense of privacy it provides, is prone to wildfire and presents an impediment to emergency evacuations.

Encampments in Red Line Channels, which are often sited both in river bottoms and on related critical public infrastructure such as levees and access roads, present numerous serious threats to public health, safety, and natural resources by:

- Exposing campers and emergency personnel to flood waters;
- Causing wildfires;
- Exposing campers to bodily injury and death due to incidents and dangerous conditions such as falls into concrete-lined channels;



- Exposing campers to illness-causing bacteria, mosquitos, and other health risks
- Blocking access to critical public infrastructure including levees and concrete channels;
- Damaging levees, fencing and other critical public infrastructure and improvements;
- Damaging and threatening environmentally sensitive habitat areas, endangered and threatened species, water quality and other natural resources due to improperly disposed and discharged trash, debris, toxic materials, and other pollutants such as camping fuel, electronics, human and pet waste, used needles, and wastewater from cooking, laundry and other activities;
- Creating potential compliance issues with the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) and Bacteria and Trash Total Maximum Daily Loads (TMDLs) based on water contamination/pollution issues; and
- Impairing recreational use of riparian areas and beaches based on water contamination and pollution issues.

The County and cities have made significant efforts and financial contributions toward preventing and reducing the number of unhoused individuals by investing in staffing, services, shelter, and housing solutions. In addition, the County's establishment of a coordinated entry system, countywide homeless management information system, and one-stop service centers across Ventura County have helped connect individuals to a range of housing and support services including whole person care, recuperative care, food assistance, rapid housing, emergency shelters, permanent supportive housing, and transitional housing among other services. In recent years, emergency shelter capacity in Ventura County has grown thanks to increased funding from the County and cities, coupled with state funding. These financial contributions have created and supported low barrier emergency shelter programs and seasonal motel placements.

Based on the needs of each unauthorized camper in Red Line Channels, continuing efforts will be made to connect individuals to shelter, and housing options funded by the County and cities ranging from providing shelter, hotels, safe camping/parking, affordable housing, permanent supportive housing, and rentals, among other options.

The District's efforts to clean up and restore the Santa Clara River and other Red Line Channels include the removal of Arundo and tamarisk, invasive species that pose particularly severe threats to the riparian ecosystem, including negative impacts to water quality and quantity, overtaking native plant species, increased flood risk, erosion hazards, and wildfire risk due to their highly flammable characteristics. In conjunction with this clean up and restoration effort, the District has also been performing cleanup of trash and debris.



Pursuant to the proposed Ordinances, no person shall engage in any of the following “Prohibited Activities” in, on, or within publicly owned property in a Red Line Channel or related critical public infrastructure:

- A. Camping or sleeping.
- B. Storing or leaving personal property unattended.
- C. Erecting, building, storing, maintaining, or occupying a tent, recreational vehicle, temporary shelter, or other structure or vehicle.
- D. Igniting or maintaining a campfire, other fire, open flame, or camping stove.

If evidence of camping, personal property storage or other Prohibited Activities is discovered, an attempt will be made to obtain the person’s voluntary compliance and provide outreach and offer resources to facilitate relocation. If they do not voluntarily comply, a written notice shall be conspicuously posted on or near the site advising that such Prohibited Activities must cease and/or property removed within the time stated in the notice, which shall not be less than 72 hours of the posting of the notice (“Notice to Vacate”).

If the Prohibited Activities do not cease and/or personal property is not removed by the date and time stated in the notice, the persons engaging in the activities shall be subject to citation, and the personal property shall be subject to removal and storage. Any removed personal property shall be retained and stored for at least 90 calendar days and notice shall be posted at the site where the property was recovered providing clear instructions for anyone wishing to claim the property. Any personal property not claimed after 90 days will be deemed abandoned and will be disposed of or donated. Nuisance materials and items and materials that are clearly abandoned will not be stored and will instead be immediately discarded.

In addition, immediate vacation is required if an Emergency Order is issued to clear an area required for emergency access to related critical public infrastructure, or in response to an emergency situation posing imminent risk of death or injury such as predicted high water flows, active wildfire, or the location of an encampment in an inherently dangerous location such as adjacent to a high channel ledge. Following the issuance of an Emergency Order, to the extent reasonably possible under the circumstances, any personal property that is left behind shall be retained and stored.

A violation of the Ordinances (e.g., engaging in a Prohibited Activity after the date and time specified in a Notice to Vacate) shall constitute an infraction subject to the general enforcement provisions set forth in Section 13 of the Ventura County Ordinance Code. However, enforcement of the Ordinances shall not limit the authority to enforce other applicable local and state laws.



This item has been reviewed by the Auditor-Controller's Office, County Executive Office, and County Counsel.

If you have any questions regarding this item, please contact the undersigned at (805) 654-2373 or Glenn Shephard, Watershed Protection Director at (805) 654-2040.



David Fleisch, P.E.
Assistant Director

Attachments:

- Exhibit 1 – Ordinance of the County of Ventura adding Division 5, Chapter 7 to the Ventura County Ordinance Code
- Exhibit 2 – Ordinance of the Watershed Protection District adopting Division 5, Chapter 7 of the Ventura County Ordinance Code



ORDINANCE NO. 4605

**AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA,
ADDING DIVISION 5, CHAPTER 7 OF THE VENTURA COUNTY ORDINANCE CODE
TO PROHIBIT CAMPING AND RELATED ACTIVITIES IN, ON, OR WITHIN A RED
LINE CHANNEL OR RELATED CRITICAL PUBLIC INFRASTRUCTURE**

The Board of Supervisors of the County of Ventura ordains as follows:

Section I

The Board of Supervisors hereby finds and declares as follows:

1. In recent years, the number and size of homeless encampments in river bottoms and on related critical public infrastructure in red line channels under the jurisdiction of the Ventura County Watershed Protection District ("Red Line Channels") have increased.

2. Red Line Channels are of critical importance to Ventura County in that they directly convey stormwater and runoff to the Pacific Ocean, provide flood control protection, and contain environmentally sensitive habitat areas for endangered and threatened species. Red Line Channels also contain large amounts of dense, highly flammable vegetation which, while attractive to encampments due to the sense of privacy it provides, is prone to wildfire and presents an impediment to emergency evacuations.

3. Encampments in Red Line Channels, which are often sited both in river bottoms and on related critical public infrastructure such as levees and access roads, present numerous serious threats to public health, safety and natural resources, including by:

- a. Exposing campers and emergency personnel to flood waters;
- b. Causing wildfires;
- c. Exposing campers to bodily injury and death due to incidents and dangerous conditions such as falls into concrete-lined channels;
- d. Exposing campers to illness-causing bacteria, mosquitos, and other health risks;
- e. Blocking access to critical public infrastructure including levees and concrete channels;
- f. Damaging levees, fencing and other critical public infrastructure and improvements;
- g. Damaging and threatening environmentally sensitive habitat areas, endangered and threatened species, water quality and other natural resources due to improperly disposed and discharged trash, debris, toxic materials and other pollutants such as camping fuel, electronics, human and

pet waste, used needles, and wastewater from cooking, laundry and other activities;

- h. Creating potential compliance issues with the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) and Bacteria and Trash Total Maximum Daily Loads (TMDLs) based on water contamination/pollution issues; and
- i. Impairing recreational use of riparian areas and beaches based on water contamination and pollution issues.

4. The County is currently engaged in a collaborative effort, supported by the Board of Supervisors, to clean up and restore the Santa Clara River and other Red Line channels, while at the same time preventing the displacement of unhoused individuals residing in Red Line Channels to nearby areas. County and city coordination is a key aspect of this effort to facilitate direct outreach and assistance to unhoused individuals and successful placements in temporary shelter and permanent housing. County departments involved in this effort include the Human Services Agency, Health Care Agency, Ventura County Sheriff's Office, Fire Protection District, Public Works Agency, General Services Agency, and CEO Community Development Team and Community Liaison.

5. The County and cities have made significant efforts and financial contributions toward preventing and ending homelessness by investing in staffing, services, shelter and housing solutions. In addition, the County's establishment of a coordinated entry system, countywide homeless management information system, and one-stop service centers across Ventura County have helped connect individuals to a range of housing and support services including whole person care, recuperative care, food assistance, rapid housing, emergency shelters, permanent supportive housing, and transitional housing among other services. In recent years, emergency shelter capacity in Ventura County has grown thanks to increased funding from the County and cities, coupled with state funding. These financial contributions have created and supported low barrier emergency shelter programs and seasonal motel placements.

6. Based on the needs of each unhoused individual camping in Red Line Channels, continuing efforts will be made to connect individuals to shelter and housing options funded by the County and cities ranging from providing shelter, hotels, safe camping/parking, affordable housing, permanent supportive housing, and rentals, among other options.

7. The County's effort to clean up and restore the Santa Clara River and other Red Line Channels includes the removal of Arundo and tamarisk, invasive species that pose particularly severe threats to the riparian ecosystem, including negative impacts to water quality and quantity, overtaking native plant species, increased flood risk, erosion hazards, and wildfire risk due to their highly flammable characteristics.

8. In conjunction with this watershed clean up and restoration effort, County Whole Person Care and numerous County agencies and partners have been conducting direct outreach to the individuals camping in the Santa Clara River bottom and other Red Line Channels to share available resources for shelter, healthcare, and basic needs. The Ventura County Watershed Protection District has been performing cleanup of trash and debris.

9. By adopting this ordinance the Board of Supervisors recognizes and formally establishes that human habitation within Red Line Channels is inappropriate and unacceptable based on the numerous serious threats to public health and safety, and to natural resources, set forth above. The County will continue working with cities and its other partners to provide a variety of temporary and permanent housing options that will serve as alternatives to camping on publicly owned property in Red Line Channels.

Section II

Chapter 7 of Division 5 of the Ventura County Ordinance Code is hereby added to the Ventura County Ordinance Code to read as follows:

Chapter 7 – Protection of Watercourses and Related Critical Public Infrastructure

5700 – Purpose. The purpose of this Chapter is to protect public health, safety and natural resources by prohibiting camping and related activities on publicly owned property and critical public infrastructure located within Red Line Channels under the jurisdiction of the Ventura County Watershed Protection District (“District”).

5701 – Definitions.

For purposes of this Chapter, the following definitions shall apply:

- A. “Publicly owned property” means land in which the County or District owns or holds any real property interest including fee ownership and easement.
- B. “Public park” means any area created, established, designated or maintained by any federal, state, or local agency for public recreational use.
- C. “Red Line Channel” means a red line flood control channel designated by and under the jurisdiction of the District. The list of Red Line Channels, which was most recently adopted by the District’s governing board in 1994, <https://www.vcpbublicworks.org/wp-content/uploads/2018/12/VCFCD-Channels-List.pdf>, is incorporated herein by this reference. Any subsequent amendments to this list of Red Line Channels are incorporated into this definition by this reference.

- D. "Related critical public infrastructure" means publicly owned flood control facilities, access roads, flood control and appurtenant structures and improvements located in or adjacent to Red Line Channels.
- E. "Nuisance materials" refers to items including trash and debris which are unsanitary; may produce an odor; attract or harbor insects or rodents or provide a breeding place for them; may lead to an infectious disease; or are otherwise hazardous to the health, safety, and welfare of County staff or the general public.

5702 – Prohibited Activities.

No person shall engage in any of the following "Prohibited Activities" in, on, or within publicly owned property in a Red Line Channel or related critical public infrastructure:

- A. Camping or sleeping.
- B. Storing or leaving personal property unattended.
- C. Erecting, building, storing, maintaining or occupying a tent, recreational vehicle, temporary shelter, or other structure or vehicle.
- D. Igniting or maintaining a campfire, other fire, open flame or camping stove.

5703 – Exclusions.

This Chapter shall not be construed to prevent any person from engaging in a Prohibited Activity within a public park if the activity is expressly allowed by applicable park rules.

5704 – Obtaining Compliance; Storage of Personal Property.

- A. County shall endeavor to maintain all publicly owned property in Red Line Channels and related critical public infrastructure free of Prohibited Activities while also ensuring these efforts do not criminalize persons experiencing homelessness. Before issuing a citation pursuant to Section 5705 below, attempts shall be made to obtain the person's voluntary compliance with this Section pursuant to subsection (B) or (C) below, as applicable, and provide outreach and offer resources to facilitate relocation.
- B. If evidence of camping, personal property storage or other Prohibited Activities is discovered, a written notice shall be posted conspicuously on or near the site advising that such Prohibited Activities must cease and/or property removed within the time stated in the notice, which shall not be less than 72 hours of the posting of the notice ("Notice to Vacate"). If the Prohibited Activities do not cease and/or personal property is not removed by the date and time stated in the notice, the persons engaging in the activities shall be

subject to citation pursuant to Section 5705 below, and the personal property shall be subject to removal and storage. Any removed personal property, except for nuisance materials, shall be retained and stored for at least 90 calendar days and notice posted at the site where the property was recovered providing clear instructions for anyone wishing to claim the property. Any personal property not claimed after 90 days will be deemed abandoned and will be disposed of or donated. Nuisance materials and items and materials that are clearly abandoned will not be stored and will instead be immediately discarded.

C. Notwithstanding subsections (A) and (B) above, persons are required to immediately cease Prohibited Activities and vacate the area pursuant to a public agency's order or directive issued (i) in response to an emergency situation posing imminent risk of death or injury such as predicted high water flows, active wildfire or the location of an encampment in an inherently dangerous location such as adjacent to a high channel ledge, or (ii) to clear an area required for emergency access to related critical public infrastructure ("Emergency Order"). Following the issuance of an Emergency Order, to the extent reasonably possible under the circumstances, any personal property that is left behind shall be retained and stored in accordance with the provisions of subsection (B) above, except that no 72-hour notice is required prior to removal of the property.

5705 – Violations.

Engaging in a Prohibited Activity after the date and time specified in the Notice to Vacate posted pursuant to Section 5704(B) above, or after the date and time specified in an Emergency Order issued pursuant to Section 5704(C) above, shall constitute an infraction subject to the general enforcement provisions set forth in Section 13 of the Ventura County Ordinance Code. Enforcement of this Section shall not limit the authority to enforce other applicable local and state laws.

Section III

If any section or provision of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the ordinance. The Board of Supervisors would have adopted this ordinance and each section and provision thereof irrespective of the fact that any one or more sections or provisions be deemed invalid.

Section IV

This ordinance shall take effect and become operative 30 days after adoption.

PASSED AND ADOPTED this 13 day of September, 2022, by the following vote:

AYES: Supervisors Parks, Long, Huber and LaVere
NOES: none
ABSENT: none

Matt J. V.
CHAIR, BOARD OF SUPERVISORS

ATTEST:
Sevet Johnson, PsyD,
Clerk of the Board of Supervisors,
County of Ventura, State of California

By Don Key
Deputy Clerk of the Board



ORDINANCE NO. WP. 3

AN ORDINANCE OF THE VENTURA COUNTY WATERSHED PROTECTION DISTRICT ADOPTING BY REFERENCE DIVISION 5, CHAPTER 7 OF THE VENTURA COUNTY ORDINANCE CODE TO PROHIBIT CAMPING AND RELATED ACTIVITIES IN, ON, OR WITHIN A RED LINE CHANNEL OR RELATED CRITICAL PUBLIC INFRASTRUCTURE

The Board of Supervisors of the Ventura County Watershed Protection District ordains as follows:

Section I

Chapter 7 of Division 5 of the Ventura County Ordinance Code is hereby adopted by the Ventura County Watershed Protection District by this reference as though fully set forth herein, including any subsequent amendments thereto.

Section II

If any section or provision of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the ordinance. The Board of Supervisors would have adopted this ordinance and each section and provision thereof irrespective of the fact that any one or more sections or provisions be deemed invalid.

Section III

This ordinance shall take effect and become operative 30 days after adoption.

PASSED AND ADOPTED this 13 day of September, 2022, by the following vote:

AYES: Supervisors Parks, Long, Huber and Labere
NOES: none
ABSENT: none

Matt [Signature]
CHAIR, BOARD OF SUPERVISORS

ATTEST:
Sevet Johnson
Clerk of the Board of Supervisors
County of Ventura, State of California

By [Signature]
Deputy Clerk of the Board

