



RESOLUTION NO. 197 - 2018

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**WHEREAS**, on December 15, 2015, the Board of Supervisors adopted Resolution 195-2015, Certifying the Final Program Environmental Impact Report (FEIR), SCH# 2012052074, for the Targeted General Plan Amendment and Zoning Ordinance Update (TGPA/ZOU); and

**WHEREAS**, Petitioners, Rural Communities United, filed a Petition for Writ of Mandate challenging the adequacy of the EIR, among other things, in the case entitled *Rural Communities United v. El Dorado County Board of Supervisors, County of El Dorado (Case No. PC-20160024)*; and

**WHEREAS**, after preparation and certification of the administrative record and briefing by the parties, the hearing on the petition was scheduled for March 19, 2018; and

**WHEREAS**, the Superior Court of El Dorado County issued a tentative ruling on the matter which prompted the Petitioner to request a long cause hearing which was scheduled for April 25, 2018; and

**WHEREAS**, the tentative ruling ordered partial decertification of the TGPA/ZOU Final Program EIR only related to the specific responses to comment numbers O-1-54 to O-1-58 , O-1-62, O-1-70, I-37-14, I-37-16, I-37-23, and I-37-24 (in the FEIR Chapter 9, Responses to Comments) and the portion of the FEIR [Executive Summary Section ES.5 (Potential Areas of Controversy/Issues to be Resolved)] related to the disagreement between the California Board of Forestry and Fire Protection and the County concerning the project and the requirements to comply with Government Code, Sections 65302(G)(1) and 65302(G)(3)(C); and otherwise rejected all of Petitioner's claims; and

**WHEREAS**, on April 25, 2018, the El Dorado County Superior Court held a hearing in Department 9 on the petition and after extensive oral argument took the matter under submission; and

**WHEREAS**, on May 16, 2018, the El Dorado County Superior Court issued its final Ruling Following Oral Argument and adopted its tentative ruling as the final ruling on the submitted matter with minor modifications and corrections and a few additional comments/rulings on some of the oral arguments made at the hearing; and

**WHEREAS**, on July 25, 2018, the Court signed and filed a formal judgment that did not change any of the provisions of the final Ruling Following Oral Argument and issued a writ of mandamus that directed the County to partially decertify the FEIR only as it relates to (a) the specific responses to comment numbers O-1-54 to O-1-58, O-1-62, O-1-70, I-37-14, I-37-16, I-37-23, and I-37-24 (in the Final EIR Chapter 9, Responses to Comments), and (b) the portion of the FEIR [Executive Summary Section ES.5 (Potential Areas of Controversy/Issues to be Resolved)] related to the disagreement between the California Board of Forestry and Fire Protection and the County concerning the project and the requirements to comply with Government Code, Sections 65302(G)(1) and 65302(G)(3)(C).

**NOW, THEREFORE, BE IT RESOLVED**

Pursuant to the Writ of Mandate signed on July 25, 2018 in the case entitled *Rural Communities United v. El Dorado County Board of Supervisors, County of El Dorado (Case No. PC-20160024)*, ("Writ of Mandate"), the Board hereby resolves as follows:

The Board hereby decertifies specific limited components of the TGPA/ZOU Final Program EIR only as to (a) the responses to comments O-1-54 to O-1-58, O-1-62, O-1-70, I-37-14, I-37-16, I-37-23, and I-37-24; and, (b) Executive Summary Section ES.5 (Potential Areas of Controversy/ Issues to be Resolved).

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 18th day of September, 2018, by the following vote of said Board:

Attest:  
James S. Mitrisin  
Clerk of the Board of Supervisors

By:  \_\_\_\_\_  
Deputy Clerk

Ayes: Hidahl, Frentzen, Veerkamp, Ranalli, Novasel  
Noes: None  
Absent: None

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Chair, Board of Supervisors  
Michael Ranalli