

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA
RESOLUTION NO. _____

A RESOLUTION VACATING, SETTING ASIDE, AND RESCINDING LAND USE
APPROVALS FOR THE GUENOC VALLEY MIXED USE PLANNED
DEVELOPMENT PROJECT

WHEREAS, on or about July 21 and August 4, 2020, the Lake County Board of Supervisors approved a number of actions in regard to the Guenoc Valley Mixed Use Planned Development Project (hereinafter, the "Project"); and

WHEREAS, the actions of the Board of Supervisors were challenged in Superior Court by separate petitions for peremptory writ of mandate, which actions were subsequently consolidated for certain purposes by the Court; and

WHEREAS, in its Ruling and Order on Petitions for Writ of Mandate, the Superior Court expressly concluded that the County's findings regarding community emergency evacuation routes were not supported by substantial evidence and, for that reason, the Environmental Impact Report (hereinafter, "EIR") does not comply with the California Environmental Quality Act (hereinafter, "CEQA"); and

WHEREAS, as a result of that limited ruling in favor of the petitioners, the Superior Court entered its Judgment and issued a Peremptory Writ of Mandate wherein the Court ordered the County to set aside and vacate its (a) certification of the final EIR, (b) findings relating to impacts to an adopted emergency evacuation plan, and (c) approval of the Project; and

WHEREAS, the County's approvals of the Project included the Amendment to the Lake County General Plan (GPAP 18-01) for the Guenoc Valley Mixed Use Commercial Development; the Amendment to General Plan Policy LU 6.12 of Chapter 3, section 3.9 (Economic Development) of the Lake County General Plan; Ordinance No. 3095 Establishing Regulations and Development Standards for the Guenoc Valley Zoning District or "GVD District" (Zoning Ordinance Text Amendment (AM 18-04)); Ordinance No. 3093, Adopting a Sectional District Zoning Map No. 3.7 (b)(1) 401; Ordinance No. 3094, Adopting a Sectional District Zoning Map No. 3.7(b)(1) 402; General Plan of Development (GPD 18-01); Major Use Permit (UP 18-49); Tentative Subdivision Map (SD 18-01); Development Agreement (DA 18-01); Tentative Subdivision Map (SD 20-01); and Major Use Permit (UP 20-02); and

WHEREAS, by this resolution, it is the intention of the Board of Supervisors to comply with the Judgment and Peremptory Writ of Mandate of the Superior Court ordering the County to vacate and set aside the above described actions adopted by motion or resolution; and

WHEREAS, by ordinances to be adopted separately, the Board of Supervisors will vacate and set aside the above described actions that were adopted by ordinance.

NOW, THEREFORE, BE IT RESOLVED that as to certain actions taken by the County Board of Supervisors on or about July 21 and August 4, 2020, in regard to the Project, this Board hereby finds and declares, and orders as follows:

1. The action taken by motion to certify that the EIR prepared for this Project was completed in compliance with CEQA, to adopt the Mitigation Monitoring and Reporting Program, and to adopt Findings of Fact and a Statement of Overriding Considerations, is hereby vacated, set aside, and rescinded.
2. The action taken by motion to amend General Plan Policy LU 6.12 of Chapter 3, section 3.9 (Economic Development) of the Lake County General Plan to include section 6.12.3, to read: "The provisions of LU 6.12.2 and 6.12.2 shall not apply to the Langtry/Guenoc Special Study Area of the Middletown Area Plan", is hereby vacated, set aside, and rescinded.
3. The adoption of Resolution No.2020-90, Adopting the Lake County General Plan Amendment (GPAP 18-01) for the Project is hereby vacated, set aside, and rescinded.
4. The action taken by motion to approve the General Plan of Development (GPD 18-01) subject to Conditions of Approval, is hereby vacated, set aside, and rescinded.
5. The actions taken by motion to find Major Use Permit (UP 18-49) meets the requirements of Article 15, section 15.7 and Article 51, section 51.4 of the Lake County Zoning Ordinance and to grant the Major Use Permit are hereby vacated, set aside, and rescinded.
6. The actions taken by motion to find that Tentative Subdivision Map (SD 18-01) is in conformity with the Subdivision Map Act and Lake County Code and to approve said Tentative Subdivision Map are hereby vacated, set aside, and rescinded.
7. The action to approve the Development Agreement (DA-18-01) is hereby vacated, set aside, and rescinded.
8. The actions taken by motion finding that Tentative Subdivision Map (SD-20-01) is in conformity with the provisions of the Subdivision Map Act and Chapter 17 of the Lake County Code and approving said Map are hereby vacated, set aside, and rescinded.
9. The actions taken by motion to find that Major Use Permit (UP 20-02) for the community clubhouse and duplexes meets the requirements of Article 51,

section 51.4 and Article 27, section 27.11(f) of the Lake County Zoning Ordinance and to grant Major Use Permit, UP 20-02 are hereby vacated, set aside, and rescinded.

10. The adoption of Lake County Ordinances No. 3093, No. 3094, and No. 3095 each shall be vacated, set aside, and rescinded by separate ordinances.

11. CEQA Review. This Board finds that this resolution is exempt under California Public Resources Code Section 21080(b)(1) as a ministerial action in order to comply with the Superior Court's Judgment and Writ of Mandate and pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that adoption of this resolution will have no significant effect on the environment

THIS RESOLUTION WAS PASSED AND ADOPTED by the Board of Supervisors of the County of Lake, State of California, at a regular meeting thereof on _____, 2022 by the following vote:

AYES

NOES:

ABSENT OR NOT VOTING:

CHAIR, Board of Supervisors

ATTEST: SUSAN PARKER
Clerk of the Board of Supervisors

APPROVED AS TO FORM:
ANITA L. GRANT County
Counsel

By: _____

By: _____