

BEFORE THE BOARD OF SUPERVISORS OF THE  
COUNTY OF AMADOR, STATE OF CALIFORNIA

IN THE MATTER OF:

RESOLUTION VACATING PROJECT APPROVALS ) RESOLUTION NO. 14-024  
AND UNDERLYING ENVIRONMENTAL FINDINGS )  
AND CERTIFICATIONS IN CONNECTION WITH THE )  
NEWMAN RIDGE PROJECT IN COMPLIANCE WITH )  
THE AMADOR COUNTY SUPERIOR COURT'S )  
WRIT OF MANADATE FILED MARCH 5, 2014 )

WHEREAS, the County of Amador seeks to comply with the order, judgment granting writ, and writ of mandate issued in the litigation entitled *Ione Valley Land, Air, and Water Defense Alliance, LLC. v. County of Amador, et al.*, Amador Superior Court Case No. 12-CVC-08091; and

WHEREAS, the order, judgment granting writ, and writ of mandate require the County of Amador, among other things, to vacate certification of the EIR, Findings and Statement of Overriding Considerations supporting the Project, and to vacate approval of the Project based on the EIR, Findings and Statement of Overriding Considerations supporting the Project.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF AMADOR COUNTY, CALIFORNIA HEREBY RESOLVES AS FOLLOWS:

1. The certification of the EIR and the findings and Statement of Overriding Considerations supporting the Newman Ridge Project by the Board of Supervisors on October 9, 2013 are vacated, as directed by the court order.
2. The approval of the Newman Ridge Project, along with all related land use entitlements and approvals based on the EIR, Findings and Statement of Overriding Considerations supporting the Project are vacated, as directed by the court order.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 8<sup>th</sup> day of April, 2014 by the following vote:

AYES: Theodore F. Novelli, Brian Oneto, John Plasse, Louis D. Boitano and  
Richard M. Forster

NOES: None

ABSENT: None

  
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Theodore F. Novelli, Chairman

ATTEST:  
JENNIFER BURNS, Clerk of the  
Board of Supervisors, Amador County,  
California

  
\_\_\_\_\_  
Deputy



GREGORY GILLOTT  
County Counsel

JENNIFER MACEE, DEPUTY  
GRACE PAK, DEPUTY  
ANGELA CREACH, PARALEGAL  
JULIE BROWN, LEGAL SECRETARY

## AGENDA ITEM REPORT

TO: Board of Supervisors  
FROM: Greg Gillott  
County Counsel  
DATE: April 1, 2014  
RE: Consideration and possible action regarding a resolution to vacate the Newman Ridge Project decision and related underlying environmental findings and certifications in compliance with the court's decision

### DISCUSSION

This agenda item provides for the County of Amador to comply with certain provisions of the final court order in the litigation entitled *Ione Valley Land, Air, and Water Defense Alliance, LLC. v. County of Amador, et al.*, Amador Superior Court Case No. 12-CVC-08091.

The court's writ of mandate, filed March 5, 2014, requires the County do all of the following:

1. Vacate certification of the EIR, Findings and Statement of Overriding Considerations supporting the Project;
2. Vacate approval of the Project based on the EIR, Findings and Statement of Overriding Considerations supporting the Project;
3. Recirculate for public comment the revised Draft EIR pertaining to traffic issues. The revised Draft EIR must summarize the revisions made to the previously circulated Draft EIR, respond to comments, and provide notice of recirculation as required by Public Resources Code section 21092.1;
4. Decide anew whether to certify the new EIR and Findings and Statement of Overriding Considerations supporting the Project;
5. Decide anew whether to approve the Project based upon the new EIR Findings and Statement of Overriding Considerations; and
6. Notify the court within 60 days, by way of a return to the peremptory writ, that it has complied with paragraphs 1 and 2, and notify the court by way of a further return to the writ, of compliance with the remaining provisions promptly following such compliance.

The attached resolution, which is recommended for adoption, satisfies paragraphs 1 and 2. Staff is moving forward with efforts to comply with the remaining provisions.