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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF PLACER

LEAGUE TO SAVE LAKE TAHOE, MOUNTAIN AREA PRESERVATION FOUNDATION, and SIERRA WATCH, Petitioners, v. PLACER COUNTY; PLACER COUNTY BOARD OF SUPERVISORS; and DOES 1-20, Respondents. SIERRA PACIFIC INDUSTRIES; MOUNTAINSIDE PARTNERS LLC; MVWP DEVELOPMENT LLC; and DOES 21-40, Real Parties in Interest.	Case No. **Verified Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief** [California Environmental Quality Act ("CEQA"), Pub. Res. Code § 21000 et seq.; CCP §§ 1085 (alternatively 1094.5)]

INTRODUCTION

1. This action challenges the decision of Placer County and the Placer County Board of Supervisors (collectively "the County" or "Respondents") to adopt the Martis Valley West Parcel Specific Plan ("MVWP" or "Specific Plan") and associated resolutions and ordinances (collectively, "the Project") and to certify the environmental impact report ("EIR") for the Project. The Project site consists of over 7,000 acres of undeveloped, forested land in the Martis Valley, an environmentally sensitive area that borders one of California's most treasured resources, the Lake Tahoe Basin. The challenged MVWP allows for the construction of 760 residential units and 56,500 square feet of commercial and amenity uses in buildings as high as 75 feet on the scenic ridge overlooking Lake Tahoe. The development would have severe, irreversible impacts on the Project site and surrounding North Tahoe region, including gridlock conditions on State Route 267, destruction of Martis Valley natural resources, and degradation of Lake Tahoe and its famed clarity. These impacts, however, were not adequately evaluated or mitigated by Respondents' public planning process, as required by CEQA.

2. Respondents' actions in approving the Project violated the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq.; and the CEQA Guidelines, California Code of Regulations, Title 14, section 15000 et seq. Among other flaws, the EIR (a) fails to provide an accurate, stable or complete description of the Project or its environmental setting; (b) fails to adequately analyze or mitigate the Project's numerous environmental impacts, including direct, indirect, and cumulative impacts on Lake Tahoe, biological resources, traffic and air quality, fire and emergency hazards, climate change, night sky and scenic/visual resources, and population and housing; and (c) fails to evaluate a reasonable range of alternatives.

3. Respondents also violated the California Timberland Productivity Act, Government Code section 51100 et seq., by adopting the Project. The Project requires an immediate rezoning of approximately 662 acres from its current Timber Production Zone ("TPZ") designation. TPZ zones limit land uses to timber growth and harvest and compatible uses, and generally require a waiting period of ten (10) years for a rezoning to allow other

uses. An immediate rezone is possible only after the County's Board of Supervisors, by a four-fifths vote of the full body, makes certain required findings under the Act. The County's findings here—that a luxury development project of largely second homes purportedly meets the standards for an immediate rezone—are not supported by substantial evidence. Accordingly, the County's actions in approving the immediate rezone were arbitrary and capricious and must be set aside.

4. Placer County's planning documents have repeatedly recognized the importance of protecting Martis Valley's natural resources to ensure the sustainability of the Sierra Nevada and Lake Tahoe area. Notwithstanding these pronouncements, the Project, as approved, allows for development that would severely degrade and irreparably impair this sensitive environment. Indeed, as Petitioners and others demonstrated throughout the administrative process, adopting a Project that allows for intensive, suburban development in the pristine wilderness environment of Martis Valley, without conducting an adequate environmental review, threatens the very qualities of scenic, natural beauty that attract residents and visitors to Martis Valley and Lake Tahoe in the first place.

PARTIES

5. Petitioner League to Save Lake Tahoe (the "League") is the leading environmental organization advocating for the protection and restoration of Lake Tahoe. The League is a private nonprofit organization with thousands of members from throughout the United States. Since 1957, the League has worked to protect the public interest in the restoration and preservation of Lake Tahoe and the Lake Tahoe Basin, an area surrounding the Lake and designated for protection under state and federal law. Members of the organization use and enjoy the natural, recreational and scenic resources of Martis Valley, which is a key gateway to Lake Tahoe and the Tahoe Basin. The interests that the League seeks to further in this action are within the purposes and goals of the organization. The League and its members have a direct and beneficial interest in the County's compliance with CEQA, the CEQA Guidelines, and the California Timberland Productivity Act. These interests will be directly and adversely affected by the Project, which violates provisions of law as set forth in this Petition and which

would cause substantial and irreversible harm to the natural environment. The maintenance and prosecution of this action will confer a substantial benefit on the public by protecting the public from the environmental and other harms alleged herein. The League submitted comments to the County objecting to and commenting on the Project and the EIR.

6. Petitioner Mountain Area Preservation Foundation (doing business as Mountain Area Preservation or "MAP") is a California nonprofit corporation whose purpose is to maintain the quality of life and protect the environment of the Town of Truckee and neighboring areas, including Martis Valley. The members of MAP seek responsible growth that is consistent with maintaining the open space, natural resources, viewsheds, and the unique, small town character of the Sierra region, including Martis Valley. Members of MAP are residents of Truckee and North Lake Tahoe. Members of MAP use and enjoy the natural and scenic resources of Lake Tahoe and Martis Valley, where the Project would be developed, and use and enjoy the recreation opportunities offered in Martis Valley. The interests that MAP seeks to further in this action are within the purposes and goals of the organization. MAP and its members have a direct and beneficial interest in the County's compliance with CEQA, the CEQA Guidelines, and the California Timberland Productivity Act. These interests will be directly and adversely affected by the Project, which violates provisions of law as set forth in this Petition and which would cause substantial and irreversible harm to the natural environment. The maintenance and prosecution of this action will confer a substantial benefit on the public by protecting the public from the environmental and other harms alleged herein. MAP submitted comments to the County objecting to and commenting on the Project and the EIR.

7. Petitioner Sierra Watch is a community-based organization of citizens dedicated to protecting the unique scenic, biological, and natural resources of the Sierra Nevada region, including Martis Valley, and is organized as a California nonprofit public benefit corporation. Sierra Watch was formed to assist Sierra-based groups and individuals with education and information so that they can participate effectively in local planning processes. Supporters of Sierra Watch use and enjoy the natural and scenic resources of Martis Valley, where the Project would be developed, and use and enjoy the recreation opportunities offered in Martis Valley.

Supporters of Sierra Watch are residents and taxpayers of Placer County who will be negatively affected by the Project's adverse environmental impacts and improper land use approvals. The interests that Sierra Watch seeks to further in this action are within the purposes and goals of the organization. Sierra Watch and its supporters have a direct and beneficial interest in the County's compliance with CEQA, the CEQA Guidelines, and the California Timberland Productivity Act. These interests will be directly and adversely affected by the Project, which violates provisions of law as set forth in this Petition and which would cause substantial and irreversible harm to the natural environment. The maintenance and prosecution of this action will confer a substantial benefit on the public by protecting the public from the environmental and other harms alleged herein. Sierra Watch submitted comments to the County objecting to and commenting on the Project and the EIR.

8. Respondent Placer County, a political subdivision of the State of California, is responsible for regulating and controlling land use in the unincorporated territory of the County, including, but not limited to, implementing and complying with the provisions of CEQA and the California Timberland Productivity Act. Respondent County is the "lead agency" for purposes of Public Resources Code section 21067, with principal responsibility for conducting environmental review and approving the Project.

9. Respondent Board of Supervisors is the duly elected legislative body for Placer County. As the decision-making body, the Board of Supervisors is charged with the responsibilities under CEQA for conducting a proper review of the proposed action's environmental impacts and granting the various approvals necessary for the MVWP.

10. Petitioners do not know the true names and capacities, whether individual, corporate, associate, or otherwise, of Respondents Doe 1 through Doe 20, inclusive, and therefore sue said Respondents under fictional names. Petitioners allege, upon information and belief, that each fictionally named Respondent is responsible in some manner for committing the acts upon which this action is based. Petitioners will amend this Petition to show their true names and capacities if and when the same have been ascertained.

11. Real Party in Interest Sierra Pacific Industries ("SPI") is listed as a "Project Applicant/Owner" on the Notice of Determination for the Final EIR for the Specific Plan filed and posted by the County Clerk of Placer County on October 12, 2016. SPI is also listed in the County's environmental review documents as the owner of the entire Project site. Petitioners are informed, and on that basis allege, that SPI is a company incorporated in the State of California and doing business in the State of California.

12. Real Party in Interest Mountainside Partners LLC is listed as a "Project Applicant/Owner" on the Notice of Determination for the Final EIR for the Specific Plan filed and posted by the County Clerk of Placer County on October 12, 2016. Petitioners are informed, and on that basis allege, that Mountainside Partners LLC is the Project developer. Petitioners are informed, and on that basis allege, that Mountainside Partners LLC is a company incorporated in the State of Delaware and doing business in the State of California.

13. Real Party in Interest MVWP Development LLC is listed as a "Project Applicant/Owner" on the Notice of Determination for the Final EIR for the Specific Plan filed and posted by the County Clerk of Placer County on October 12, 2016. Petitioners are informed, and on that basis allege, that MVWP Development LLC is a company incorporated in the State of Delaware and doing business in the State of California.

14. Petitioners do not know the true names and capacities, whether individual, corporate, associate, or otherwise, of Real Parties in Interest Doe 21 through Doe 40, inclusive, and therefore sue said Real Parties in Interest under fictional names. Petitioners allege, upon information and belief, that each fictionally named Real Party in Interest is responsible in some manner for committing the acts upon which this action is based or has material interests affected by the Project or by the County's actions with respect to the Project. Petitioners will amend this Petition to show their true names and capacities if and when the same have been ascertained.

JURISDICTION AND VENUE

15. Pursuant to California Code of Civil Procedure sections 526, 527, 1060, 1085 (alternatively section 1094.5), and 1087; and Public Resources Code sections 21168.5

(alternatively section 21168) and 21168.9, this Court has jurisdiction to issue a writ of mandate to set aside Respondents' decision to certify the EIR and approve the Project.

16. Venue is proper in this Court because the causes of action alleged in this Petition arose in Placer County where the proposed Project takes place.

17. Petitioners have complied with the requirements of Public Resources Code section 21167.5 by serving a written notice of Petitioners' intention to commence this action on the County on November 9, 2016. A copy of the written notice and proof of service is attached hereto as Exhibit A.

18. Petitioners will comply with the requirements of Public Resources Code section 21167.6 by concurrently filing a notice of their election to prepare the record of administrative proceedings relating to this action.

19. Petitioners have complied with the requirements of Public Resources Code section 21167.7 by sending a copy of this Petition to the California Attorney General on November 10, 2016. A copy of the letter transmitting this Petition is attached hereto as Exhibit B.

20. Petitioners have performed any and all conditions precedent to filing this instant action and have exhausted any and all available administrative remedies to the extent required by law.

21. Petitioners have no plain, speedy, or adequate remedy in the course of ordinary law unless this Court grants the requested writ of mandate to require Respondents to set aside their certification of the EIR and approval of the Project. In the absence of such remedies, Respondents' approval will remain in effect in violation of state law.

STATEMENT OF FACTS

Project Location and Background

22. SPI's property in Martis Valley spans 7,568 acres, and is located between the Town of Truckee and the north shore of Lake Tahoe. The majority of the property (6,376 acres) is on the east side of SR 267 ("East Parcel"); 1,192 acres are on the west side of SR 267 ("West Parcel"). A small portion of SPI's property (about 140 acres) falls within the Lake Tahoe Basin, and the remainder is adjacent to the Tahoe Basin. The Lake Tahoe Basin is recognized at the

state and national levels as a natural resource of special significance. Additionally, Lake Tahoe is listed as an Outstanding National Resource Water under the Clean Water Act.

23. The Project site is subject to the Martis Valley Community Plan ("MVCP"), a component of the Placer County General Plan. The entire West Parcel has a land use designation of "Forest" and is currently zoned TPZ, with a restriction limiting the land uses to the growth and harvest of timber and other compatible uses. Approximately 670 acres of the East Parcel is designated Low Density Residential, and approximately 6.6 acres is designated as General Commercial. The remainder of the East Parcel covered by the MVCP (over 5,000 acres) is designated Forest and is zoned TPZ.

24. Beginning at least as early as 2009, Petitioner Sierra Watch (and subsequently MAP) and SPI discussed and conceptually agreed upon a transfer of land use designations from the East Parcel to the West Parcel, which discussions culminated in the 2013 adoption of the Martis Valley Opportunity Agreement ("MVOA"). The goal of the MVOA was to facilitate permanent conservation of the East Parcel and to set up a framework for discussions regarding a sensible development on the West Parcel, to be located adjacent to existing development at Northstar. However, the proposed Project was not envisioned by, or agreed upon under, the MVOA.

25. The Project proposes to transfer land use designations for 760 residential units and 6.6 acres of commercial land uses from the East Parcel to the West Parcel. The remaining residential units currently allocated for the East Parcel would be retired. The Project authorizes construction of 760 housing units, expected to largely serve as second homes, 34,500 square feet of commercial development, and 22,000 square feet of homeowner "amenities" on the West Parcel. The Project approvals include a Development Agreement that grants a vested right to this level of development. The Project is planned as a subdivision between SR 267 and Northstar, but not connected to Northstar. Proposed access to the development is from SR 267. The housing units would be a mix of single family, townhomes, and condominiums with building heights up to 75 feet, some of which could be located on the ridge immediately adjacent to the Tahoe Rim Trail.

26. In the original Project application, the MVWP included development on 112.8 acres in the Tahoe Basin, which required approval of both Placer County and the Tahoe Regional Planning Agency ("TRPA"). In June 2014, the applicants submitted a draft Area Plan for the Tahoe Basin portion to TRPA. Petitioners repeatedly requested that the applicant withdraw the Area Plan, as it would result in significant environmental impacts to the Lake Tahoe Basin and was inconsistent with the MVOA. Due to the public controversy over the plan to develop in the Tahoe Basin, the Project applicants later revised the Specific Plan to exclude any development within the Tahoe Basin. Instead, the applicants requested to suspend the draft Area Plan and proposed a separate project for a new 550-site campground and resort with recreational facilities (the Brockway Campground) in the Tahoe Basin. Petitioners are informed, and on that basis allege, that the Brockway Campground proposal is still pending, dependent on the outcome of a proposed sale of SPI's Tahoe Basin property to the U.S. Forest Service.

Environmental Review

27. On or about March 28, 2014, the County and TRPA issued a Notice of Preparation ("NOP") of a joint Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") for the proposed MVWP, which included 760 residential units and 6.6 acres of commercial uses on the West Parcel and in the Tahoe Basin. The NOP stated the MVWP may have a significant effect on the environment, including but not limited to potentially significant impacts on aesthetics, air quality, biological resources, cultural resources, geological resources, greenhouse gas emissions, hazards, hydrology and water quality, land use planning, noise, population and housing, public services, recreation, transportation and traffic, utilities and service systems, and cumulative impacts. The NOP also stated the EIR/EIS would evaluate the MVWP's growth-inducing impacts and any effects on the TRPA Environmental Threshold Carrying Capacities.

28. Several agencies, individuals, and organizations, including the League, submitted comments on the March 2014 NOP, encouraging the County to evaluate the full extent of the MVWP's environmental impacts in this sensitive region, the compatibility of the Project with

TRPA's 2012 Regional Plan Update, and whether this site was appropriate for recreational resort development.

29. On or about February 27, 2015, the County issued a revised NOP and Initial Study for the MVWP. The revised MVWP included the same level of development (760 residential units and 6.6 acres of commercial development), but excluded any development in the Tahoe Basin, obviating the need for TRPA approval and review under the National Environmental Policy Act. The revised NOP and Initial Study identified a similar number of potentially significant impacts to the March 2014 NOP.

30. Several agencies, individuals, and organizations, including the League, submitted comments on the revised February 2015 NOP and Initial Study, again encouraging the County to evaluate the full extent of the MVWP's environmental impacts in this sensitive region, including but not limited to, traffic impacts, the potential fire hazards posed by the Project, and anticipated significant impacts to the Lake Tahoe Basin. The comment letters also pointed out that the environmental analysis should not be improperly segmented from review of related development in the Tahoe Basin.

31. On or about October 22, 2015, the County circulated a draft environmental impact report ("DEIR") for the Project. At least 175 agencies, organizations, and individuals submitted comments on the DEIR.

32. Petitioners submitted comments on the DEIR, noting that the project description and setting sections were incomplete and unstable because the DEIR: (a) improperly segmented review of the proposed Brockway Campground and other related development proposed for the Tahoe Basin portion of the site from the Project; (b) lacked a detailed description of all Project components; (c) improperly assumed the Project would result in a net benefit to the environment based on the Project's alleged removal of a hypothetical East Parcel development, rather than taking into account the existing forested setting of both parcels; and (d) failed to recognize and properly evaluate the Project's proximity to the Tahoe Basin.

33. Petitioners also commented that the DEIR failed to adequately analyze and mitigate the environmental impacts of the Project, including but not limited to impacts to the

Tahoe Basin; biological impacts; impacts on traffic, circulation, and air quality; greenhouse gas emissions; wildfire and emergency evacuation hazards, impacts to hydrology and water quality; impacts to scenic and visual resources; and cumulative and growth-inducing impacts.

34. For example, Petitioners commented that the DEIR failed to adequately identify or mitigate the Project's potential significant impacts to the Tahoe Basin. While acknowledging that the Project would generate about 1,400 peak day vehicle trips to the Tahoe Basin, the DEIR failed to adopt a threshold of significance for Tahoe Basin impacts, claiming the Project was located outside of the Basin and TRPA jurisdiction. Petitioners and others alerted the County that Lake Tahoe was an important and sensitive resource with a finite environmental carrying capacity, and that the agency must analyze and mitigate impacts from additional vehicle miles traveled ("VMT") to the Basin. These include impacts to air quality and Lake water quality.

35. Petitioners also commented that the DEIR's analysis of the Project's biological impacts was flawed. For example, the DEIR claimed that impacts to the northern goshawk and California spotted owl would be less than significant, even though the Project would result in permanent loss or disturbance of a large portion of the foraging habitat for these sensitive species. The DEIR improperly relied on preservation of the East Parcel to make this determination. This approach violates CEQA's mandate that an EIR compare a project's impacts to existing baseline conditions, not to a promise for future action. Further, the EIR failed to acknowledge that tree removal is likely to occur on the East Parcel.

36. Petitioners likewise alerted the County that the DEIR's analysis of wildfire and emergency evacuation hazards was flawed. The Project is located in high and very high fire severity zones, and Project construction will exacerbate fire hazards. All emergency access routes lead to SR 267, which will be subject to gridlock conditions from Project generated traffic. The DEIR lacks necessary information regarding emergency response needs and times, and improperly concludes that impacts to emergency access is less than significant.

37. Petitioners also commented that the DEIR's analysis and mitigation of the Project's significant impacts to scenic resources was inadequate. The Draft EIR provides no visual simulations of the Project from the treasured Tahoe Rim Trail, even though some Project

structures would be as tall as 75 feet, and some would be located immediately adjacent to trail. The Final EIR presented "visual profiles" of the Project, but only from distant locations 5-19 miles away. The EIR also improperly concludes that impacts to night skies are less than significant, even though the Project would add development and attendant light pollution on over 600 acres.

38. Petitioners also commented that the DEIR failed to analyze an adequate range of alternatives to the Project, as the document failed to include *any* alternative that would avoid the significant and unavoidable impacts of the Project. Petitioners and others suggested potentially feasible alternatives to substantially lessen or avoid the Project's significant impacts.

39. Several other local conservation groups, including but not limited to Friends of the West Shore, Friends of the North Fork, Mother Lode Chapter of the Sierra Club, and North Tahoe Preservation Alliance, submitted comments on the DEIR regarding these and other issues. For example, Friends of the North Fork commented that the County could not make the necessary findings for an immediate rezone of the West Parcel from TPZ, which is required for the Project. The necessary findings include that the immediate rezoning is not inconsistent with the California Constitution and the Timberland Productivity Act, and that the immediate rezoning is in the public interest.

40. Over 100 individual residents of the region and numerous interested government agencies also commented on the DEIR and objected to the Project and the inadequate environmental review. The neighboring Town of Truckee submitted a comment letter expressing its concerns that the Project lacked adequate affordable housing. Additionally, TRPA submitted a letter commenting on the failure of the DEIR to adequately analyze and mitigate the impacts of the Project on the Tahoe Basin.

41. In May 2016, the County prepared its response to comments on the DEIR and issued the final environmental impact report ("FEIR") for the Project.

42. Nearly 100 individuals, organizations, and agencies commented on the FEIR. Petitioners submitted comments on the FEIR, noting that the FEIR did not adequately respond to or correct the inadequacies of the DEIR identified by the groups, agencies, and others during the

review process. Petitioners noted that the EIR could not rely on the fact that the EIR is labeled a programmatic EIR to excuse its inadequate environmental review of this specific development proposal. Petitioners also commented that the FEIR included significant new information, including but not limited to a new or more severe impact to climate change, and should be recirculated for public review.

43. The California Attorney General also submitted a letter on the FEIR for the Project, expressing her concerns that the environmental review did not adequately analyze or mitigate the Project's impacts on the Tahoe Basin, a treasured California resource, and on climate change.

The Planning Commission's Recommendation of Project Denial

44. On or about June 9, 2016, the Placer County Planning Commission held a public hearing on the Project. Over forty people, including Petitioners' representatives, provided public testimony, nearly universally in opposition to the Project due to its serious environmental threats to the Martis Valley and the Lake Tahoe Basin and the EIR's failure to adequately evaluate or mitigate those impacts.

45. The Planning Commission continued the hearing to July 7, 2016 in order to hear additional public testimony on three issues: impacts to Lake Tahoe; fire and evacuation and forest management; and traffic impacts on SR 267.

46. At the July 7, 2016 hearing, thirty-one members of the public spoke, again in almost unanimous opposition to the Project. They noted the Project's serious threat to Lake Tahoe, the inappropriateness of development in high and very high fire zones, and the traffic generated by the Project, which would result in gridlock conditions along SR 267. The Planning Commission, by a vote of five to two, voted to recommend denial of both the MVWP and certification of the EIR.

The Board of Supervisors' Approval of the Project

47. On or about September 13, 2016, the Board of Supervisors ("Board") held a public hearing on the Project. Sixty members of the public offered testimony, most of which objected to the Project and commented that the environmental review was inadequate. Petitioners

submitted extensive written and oral testimony, urging the Board of Supervisors to uphold the Planning Commission's recommendation of denial of the Project given its significant and unmitigated environmental impacts and the lack of adequate environmental review and mitigation under CEQA.

48. For example, the League submitted detailed comments in advance of the Board's hearing, noting that, among other inadequacies, the EIR failed to properly analyze how increased traffic congestion would impact Lake Tahoe. The League's comments demonstrated how the Project's projected increase to vehicle miles traveled (VMT) in the Basin would contribute to increased fine sediment and nitrogen in Lake Tahoe. These are key pollutants detailed in the Tahoe Total Maximum Daily Load (TMDL) report that contribute to Lake clarity loss.

49. Sierra Watch and MAP also commented that the EIR remained inadequate under CEQA, that the proposed CEQA Findings of Fact and Statement of Overriding Considerations were not supported by substantial evidence, and that the Board of Supervisors could not make the requisite findings to approve immediate rezoning of the TPZ land.

50. Against the recommendation of the Planning Commission, the Board voted four to one to tentatively approve the Project. It then closed the public hearing and continued the matter until October 11, 2016 for final consideration.

51. On October 11, 2016, the Board, again by a vote of four to one, took the following actions to approve the Project:

a. Adopted Resolution 2016-193 to certify the Martis Valley West Parcel Specific Plan Final Environmental Impact Report (State Clearinghouse No. 2014032087) and Errata, to adopt Findings and Fact and Statement of Overriding Considerations, and to adopt the Mitigation Monitoring Reporting Program;

b. Adopted Resolution 2016-194 to approve the Martis Valley West Parcel Specific Plan;

c. Adopted Ordinance 5838-B to approve the Martis Valley West Parcel Specific Plan Development Standards;

d. Adopted Resolution 2016-195 to approve the Martis Valley West Parcel Specific Plan Design Guidelines;

e. Adopted Resolution 2016-196 to approve the amendment to the Martis Valley Community Plan Land Use Diagram to incorporate the Martis Valley West Parcel Specific Plan land use designation;

f. Adopted Resolution 2016-197 to amend the Martis Valley Community Plan to add Goal 6.J and associated policies 6.J.1 and 6.J.2 related to emergency preparedness;

g. Adopted Ordinance 5839-B to approve the tentative immediate rezone of 662 ± acres of the West Parcel from TPZ to SPL-MVWPSP;

h. Adopted Ordinance 5840-B to approve (a) the rezone of all remaining acreage in the West Parcel from OS to SPL-MVWPSP and (b) the rezone of 670± acres of the East Parcel from RS and C-1 to TPZ;

i. Adopted Ordinance 5841-B to approve the Development Agreement By and Between the County of Placer and MVWP Development LLC and Sierra Pacific Industries, Inc. Relative to the Martis Valley West Parcel Specific Plan; and

j. Approved a Large-Lot Vesting Tentative Subdivision Map for the Project.

52. The County filed its Notice of Determination ("NOD") for the MVWP EIR on or about October 12, 2016. The NOD was received by the State Clearinghouse on or about October 17, 2016.

FIRST CAUSE OF ACTION
(Violations of CEQA)

53. Petitioners hereby reallege and incorporate by reference the preceding paragraphs in their entirety.

54. CEQA is designed to ensure that government agencies incorporate the goal of long-term protection of the environment into their decisions that may affect the environment. CEQA applies to any discretionary action taken by an agency that may cause a reasonably foreseeable change in the environment.

55. In furtherance of its goal of environmental protection, CEQA requires that an agency prepare an EIR for a project whenever substantial evidence in the record supports a fair argument that the project may have a significant impact on the environment. As the cornerstone of the CEQA process, the EIR must disclose and analyze a project's potentially significant environmental impacts. In addition, the EIR also must inform decision-makers and the public of feasible mitigation measures and alternative project designs or elements that would lessen or avoid the project's significant adverse environmental impacts.

56. CEQA also mandates that the lead agency adopt all feasible mitigation measures that would reduce or avoid any of the project's significant environmental impacts. If any of the project's significant impacts cannot feasibly be mitigated to a less-than-significant level, the project can be approved only if the agency finds that the project's benefits would outweigh its unavoidable impacts.

57. Under CEQA, all findings required for the public agency's approval of a project must be legally adequate and supported by substantial evidence in the administrative record. CEQA further requires that an agency provide an explanation of how the evidence in the record supports the conclusions that the agency has reached.

58. Respondents violated CEQA by certifying an EIR for the Project that is inadequate and fails to comply with the requirements of CEQA and the CEQA Guidelines. Among other things, Respondents:

a. Relied on an incomplete and unstable description of the Project and Project setting, in particular by:

i. Assuming that the Project would result in a net benefit to the environment based on the Project's alleged removal of a hypothetical East Parcel development, rather than take into account the existing forested setting of both parcels;

ii. Failing to provide an adequate description of the Project's components and setting that includes the Tahoe Basin. As a result, the EIR fails to adequately disclose, analyze, or mitigate the Project's significant impacts on the Tahoe Basin, including impacts on traffic, air quality, and water quality in the Basin. This omission is particularly

egregious because, as Petitioners warned throughout the administrative process, Lake Tahoe's environment has already been severely damaged by excessive development around the Lake. This problem has prompted citizens to voice concerns at the regional, state, and national levels, and has resulted in substantial efforts to protect and restore the environmental quality of the Lake Tahoe Basin, including the adoption of the 2012 Regional Plan Update. The Project threatens to severely undermine these efforts.

b. Failed to adequately disclose, analyze, or mitigate the Project's significant impacts on the environment, including but not limited to the Project's direct or indirect impacts on forestry and biological resources, the Tahoe Basin, traffic and circulation, air quality, climate change, wildfire and emergency evacuation hazards, hydrology and water quality, scenic resources, and affordable housing.

c. Failed to adequately disclose, analyze, and mitigate the Project's significant cumulative and growth-inducing impacts.

d. Failed to consider an adequate range of alternatives. The EIR does not evaluate a true environmentally superior alternative to the proposed Project. In fact, none of the alternatives identified would avoid the significant and unavoidable impacts of the Project. Furthermore, the EIR improperly rejected potentially feasible alternatives suggested by Petitioners and others.

e. Failed to adequately respond to comments on the EIR, including, but not limited to, ignoring or rotely dismissing identification of flaws in the County's analysis, requests for additional information, and suggestions of feasible mitigation measures and alternatives.

f. Failed to recirculate the EIR after the addition of significant new information. The EIR for the Project was required to be recirculated because significant new information was added to the document after notice and opportunity for public review were provided, including but not limited to significant new information regarding the Project's impacts to climate change.

59. Respondents also violated CEQA by adopting inadequate findings. The County's findings do not provide adequate reasoning or the analytic route from facts to conclusions, as

required by law. The Findings of Fact and Statement of Overriding Considerations are unsupported by substantial evidence in the record.

60. As a result of the foregoing defects, Respondents prejudicially abused their discretion by certifying an EIR that does not comply with the requirements of CEQA or the CEQA Guidelines and precluded informed decision-making. As such, Respondents' certification of the EIR and approval of the Project must be set aside.

SECOND CAUSE OF ACTION
(Violation of the California Timberland Productivity Act)

61. Petitioners hereby reallege and incorporate by reference the preceding paragraphs in their entirety.

62. Respondents violated the California Timberland Productivity Act by approving the immediate rezoning of approximately 662 acres from TPZ to residential and commercial, without substantial evidence in the record to support the findings necessary to approve such a rezoning.

63. Government Code section 51133 requires a County Board of Supervisors to make certain written findings before approving the tentative immediate rezoning of TPZ land. These findings are (a) that the immediate rezoning is not inconsistent with the purposes of subdivision (j) of Section 3 of Article XIII of the California Constitution and the Timberland Productivity Act, and (b) that the immediate rezoning is in the public interest.

64. Section 3 of Article XIII of the California Constitution allows for alternative taxing systems on timberland, like TPZ zoning under the Timberland Productivity Act, as long as the system "encourage[s] the continued use of timberlands for the production of trees for timber products, and . . . provide[s] for restricting the use of timberland to the production of timber products and compatible uses with provisions for taxation of timberland based on the restrictions."

65. The purposes of the Timberland Productivity Act are to "[m]aintain the optimum amount of the limited supply of timberland to ensure its current and continued availability for the growing and harvesting of timber and compatible uses"; "[d]iscourage premature or

unnecessary conversion of timberland to urban and other uses"; "[d]iscourage expansion of urban services into timberland"; and "[e]ncourage investment in timberlands based on reasonable expectation of harvest."

66. Respondents found that the immediate rezone was not inconsistent with the California Constitution and the Timberland Productivity Act because the Project as a whole would result in placing 670 acres of *other* timberland into TPZ. However, Respondents did not make findings that the immediate rezoning of the 662 acres at issue here was not inconsistent with the Constitution and the Act. Specifically, Respondents did not make findings, nor is there substantial evidence in the record to support such findings, that the normal ten-year rezoning procedure under the Act would not achieve the same objective sought by the Project. Nor is there evidence in the record that the Project's developers could not have predicted ten years ago that the property would be ripe for development now. Accordingly, Respondents' finding that immediate rezoning of the 662 acres is not inconsistent with the Constitution and the Act was unlawful.

67. Respondents likewise found that the immediate rezoning was in the public interest based on the placement into TPZ of 670 acres of *other* timberland. Again, this finding does not address whether removal of the 662 acres at issue here from TPZ is in the public interest. Accordingly, Respondents' finding cannot support the immediate rezoning.

68. The only other basis for Respondents' finding that the immediate rezoning and residential/commercial development was in the public interest was an increase in tax revenue. However, this minor purported benefit is not, by itself, sufficient to surmount the high burden for immediate rezoning of TPZ land. Further, the purported benefit of the increase in tax revenue is far outweighed by the evidence in the record demonstrating that the immediate rezoning is *not* in the public interest. The harms to the public interest from immediate rezoning include, but are not limited to, increased wildfire risk; overburdening evacuation routes and risking public safety; a significant increase in traffic congestion in the area; and significant environmental impacts including degrading the clarity of Lake Tahoe and destroying California

spotted owl and northern goshawk habitat. Indeed, Respondents received over 240 comments from the public detailing these impacts and concerns.

69. For the foregoing reasons, Respondents prejudicially abused their discretion by approving the immediate rezoning of approximately 662 acres from TPZ to residential and commercial. Accordingly, Petitioners pray for relief as set forth below.

PRAYER FOR RELIEF

70. WHEREFORE, Petitioner prays for judgment as follows:

71. For alternative and peremptory writs of mandate directing the County to vacate and set aside its (a) certification of the EIR; (b) adoption of Findings and Fact, Statement of Overriding Considerations, and Mitigation Monitoring Reporting Program; and (c) approval of the Project, including the MVWP, the tentative immediate rezoning of 662 acres from TPZ, the Large-Lot Vesting Tentative Subdivision Map, the Development Agreement, and related resolutions, and ordinances;

72. For alternative and peremptory writs of mandate directing the County to comply with CEQA, the CEQA Guidelines, and the California Timberland Productivity Act, and to take any other action as required by Public Resources Code section 21168.9;

73. For a judicial determination and declaration from this Court that

a. The immediate rezoning of the 662 acres from TPZ is inconsistent with Section 3 of Article XIII of the California Constitution and the Timberland Productivity Act;

b. The County's approval of the tentative immediate rezoning of 662 acres from TPZ was in excess of its authority under the Timberland Productivity Act;

74. For a temporary stay, temporary restraining order, and preliminary and permanent injunctions restraining the County and its agents, servants, and employees, and all others acting in concert with the County on its behalf, from taking any action to implement the Project, pending full compliance with the requirements of CEQA, the CEQA Guidelines, and the Timberland Productivity Act;

75. For a stay, and preliminary and permanent injunctions restraining Real Party in Interest and its agents, employees, officers and representatives from undertaking any activity to

implement the Project in any way pending full compliance with the requirements of CEQA, the CEQA Guidelines, and the Timberland Productivity Act;

76. For costs of the suit;

77. For attorneys' fees as authorized by Code of Civil Procedure section 1021.5 and other provisions of law; and

78. For such other and future relief as the Court deems just and proper.

DATED: November 10, 2016

SHUTE, MIHALY & WEINBERGER LLP

By: _____
AMY J. BRICKER

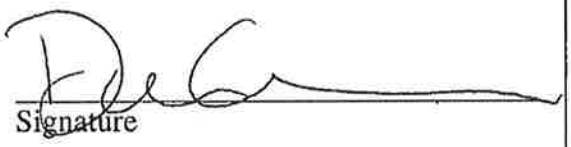
Attorneys for the League to Save Lake Tahoe, Mountain Area Preservation Foundation, and Sierra Watch

836010.8

VERIFICATION

I, Darcie Collins, am Executive Director of the League to Save Lake Tahoe, a Petitioner in this action. I am authorized to execute this verification on behalf of all Petitioners (League to Save Lake Tahoe, Mountain Area Preservation Foundation, and Sierra Watch). I have read the foregoing Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief ("Petition"). I am familiar with its contents. All facts alleged in the above Petition not otherwise supported by exhibits or other documents are true of my own knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at South Lake Tahoe, Ca on November 8, 2016.



Signature

VERIFICATION

I, Alexis Ollar, am Executive Director of Mountain Area Preservation Foundation, a Petitioner in this action. I am authorized to execute this verification on behalf of all Petitioners (League to Save Lake Tahoe, Mountain Area Preservation Foundation, and Sierra Watch). I have read the foregoing Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief ("Petition"). I am familiar with its contents. All facts alleged in the above Petition not otherwise supported by exhibits or other documents are true of my own knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Truckee, California on November 9, 2016.

Alexis Ollar

Signature

VERIFICATION

I, Tom Mooers, am Executive Director of Sierra Watch, a Petitioner in this action. I am authorized to execute this verification on behalf of all Petitioners (League to Save Lake Tahoe, Mountain Area Preservation Foundation, and Sierra Watch). I have read the foregoing Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief ("Petition"). I am familiar with its contents. All facts alleged in the above Petition not otherwise supported by exhibits or other documents are true of my own knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Nevada City, CA on November 9, 2016.

Signature

EXHIBIT A

SHUTE, MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

AMY J. BRICKER
Attorney
bricker@smwlaw.com

November 9, 2016

Via E-mail and U.S. Mail

Placer County
Clerk-Recorder-Registrar
2954 Richardson Drive
Auburn, CA 95603
clerk@placer.ca.gov

Re: League to Save Lake Tahoe, et al. v. Placer County, et al.

Dear County Clerk:

This letter is to notify you that the League to Save Lake Tahoe, Mountain Area Preservation Foundation, and Sierra Watch will file suit against Placer County and the Placer County Board of Supervisors (collectively "the County") for failure to observe the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq., the CEQA Guidelines, California Code of Regulations section 15000 et seq., and the California Timberland Productivity Act, in the administrative process that culminated in the County's October 11, 2016 decision to approve the Martis Valley West Parcel Specific Plan and associated ordinances and resolutions, and to certify the Environmental Impact Report for that project. This notice is given pursuant to Public Resources Code section 21167.5.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Amy J. Bricker

Amy J. Bricker

549986.2

PROOF OF SERVICE

League to Save Lake Tahoe, et al. v. Placer County, et al.

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the City and County of San Francisco, State of California. My business address is 396 Hayes Street, San Francisco, CA 94102.

On November 9, 2016, I served true copies of the following document(s) described as:

NOTICE OF INTENT TO SUE LETTER, DATED NOVEMBER 9, 2016

on the parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Shute, Mihaly & Weinberger LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address Mulligan@smwlaw.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 9, 2016, at San Francisco, California.

Sean P. Mulligan

SERVICE LIST
League to Save Lake Tahoe, et al. v. Placer County, et al.

Placer County
Clerk-Recorder-Registrar
2954 Richardson Drive
Auburn, CA 95603
clerk@placer.ca.gov

842182.1

EXHIBIT B

SHUTE, MIHALY & WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
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www.smwlaw.com

AMY J. BRICKER
Attorney
bricker@smwlaw.com

November 10, 2016

Via U.S. Mail

Attorney General Kamala Harris
Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814-2919

Re: League to Save Lake Tahoe, et al. v. Placer County, et al.

Dear Attorney General Harris:

Enclosed please find a copy of the Verified Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief ("Petition") in the above-captioned action. The Petition is provided to you in compliance with Public Resources Code section 21167.7 and Code of Civil Procedure section 388. Please acknowledge receipt in the enclosed prepaid, self-addressed envelope. Thank you.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Amy J. Bricker

Amy J. Bricker

Enclosure

842173.1