

RESOLUTION NO. 2022-212

RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY, TO COMPLY WITH AN ORDER OF THE COURT TO SET ASIDE AND VACATE APPROVALS RELATED TO THE MOON CAMP DEVELOPMENT PROJECT

On Tuesday November 15, 2022, on motion of Supervisor Baca, Jr., duly seconded by Supervisor Rutherford and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, the Moon Camp Development Project (Project No. PH1106710) consists of a proposed 50-unit residential subdivision located within the community of Fawnskin (APNs: 0304-082-04; 0304-091-12, -21 & -22) ("Project"); and

WHEREAS, on July 28, 2020, (Item Nos. 84 and 85) the Board of Supervisors ("Board") approved the Project by taking the following actions: (1) Certifying an Environmental Impact Report ("EIR"); (2) Adopting the California Environmental Quality Act ("CEQA") Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; (3) Adopting the recommended findings for approval of a general plan amendment and tentative tract map; (4) Adopting Resolution No. 2020-155 and Ordinance No. 4391 amending the general plan land use designation and zoning designation, respectively, from Rural Living, 40-acre minimum lot size (RL-40) to Single Residential, 20,000-square foot minimum lot size (RS-20m) for the Project site; and (5) Adopting Tentative Tract Map No. 16136 to create 50 residential lots with a minimum lot area of 20,000 square feet and eight letter lots for open space conservation (collectively "Project Approvals"); and

WHEREAS, on August 23, 2020, Friends of Big Bear Valley, San Bernardino Valley Audubon Society, Inc. and Center for Biological Diversity (collectively "Petitioners") filed a petition for writ of mandate and complaint for injunctive relief against San Bernardino County ("County") and the Board challenging the Project Approvals in Superior Court Case No. CIVDS2017298, entitled *Friends of Big Bear Valley, et al. v. County of San Bernardino, et al.* (the "Action"); and

WHEREAS, on January 20, 2022, the superior court ("Court") issued a ruling that granted the petition on two limited grounds, concluding that the EIR was deficient under CEQA because substantial evidence did not support the County's finding regarding (1) the Project's impacts on the ashy-grey Indian paintbrush or pebble plain habitat, and (2) the Project's impacts on wildfire evacuation risks.

WHEREAS, on August 31 2022, the Court issued an amended writ of mandate ordering the County and Board to set aside and vacate the Project Approvals, except for the general plan amendment and zoning amendment ("Severable Project Approvals"). The Court excluded the Severable Project Approvals from its order based on a finding that these approvals are supported independently by the County's subsequent certification of Program EIR (SCH# 2017101033) and the adoption of the Countywide Plan, via Resolution No. 2020-197, on October 27, 2020, which designated the Project site as Very Low Density Residential.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Board hereby sets aside and vacates the Project's (1) EIR; (2) CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; (3) findings for approval of the tentative tract map; and (4) Tentative Tract Map No. 16136. This Resolution shall have no legal effect on the Severable Project Approvals.

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County, State of California, by the following vote:

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Janice Rutherford, Curt Hagman, Curt Hagman

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Dawn Rowe

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STATE OF CALIFORNIA)
)
SAN BERNARDINO COUNTY) ss.

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of San Bernardino County, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of November 15, 2022. #39 CCM

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy