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17 OAK FOUNDATION

18 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
19 **IN AND FOR THE COUNTY OF PLACER**

20 SIERRA CLUB; SIERRA FOOTHILLS )  
21 AUDUBON SOCIETY; and CALIFORNIA )  
22 OAK FOUNDATION; )

23 Petitioners and Plaintiffs, )

24 vs. )

25 PLACER COUNTY; PLACER COUNTY )  
26 BOARD OF SUPERVISORS; U.S. HOME )  
27 CORPORATION; BICKFORD HOLDINGS, )  
28 LLC; USH BICKFORD, LLC; and DOES 1 )  
through 20; )

Respondents and Defendants. )

U.S. HOME CORPORATION; BICKFORD )  
HOLDINGS, LLC; USH BICKFORD, LLC; )  
and DOES 21-100; )

Real Parties in Interest. )

CASE NO.

PETITION FOR WRIT OF MANDATE;  
COMPLAINT FOR DECLARATORY  
RELIEF (CCP §§ 1060, 1085, 1094.5).

**INTRODUCTION**

BY THIS PETITION AND COMPLAINT Petitioners and Plaintiffs allege:

1. On December 18, 2001, Respondent and Defendant PLACER COUNTY BOARD OF SUPERVISORS, on behalf of Respondent and Defendant PLACER COUNTY (collectively "County" or "Board"), certified a final Environmental Impact Report ("FEIR") and adopted a Specific Plan and

1 Development Agreement for Bickford Ranch, a proposed new community in unincorporated Placer  
2 County. The Specific Plan proposes to guide the development of 1,880+/- homes and a golf course on  
3 1,954.6+/- acres located at the southeastern intersection of Sierra College Boulevard and State Route  
4 193.

5           2. Petitioners and Plaintiffs SIERRA CLUB, SIERRA FOOTHILLS AUDUBON  
6 SOCIETY, and CALIFORNIA OAK FOUNDATION are national, statewide, and local non-profit  
7 organizations dedicated to protecting and preserving the environment for present and future generations.  
8 Each of the Plaintiff organizations objects to the Bickford Ranch project because the project will result  
9 in the unnecessary destruction and fragmentation of over 1,400 acres of Blue Oak Woodlands and  
10 associated wildlife habitats in Placer County, and because of the project's tendency to unnecessarily  
11 promote continuous urban sprawl in west Placer County, rather than directing new residential  
12 development into the County's existing towns and cities, thereby preserving – to the extent practicable –  
13 the County's unique and distinct rural communities with surrounding areas of natural habitats and  
14 environments that can be enjoyed by all.

15           3. The California Environmental Quality Act (Pub. Resources Code, § 21000, et seq.)  
16 requires analysis of the potentially significant environmental effects of discretionary projects proposed to  
17 be carried out or approved by public agencies. (Pub. Resources Code, 21080, subd. (a).)

18           4. The Bickford Ranch Specific Plan FEIR fails to adequately analyze the direct, indirect and  
19 cumulative impacts of the Bickford Ranch Specific Plan and Development Agreement.

20           5. CEQA requires a lead agency to consider a “reasonable range” of alternatives in analyzing  
21 a proposed project potentially significant effects. In selecting the alternatives to be analyzed, the lead  
22 agency “shall include [alternatives] that could feasibly accomplish most of the basic objectives of the  
23 project and could avoid or substantially lessen one or more of the significant effects.” (Cal. Code  
24 Regs., Title 14, § 15126.6, subd. (c).)

25           6. The Bickford Ranch Specific Plan FEIR fails to adequately analyze a reasonable range of  
26 project alternatives, because – as elaborated below – the EIR fails to consider any alternative that  
27 would avoid or substantially lessen the projects acknowledged significant effects on Placer County's  
28 Blue Oak Woodlands, unique wildlife habitats, and other natural resources.

1           7. CEQA allows government agencies to approve a project that may have potentially  
2 significant impacts on the environment by adopting findings and a statement of overriding considerations  
3 based on substantial evidence. (Pub. Resources Code, § 21005, *Sierra Club v. Contra Costa*  
4 *County* (1992) 10 Cal.App.4th 1212, 1222-1224.)

5           8. The County's Findings and Statement of Overriding Considerations in support of its  
6 certification of the Bickford Ranch EIR – including but not limited to its findings regarding cumulative  
7 impacts to Blue Oak Woodlands, unique wildlife habitats, and other biological resources – are not  
8 supported by substantial evidence.

9           9. The State Planning and Zoning Law (Gov. Code, § 65000, et seq.) establishes the General  
10 Plan as the constitution for all future development, to which any local decision affecting land use and  
11 development must conform. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d  
12 553, 570.) A General Plan must be integrated and internally consistent, both among the elements and  
13 within each element. (Govt. Code, § 65300.5) All elements have equal legal status and no element  
14 may be made subordinate to another. (*Sierra Club v. Board of Supervisors* (1981) 126 Cal.App.3d  
15 698, 708.)

16           10. The Bickford Ranch Specific Plan – as elaborated below – is inconsistent with various  
17 provisions of Placer County's General Plan.

18           11. Petitioners and Plaintiffs request that this Court issue a writ of mandate compelling the  
19 County to comply with CEQA and the State Planning and Zoning Law by (1) setting aside the Board's  
20 certification of the Bickford Ranch Specific Plan FEIR, the Board's Findings and Statement of  
21 Overriding Considerations in support of that certification, and the Board's approval of the Bickford  
22 Ranch Specific Plan and Development Agreement until the County adequately analyzes all of the  
23 project's potentially significant environmental impacts in a legally adequate EIR; (2) setting aside the  
24 Board's approval of the Bickford Ranch Specific Plan and Development Agreement as inconsistent with  
25 Placer County's General Plan; and (3) prohibiting any development activities under the Bickford Ranch  
26 Specific Plan and Development Agreement as approved by the Board on December 18, 2001.

27           12. Petitioners and Plaintiffs also seek (1) this Court's declaration that the Board's December  
28 18, 2001, certification of the Bickford Ranch Specific Plan FEIR and its adoption of the Bickford

1 Ranch Specific Plan and Development Agreement are inconsistent with CEQA and the State Planning  
2 and Zoning Law, and (2) a permanent injunction prohibiting Respondents and Defendants from moving  
3 forward with any aspect of the Bickford Ranch project until it is brought into compliance with these  
4 laws.

5 **PARTIES**

6 13. Petitioners and Plaintiffs incorporate paragraphs 1 through 12 of this Petition and  
7 Complaint.

8 14. Petitioner and Plaintiff SIERRA CLUB is, and at all times herein has been, a national, non-  
9 profit environmental protection organization. The Sierra Club's national headquarters is located at 85  
10 Second St., Second Floor, San Francisco, California.

11 15. The purposes of the Sierra Club and its chapters are to explore, enjoy, and protect the wild  
12 places of the earth; to practice and promote the responsible use of the earth's ecosystems and  
13 resources; to educate and enlist humanity to protect and restore the quality of the natural and human  
14 environment; and to use all lawful means to carry out these objectives. The Sierra Club seeks to  
15 achieve its goals – in part – by protecting the legal rights and interests of its members related to the  
16 Club's purposes.

17 16. The Sierra Club brings this action on behalf of its members, including local members of the  
18 Sierra Club's Mother Lode Chapter. Sierra Club's Mother Lode Chapter is located at 1414 K. St.,  
19 Suite 300, Sacramento, California.

20 17. The Mother Lode Chapter's membership includes approximately 15,000 Sierra Club  
21 members in California's Central Valley and Sierra Nevada. These members include residents of Placer  
22 County who have participated in the Bickford Ranch planning, permitting and environmental review  
23 process, and whose interests have been, and will continue to be, adversely affected by the County's  
24 failure to comply with CEQA and the State Planning and Zoning Law in approving the Bickford Ranch  
25 Specific Plan.

26 18. Petitioner and Plaintiff SIERRA FOOTHILLS AUDUBON SOCIETY is, and at all times  
27 herein has been, a local chapter of the National Audubon Society, a national, non-profit environmental  
28

1 protection organization. The Audubon Society's Sierra Foothills Chapter business address is P.O. Box  
2 1937, Grass Valley, CA 95945.

3 19. The mission of the National Audubon Society and its chapters is to conserve and restore  
4 natural ecosystems, focusing on birds and other wildlife for the benefit of humanity and the earth's  
5 biological diversity. Audubon seeks to achieve its goals – in part – by protecting the legal rights and  
6 interests of its members related to Audubon's mission.

7 20. The Sierra Foothills Audubon Society has over 800 members located in Placer and Nevada  
8 Counties. These members include residents of Placer County who have participated in the Bickford  
9 Ranch administrative planning, permitting and environmental review process, and whose interests have  
10 been, and will continue to be, adversely affected by the County's failure to comply with CEQA and the  
11 State's Planning and Zoning Law in approving the Bickford Ranch Specific Plan.

12 21. Petitioner and Plaintiff CALIFORNIA OAK FOUNDATION is, and at all times herein has  
13 been, a statewide, non-profit environmental protection organization. The California Oak Foundation is  
14 headquartered at 1212 Broadway St., Suite 810, Oakland, California.

15 22. The California Oak Foundation is committed to preserving the State's oak forest ecosystem  
16 and its rural landscapes. The Foundation advocates curbing urban sprawl and creating livable cities.  
17 The California Oak Foundation seeks to achieve these goals – in part – by protecting the legal rights  
18 and interests of its members related to the Foundation's mission.

19 23. The California Oak Foundation's membership includes approximately 20,000 members in  
20 California. These members include residents of Placer County who have participated in the Bickford  
21 Ranch planning, permitting and environmental review process, and whose interests have been, and will  
22 continue to be, adversely affected by the County's failure to comply with CEQA and the State's  
23 Planning and Zoning Law in approving the Bickford Ranch Specific Plan.

24 24. Respondent and Defendant PLACER COUNTY BOARD OF SUPERVISORS is located  
25 at 175 Fulweiler Avenue, Auburn, California. The Board is the public entity charged with oversight of  
26 all operations of Respondent and Defendant PLACER COUNTY. Petitioners and Plaintiffs challenge  
27 the Board's December 18, 2001, certification of the Bickford Ranch Specific Plan FEIR and approval  
28 of the Bickford Ranch Specific Plan and Development Agreement.

1           25. Respondent and Defendant and Real Party in Interest U.S. HOME CORPORATION is  
2 located at 2366 Gold Meadow Way, Suite #100, Gold River, California. U.S. Home is the project  
3 proponent for the Bickford Ranch Specific Plan. U.S. Home is named as a Real Party in Interest to this  
4 action because any resolution of this matter in Petitioners' favor will necessarily affect any rights and  
5 interests that U.S. Home may have in moving forward with development under the Bickford Ranch  
6 Specific Plan, Development Agreement and EIR.

7           26. Respondent and Defendant and Real Party in Interest BICKFORD HOLDINGS, LLC is  
8 located at 2366 Gold Meadow Way, Suite #200, Gold River, California. Bickford Holdings is the  
9 landowner for the Bickford Ranch project and a signatory to the Bickford Ranch Development  
10 Agreement. Bickford Holdings is named as a Real Party in Interest to this action because any resolution  
11 of this matter in Petitioners' favor will necessarily affect any rights and interests that Bickford Holdings  
12 may have in moving forward with development under the Bickford Ranch Specific Plan, Development  
13 Agreement and EIR.

14           27. Respondent and Defendant and Real Party in Interest USH BICKFORD, LLC is located at  
15 10707 Clay Rd. Houston, Texas. USH Bickford is a signatory to the Bickford Ranch Development  
16 Agreement. USH Bickford is named as a Real Party in Interest to this action because any resolution of  
17 this matter in Petitioners' favor will necessarily affect any rights and interests that USH Bickford may  
18 have in moving forward with development under the Bickford Ranch Specific Plan, Development  
19 Agreement and EIR.

20           28. Defendants and Respondents and Real Parties in Interest U.S. HOME CORPORATION,  
21 BICKFORD HOLDINGS, LLC, and USH BICKFORD, LLC, are collectively referred to in this  
22 complaint as "U.S. Home."

23           29. Petitioners and Plaintiffs do not know the true names and capacities of Respondents and  
24 Defendants fictitiously named herein as DOES 1 through 20, inclusive. Petitioners are informed and  
25 believe, and thereon allege, that such fictitiously named Respondents are responsible in some manner for  
26 the acts or omissions complained of or pending herein. Petitioners will amend this Petition to allege the  
27 fictitiously named Respondents' true names and capacities when ascertained by plaintiffs.  
28

1 30. Petitioners and Plaintiffs do not know the true names and capacities of Real Parties in  
2 Interest fictitiously named herein as DOES 21 through 100, inclusive. Petitioners are informed and  
3 believe, and thereon allege, that any resolution of this matter in Petitioners' favor will necessarily affect  
4 the rights and interests of these fictitiously named Real Parties in Interest. Petitioners will amend this  
5 Petition to allege the fictitiously named Real Parties' true names and capacities when ascertained by  
6 Petitioners.

7 **JURISDICTION AND VENUE**

8 31. Petitioners and Plaintiffs incorporate paragraphs 1 through 30 of this Petition and  
9 Complaint.

10 32. Petitioners and Plaintiffs bring this action as a Petition for Writ of Mandate pursuant to  
11 Article IV, section 10 of the California Constitution and sections 1085 and 1094.5 of the Code of Civil  
12 Procedure, and as a Complaint seeking Declaratory and Injunctive Relief pursuant to sections 526 and  
13 1060 of the Code of Civil Procedure.

14 33. Venue is proper in this Court under section 393 of the Code of Civil Procedure

15 **STATEMENT OF FACTS**

16 34. Petitioners and Plaintiffs incorporate paragraphs 1 through 33 of this Petition and  
17 Complaint.

18 **I. THE 1994 PLACER COUNTY GENERAL PLAN**

19 35. On or about August 16, 1994, the Placer County Board of Supervisors adopted the Placer  
20 County General Plan.

21 36. The primary text of the Placer County General Plan states that the Bickford Ranch Specific  
22 Plan Area is to be governed by Appendix C to the General Plan. (See Exhibit 1: Placer County  
23 General Plan Update, Countywide General Plan Policy Document ("PCGP") (Aug. 16, 1994) at p. 36,  
24 § 1.C.1.)

25 37. Appendix C of the Placer County General Plan sets forth two pages of mandatory  
26 development standards for the Bickford Ranch Specific Plan area. (Exhibit 1: PCGP, at pp. 155-156.)  
27  
28

1 38. Appendix C mandates that significant open space areas shall be set aside in Bickford  
2 Ranch, including “the slopes of Boulder Ridge, drainage ways, corridors along canals and major  
3 roadways.” (Exhibit 1: PCGP, at p. 155, § c.)

4 39. Appendix C mandates that a maximum of two (2), mixed-use villages will be developed in  
5 Bickford Ranch (Exhibit 1: PCGP, at p. 155, § f.(1).)

6 40. Appendix C mandates that planning and design in the Bickford Ranch Specific Plan “should  
7 give particular attention to the Visual and Scenic Resource policies . . . of [the] General Plan.” (Exhibit  
8 1: PCGP, at p. 155, § f.(1).)

9 41. The General Plan’s Visual and Scenic Resource policies state: “The County shall require  
10 that new development in scenic areas (e.g., river canyons, lake watersheds, scenic highway corridors,  
11 ridgelines and steep slopes) is planned and designed in a manner . . . that: [¶] a. Avoids locating  
12 structures along ridgelines and steep slopes . . . .” (Exhibit 1: PCGP, at p. 42, Policy 1.K.1.a.)

13 42. Appendix C mandates that development in Bickford Ranch shall incorporate buffer zones –  
14 as set forth in the General Plan – for agricultural/timber areas and sensitive habitats. (Exhibit 1: PCGP,  
15 at p. 155, § d.)

16 43. The Land Use Diagram for the Placer County General Plan designates the land use within  
17 the Bickford Ranch area as Rural Residential uses with a maximum density of one dwelling unit per acre.  
18 (See Exhibit 1: PCGP, maps following p. 8.)

19 44. Nothing in the General Plan’s Land Use Diagram indicates that the Bickford Ranch area will  
20 include commercial uses, mixed uses or residential densities greater than one dwelling unit per acre.

21 **II. THE PLACER COUNTY GENERAL PLAN EIR**

22 45. On or about July 26, 1994, the Placer County Board of Supervisors circulated the Final  
23 Environmental Impact Report for the 1994 Placer County General Plan. (Exhibit 2: Placer County  
24 General Plan Update, Countywide General Plan Final Environmental Impact Report (“PCGP FEIR”)  
25 (July 26, 1994).)

26 46. The Placer County General Plan Final EIR states that the draft version of the Countywide  
27 General Plan included four “new growth areas,” that were each to have their own specific plan. (Exhibit  
28 2: PCGP FEIR, at p. 1-10.) Bickford Ranch was one of the four “new growth areas.” (*Ibid.*).

1 47. The Placer County General Plan Final EIR states that the Placer County Board of  
2 Supervisors, in adopting the 1994 General Plan, deleted all references to the new growth areas,  
3 including the Bickford Ranch new growth area. (Exhibit 2: PCGP FEIR, at p. 1-10.)

4 48. The Placer County General Plan Final EIR states that Bickford Ranch was designated a  
5 Specific Plan area in the County's draft General Plan, but that the land was ultimately designated Rural  
6 Residential in the final version of the General Plan as adopted by the Board in August of 1994. (Exhibit  
7 2: PCGP FEIR, at p. 1-10.)

8 **III. THE BICKFORD RANCH DRAFT SPECIFIC PLAN**

9 49. On or About August 17, 1999, Placer County released a Draft Specific Plan for Bickford  
10 Ranch. (Exhibit 3, Bickford Ranch Draft Specific Plan ("BR DSP") (Aug. 17, 1999).)

11 **IV. THE BICKFORD RANCH DRAFT EIR**

12 50. On or about August 27, 1999, Placer County released the Bickford Ranch Specific Plan  
13 Draft Environmental Impact Report for public review. (Exhibit 4: County of Placer, Bickford Ranch  
14 Specific Plan Draft Environmental Impact Report ("BR DEIR") (Aug. 27, 1999).)

15 51. The Bickford Ranch Draft EIR states, "The final [Bickford Ranch] Draft Specific Plan  
16 [dated May 17, 1999] contains the project description in its entirety," and that the May 17, 1999 Draft  
17 Specific Plan is the project being analyzed in the Draft EIR. (Exhibit 4: BR DEIR, at p. 3-3, § 3.5.)

18 52. The Bickford Ranch Draft EIR only contains a copy of the August 17, 1999, Draft Specific  
19 Plan for Bickford Ranch. (See *supra*, ¶ 49, attached to Volume II of the Bickford Ranch Draft EIR at  
20 Appendix A3.)

21 53. The Land Use Summary for Residential Uses in the 1999 Draft Specific Plan – which forms  
22 the basis for the project description for the Bickford Ranch EIR – states that the goal of the Plan is to  
23 build 1,950 dwelling units on 1,954.6 acres. (Exhibit 3: BR DSP, at p. 3-6, Table 3.1. See also Exhibit  
24 4: BR DEIR, at p. 3-5, Table 3-1.)

25 **V. THE BICKFORD RANCH FINAL EIR**

26 54. On or about November 13, 2000, Placer County released for public review the Bickford  
27 Ranch Specific Plan Final EIR. (Exhibit 5: County of Placer. Bickford Ranch Specific Plan Final  
28 Environmental Impact Report ("BR FEIR") (Nov. 13, 2000).)

1 55. The Final EIR states that “it is appropriate to finalize the [EIR] at this time even though the  
2 conditions of approval pending before the Board of Supervisors may cause project changes as they are  
3 implemented.” (Exhibit 5: BR FEIR, at p. 1-2, § 1.2.)

4 56. The Land Use Summary for Residential Uses in the 2000 Final EIR states that the goal of  
5 the Plan is to build 1,950 dwelling units on 1,954.6 acres. (See Exhibit 5: BR FEIR, at p. 2-1, Revised  
6 Table 3-1.)

7 **VI. THE 2001 BICKFORD RANCH SPECIFIC PLAN**

8 57. On or about October 12, 2001, Placer County released for public review a revised version  
9 of the Bickford Ranch Specific Plan. (Exhibit 6: Placer County Planning Department, Bickford Ranch  
10 Specific Plan (“BR SP”) (Oct. 12, 2001).)

11 58. The 2001 Bickford Ranch Specific Plan states that it “implements the intent of the [Placer  
12 County] General Plan by setting forth regulations, conditions, and programs which will carry out the  
13 objectives and policies of the General Plan . . . .” (Exhibit 6: BR SP, at p. 1-2, § 1.2.)

14 59. The 2001 Bickford Ranch Specific Plan explicitly states that it is governed by California’s  
15 Planning and Zoning Law, and that these laws require that any specific plan be consistent with the  
16 general plan of the jurisdiction in which the specific plan is located. (Exhibit 6: BR SP, at p. 1-2, § 1.3.)

17 60. The 2001 Bickford Ranch Specific Plan states that there are two existing routes for  
18 vehicular access to Bickford Ranch: Sierra College Boulevard and Clark Tunnel Road. (Exhibit 6: BR  
19 SP, at p. 2-1, § 2.1.)

20 61. According to the 2001 Bickford Ranch Specific Plan, the Placer County General Plan  
21 “allows a maximum of 1,950 dwelling units and a maximum of 14 acres of commercial uses” in Bickford  
22 Ranch, and sets forth Development Standards at Appendix C to the General Plan. (Exhibit 6: BR SP,  
23 at p. 3-2, § 3.1.1.)

24 62. The 2001 Bickford Ranch Specific Plan proposes to build a total of 1,890 dwelling units  
25 on 1,942 acres. (Exhibit 6: BR SP, at p. 3-5, § 3.3.2.)

26 63. The 2001 Bickford Ranch Specific Plan proposes to build “a Village Center surrounded by  
27 three distinct communities.” (Exhibit 6: BR SP, at p. 3-5, § 3.4.1.)

28



1 70. Petitioners and Plaintiffs have no other plain, speedy and adequate remedy in the ordinary  
2 course of law, and will suffer irreparable injury unless this Court issues the relief requested in this  
3 Petition and Complaint.

4 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

5 71. Petitioners and Plaintiffs hereby incorporate paragraphs 1 through 70 of this Petition and  
6 Complaint.

7 72. Plaintiffs and Petitioners and/or their members participated in Placer County's planning,  
8 permitting and environmental review of the Bickford Ranch Specific Plan, and submitted timely, written  
9 and/or oral comments on the issues raised in this Petition and Complaint.

10 73. Petitioners and Plaintiffs have exhausted all available administrative remedies in this matter.

11 **FIRST CAUSE OF ACTION**

12 **(THE SPECIFIC PLAN'S VILLAGE DESIGN IS INCONSISTENT WITH APPENDIX C OF THE PLACER  
13 COUNTY GENERAL PLAN)**

14 74. Petitioners and Plaintiffs hereby incorporate paragraphs 1 through 73 of this Petition and  
15 Complaint.

16 75. Appendix C of the Placer County General Plan states that the Bickford Ranch Specific Plan  
17 shall provide for up to two mixed use villages. (Exhibit 1: PCGP, Appendix C, at p. 155, § f.(1).)

18 76. The Bickford Ranch Specific Plan, as approved by the Board, contains three mixed use  
19 villages. (Exhibit 6, BR SP, at p. 5-1, § 5.2.)

20 77. Appendix C of the Placer County General Plan states that the Bickford Ranch Specific Plan  
21 shall be pedestrian-oriented, and that each village in the Specific Plan area "should contain all public  
22 facilities and services necessary for its development." (Exhibit 1: PCGP, Appendix C, at p. 155, §  
23 f.(1).)

24 78. In deciding whether to build all of Bickford Ranch's affordable housing on-site, or to instead  
25 allow a mix of on-site construction and in-lieu fees for off site construction, the County decided to allow  
26 up to ninety-nine (99) of the project's required 189 affordable housing units to be built off site, because  
27 Bickford Ranch, as designed does not have the site amenities and surrounding service amenities to meet  
28 the requirements for applicable tax credit programs. (Exhibit 6: BR SP, at p. 5-8, § 5.8. See also,

1 Exhibit 7: Placer County Resolution No. 2001-340, A Resolution Certifying the Final Environmental  
2 Impact Report, Adopting a Statement of Findings, a Mitigation Monitoring Plan and a Statement of  
3 Overriding Considerations Regarding the Bickford Ranch Specific Plan, Related Entitlements and  
4 Development Agreement (“Findings”) (Dec. 18, 2001), at p. 9, § 2.). In other words, the County has  
5 decided to allow more than half of the project’s affordable housing to be built off-site because Bickford  
6 Ranch does not account for adequate on-site access to public transportation, jobs, shopping, and other  
7 necessary amenities to allow low income families that must walk or ride the bus between home, work  
8 and shopping, to meet their basic living needs within Bickford Ranch.

9 79. Each of the Bickford Ranch Specific Plan’s three villages as approved, are not “pedestrian-  
10 oriented” because, as acknowledged by the County’s affordable housing analysis and findings,  
11 Bickford Ranch does not contain “all public facilities and services necessary for its development,” thus  
12 requiring a significant number of the project’s required affordable housing units to be built elsewhere,  
13 where such services are available.

14 80. Appendix C of the Placer County General Plan states that the development under the  
15 Bickford Ranch Specific Plan “shall set aside . . . the slopes of Boulder Ridge . . .” (Exhibit 1: PCGP,  
16 Appendix C, at p. 155, § c.)

17 81. The 2001 Bickford Ranch Specific Plan calls for the construction of residential units on the  
18 slopes of Boulder Ridge, including, but not limited to, the residential subdivision units designated R-9A,  
19 R-10, R-11A, R-11B, R-12, and R-13A. (Exhibit 6: BR SP, at Figure 5.1, Master Lotting Plan.)

20 82. Appendix C of the Bickford Ranch Specific Plan requires that development in Bickford  
21 Ranch follow the General Plan’s requirements for buffers between residential uses and agricultural uses.  
22 (Exhibit 1: PCGP, Appendix C, at p. 155, § d.)

23 83. The General Plan requires open space buffers of 50 to 800 feet between residential uses  
24 and agricultural uses, depending on the type of agricultural use and other site-specific factors. (Exhibit 1:  
25 PCGP, at p. 21-22.)

26 84. Several of the residential lots located along the northeast edge of the Bickford Ranch  
27 project area – including the residential subdivision units designated R-15A, R-15B, and R-16 – directly  
28

1 abut adjoining agricultural lands with no buffers. (See, e.g., Exhibit 6: BR SP, at Figure 5.1, Master  
2 Lotting Plan.)

3 85. Appendix C of the Bickford Ranch Specific Plan requires the golf course in Bickford Ranch  
4 – if it is built at all – to be a public golf course. (Exhibit 1: PCGP, Appendix C, at p. 156, § g.(1).)

5 86. As approved, the golf course at Bickford Ranch is private, not public. (See, e.g., Exhibit 6:  
6 BR SP, at p. 3-7, Table 3.1; and at p. 4-2, Table 4.1.)

7 87. The County’s approval of the Bickford Ranch Specific Plan and Development Agreement  
8 must be set aside as inconsistent with Appendix C of Placer County’s General Plan because (1) the  
9 Specific Plan exceeds the number of allowable villages, (2) the Specific Plan’s villages in the Specific  
10 Plan are not pedestrian-oriented, (3) the Specific Plan calls for building residences on the slopes of  
11 Boulder Ridge, (4) the Specific Plan fails to set aside open space buffers between residential uses and  
12 adjoining agricultural lands, and/or (5) the Specific Plan provides for a private golf course.

13 **SECOND CAUSE OF ACTION**

14 **(THE SPECIFIC PLAN VIOLATES THE COUNTY’S MANDATORY GENERAL PLAN POLICY THAT BLUE  
15 OAK WOODLANDS BE PRESERVED)**

16 88. Petitioners and Plaintiffs hereby incorporate paragraphs 1 through 87 of this Petition and  
17 Complaint.

18 89. The Placer County General Plan states a mandatory policy that large areas of non-  
19 fragmented Blue Oak Woodlands in the County shall be identified and preserved. (Exhibit 1: PCGP, at  
20 p. 110, § 6.C.1.)

21 90. The 1,954.6 acre Bickford Ranch project area contains 1,416 acres of Blue Oak  
22 Woodlands. (Exhibit 4: BR DEIR, at p. 13-3, Table 13-1.)

23 91. Development of Bickford Ranch under the Specific Plan approved by the Board will  
24 destroy up to 960 acres – more than two-thirds – of Bickford Ranch’s Blue Oak Woodlands. (Exhibit  
25 4: BR DEIR, at p. 13-29.) The project area’s remaining Blue Oak Woodlands will be severely  
26 fragmented by residential development, especially in the area of the proposed community known as  
27 “The Ridges.” (Compare Exhibit 6: BR SP, Figure 5.1 [Master Lotting Plan], with Exhibit 4: BR DEIR,  
28 Figure 13.1 [Vegetation and Wildlife Habitats].)



1           97. The Sierra Club and Audubon Society Alternatives are substantially different from one  
2 another: the Sierra Club Alternative proposes significant changes in U.S. Home's proposed  
3 development pattern to achieve a high-density residential development of up to 1,950 residential units in  
4 a very limited portion of the project area. The Audubon Society Alternative proposes retaining most of  
5 U.S. Home's proposed development pattern but eliminates lots in the project area's most sensitive  
6 habitats, and then suggested increasing density on the remaining lots only if feasible.

7           98. Subsequent to Sierra Club and Sierra Foothills Audubon Society presenting their proposals  
8 to U.S. Home, U.S. Home responded in a letter that it had prepared a financial analysis of the proposed  
9 alternatives and had concluded that they were economically infeasible. The financial analysis referenced  
10 in U.S. Home's letter was never presented to Sierra Club or Sierra Foothills Audubon Society for their  
11 inspection and review.

12           99. On or about November 8, 2001, the Placer County Planning Commission in considering  
13 various alternatives to the project, voted in favor of recommending that the Placer County Board of  
14 Supervisors adopt a modified version of the Audubon Society Alternative as the preferred alternative  
15 for the project.

16           100. On or about December 10, 2001, Petitioners and Plaintiffs were informed that  
17 Defendant and Respondent and Real Party in Interest U.S. Home had submitted to the Board on or  
18 about December 7, 2001, a financial analysis of the various proposed alternatives for the Bickford  
19 Ranch project. The existence of this financial analysis was not made public until the Board's December  
20 10, 2001, meeting.

21           101. In its December 7, 2001, financial analysis, U.S. Home erroneously described and  
22 analyzed the Audubon Society Alternative as a proposal calling for concentrated, high-density  
23 residential development of the project area. U.S. Home's December 7, 2001, financial analysis did not  
24 analyze the actual Audubon Society Proposal, which called for increasing density only to the extent  
25 feasible.

26           102. U.S. Home's December 7, 2001, financial analysis concluded that the "SC/AS"  
27 alternative was financially infeasible, because the increased densities of the proposal would require two-  
28 story homes to be built in close proximity to each other, and that such homes would be less desirable,

1 therefore causing the project to be financially infeasible. (Exhibit 7: Findings, at p. 3.) However, U.S.  
2 Home's December 7, 2001, financial analysis never analyzed whether the actual Audubon Society  
3 Alternative – i.e., simply eliminating lots in the project area's most sensitive habitat areas, but not  
4 substantially increasing densities in other parts of the project area – would still lead to financial  
5 infeasibility.

6 103. Based on the inaccurate assumptions in its financial study, U.S. Home again rejected  
7 both the Sierra Club Alternative and the Audubon Society Alternative as economically infeasible.  
8 (Exhibit 7: Placer County Findings, at p. 3.)

9 104. At its December 10, 2001, meeting the County and U.S. Homes made available to the  
10 public, for the first time, a revised version of the Bickford Ranch Specific Plan. At the same meeting,  
11 the County selected the newly presented alternative as its preferred alternative for the project for the  
12 Board's final consideration and approval on December 18, 2001.

13 105. The County, in approving its December 10, 2001, alternative for the Bickford Ranch  
14 Project, made a finding that the "SC/AS" Alternative is not feasible, because it "depends on clustering  
15 of dwelling units on small lots, multi-family housing and unconventional lot layouts." (Exhibit 7: Placer  
16 County Findings, at p. 66, § 9.(d).)

17 106. The County never provided to the public any independent review or analysis  
18 determining the accuracy of U.S. Home's assertion in its December 7, 2001, financial analysis that the  
19 Sierra Club and Audubon Society Alternatives for the Bickford Ranch project are financially infeasible.

20 107. The County's certification of the Bickford Ranch Specific Plan EIR, its Findings and  
21 Statement of Overriding Considerations in support of that certification, and its approval of the Bickford  
22 Ranch Specific Plan and Development Agreement must be rescinded because (1) prior to the Board's  
23 approval of the Specific Plan, the Planning Commission had already determined that a modified version  
24 of the Audubon Society Alternative – which Petitioners are informed and believe was different than the  
25 alternative approved by the Board on December 18, 2001 – was feasible and environmentally superior  
26 to U.S. Home's preferred alternative; (2) U.S. Home's December 7, 2001, financial analysis did not  
27 actually consider the economic feasibility of the Audubon Society Alternative (removing homes from  
28 Bickford Ranch's most sensitive habitat areas, while leaving densities in the remainder of the project's

1 area as originally proposed in the Draft Specific Plan and EIR); (3) U.S. Home's financial analysis was  
2 not provided to the public with sufficient time to allow for meaningful public review and comment before  
3 the Board's approval of the project; (4) the County failed to provide its December 10, 2001, preferred  
4 alternative to the public in advance of its December 10 meeting so that the public would have a  
5 reasonable opportunity to review and comment on that proposal; (5) the County failed to provide to the  
6 public for review and comment any independent analysis determining whether U.S. Home's financial  
7 analysis accurately described the Sierra Club Alternative or the Audubon Society Alternative, or  
8 whether U.S. Home's financial analysis of those alternatives was accurate, and/or (6) the County's  
9 finding of financial infeasibility is not based on substantial evidence because the December 7, 2001,  
10 analysis submitted by U.S. Home did not analyze the actual Audubon Society Alternative, which called  
11 for increasing density only if feasible.

#### 12 FOURTH CAUSE OF ACTION

#### 13 (APPENDIX C WAS NEVER APPROVED BY THE PLACER COUNTY BOARD OF SUPERVISORS IN 14 ADOPTING THE 1994 GENERAL PLAN)

15 108. Petitioners and Plaintiffs hereby incorporate paragraphs 1 through 107 of this Petition  
16 and Complaint.

17 109. Draft versions of the 1994 Placer County General Plan included plans for four new  
18 "growth areas" in the unincorporated County, including the Bickford Ranch area. (See *supra*, ¶ 46.)

19 110. The Final EIR for the 1994 Placer County General Plan states that, in response to  
20 public input, all references to the four new growth areas were removed from the General Plan, and that  
21 the Bickford Ranch area was instead designated as rural residential development reserve with densities  
22 of 0.1 to 1 dwelling units per acre. (See *supra*, ¶¶ 43, 47-48.)

23 111. The County's approval of the Bickford Ranch Specific Plan and Development  
24 Agreement must be set aside as inconsistent with Placer County's General Plan because Appendix C  
25 does not exist since (1) the Board, in certifying the 1994 General Plan FEIR, declared that *all* reference  
26 to the "four new growth areas" were eliminated from the General Plan, (2) the Board, in certifying the  
27 1994 General Plan FEIR, approved the FEIR's statement that the maximum densities for the Bickford  
28 ranch would be one dwelling unit per acre, and (3) the Board, in adopting the 1994 General Plan, also

1 adopted the General Plan's Land Use Map which designates that the Bickford Ranch area is only for  
2 Rural Residential use, and that the maximum residential density in the Bickford Ranch area is one  
3 dwelling unit per acre.

4 **FIFTH CAUSE OF ACTION**

5 **(INADEQUATE CEQA ANALYSIS OF POTENTIALLY SIGNIFICANT OFF-SITE SEWER IMPACTS)**

6 112. Petitioners and Plaintiffs hereby incorporate paragraphs 1 through 111 of this Petition  
7 and Complaint.

8 113. The County, in analyzing the Bickford Ranch project, has a duty under CEQA to  
9 evaluate the cumulative and growth inducing impacts of infrastructure improvements that exceed the  
10 project's needs, thereby providing existing infrastructure for other, future projects.

11 114. The Bickford Ranch Draft EIR fails to analyze any of the potentially significant off-site  
12 impacts, including growth-inducing impacts, of placing a sewer line from the project site along state  
13 highway 193 to the City of Lincoln's regional sewage treatment plant.

14 115. The County's certification of the Bickford Ranch Specific Plan EIR, its Findings and  
15 Statement of Overriding Considerations in support of that certification, and its approval of the Bickford  
16 Ranch Specific Plan and Development Agreement must be set aside because the County has failed to  
17 adequately analyze the potentially significant environmental impacts, including the growth inducing  
18 impacts, of installing an oversized sewer line between Bickford Ranch and the City of Lincoln's regional  
19 sewage treatment plant.

20 **SIXTH CAUSE OF ACTION**

21 **(THE SPECIFIC PLAN'S FAILURE TO ENSURE A LONG-TERM, RELIABLE POTABLE WATER SUPPLY IS  
22 INCONSISTENT WITH THE GENERAL PLAN)**

23 116. Petitioners and Plaintiffs hereby incorporate paragraphs 1 through 115 of this Petition  
24 and Complaint.

25 117. The Placer County General Plan prohibits the County from approving new development  
26 where existing facilities are inadequate unless the applicant demonstrates that all necessary facilities will  
27 be installed or adequately financed. (Exhibit 1: PCGP, at p. 80, Policy 4.A.2.a.)

28 118. The Placer County General Plan requires that proponents of new development  
demonstrate the availability of a long-term, reliable water supply for their entire project. (Exhibit 1:

1 PCGP, at p. 83, Policy 4.C.1.) “The County shall require written certification from the service provider  
2 that either existing services are available or needed improvements will be made prior to occupancy.”

3 (*Ibid.*)

4 119. At public meetings, a Placer County Water Agency (“PCWA”) representative stated  
5 that under existing conditions, adequate water supply exists for Bickford Ranch in 2002.

6 120. At public meetings, PCWA’s representative acknowledged that long-term water supply  
7 for projected development in Placer County – including the Bickford Ranch project – is conditioned on  
8 completion of the PCWA’s proposed American River water pumping facility by 2004.

9 121. PCWA’s proposed American River water pumping facility is only in the proposal stage  
10 at this time.

11 122. On or about December of 2001, a Draft EIR was released for PCWA’s proposed  
12 American River water pumping project. PCWA, as the CEQA lead agency for the American River  
13 pump station project, received approximately 3,000 comments in response to that Draft EIR. No Final  
14 EIR or subsequent environmental analysis has yet been released in response to those comments.

15 123. PCWA has stated that it may lose federal funding for its proposed American River  
16 water pumping project if that project is not approved by September of 2002.

17 124. On or about December 10, 2001, PCWA testified at a public meeting that it does not  
18 presently have adequate funding to construct the proposed American River water pumping facility, as  
19 proposed.

20 125. It is unknown whether PCWA’s proposed American River pumping project will ever  
21 be approved, or what mitigation measures or alternatives to the project might be adopted that would  
22 affect its pumping capacity and/or ability to serve Bickford Ranch.

23 126. The County’s approval of the Bickford Ranch Specific Plan and Development  
24 Agreement must be set aside as inconsistent with the General Plan because any written certification that  
25 U.S. Home might offer to show that PCWA intends to provide a long-term, reliable water supply is  
26 based on PCWA’s speculation that it will actually be able to secure funding for its proposed American  
27 River pumping facility, and that the facility – if it is ever approved – will actually be built with adequate  
28 capacity to serve Bickford Ranch.

1 **SEVENTH CAUSE OF ACTION**

2 **(FAILURE TO ANALYZE IMPACTS OF INADEQUATE WATER SUPPLY)**

3 127. Petitioners and Plaintiffs hereby incorporate paragraphs 1 through 126 of this Petition  
4 and Complaint.

5 128. The County has failed to ensure that a long-term, reliable water supply has been  
6 secured for the entire Bickford Ranch project. (See *supra*, ¶¶ 116-126.)

7 129. The County has a duty under CEQA to analyze the potentially significant impacts  
8 associated with supplying water to residential development.

9 130. The County’s certification of the Bickford Ranch EIR, its Findings and Statement of  
10 Overriding Considerations in support of that certification, and its approval of the Bickford Ranch  
11 Specific Plan and Development Agreement must be rescinded, because the County, in certifying the EIR  
12 and approving the Bickford Ranch Specific Plan and Development Agreement unreasonably assumed  
13 that a long-term, reliable water supply would be available from the County’s proposed American River  
14 pumping project – a project which must still be subjected to environmental analysis – including the  
15 adoption of feasible mitigation measures or alternatives which may affect the capacity of the proposed  
16 project to serve Bickford Ranch – and for which the County has not secured adequate funding.

17 **EIGHTH CAUSE OF ACTION**

18 **(THE SPECIFIC PLAN’S FAILURE TO PROTECT WILDLIFE HABITAT IS INCONSISTENT WITH THE  
19 GENERAL PLAN)**

20 131. Petitioners and Plaintiffs hereby incorporate paragraphs 1 through 130 of this Petition  
21 and Complaint.

22 132. The Placer County General Plan requires that the County identify and preserve unique  
23 wildlife habitats critical to protecting and sustaining wildlife populations. (Exhibit 1: PCGP, at p. 110, §  
24 6.C.1.)

25 133. The Placer County General Plan states that the County “shall require development in  
26 areas known to have particular value for wildlife to be carefully planned and, where possible, located so  
27 that the reasonable value of the habitat for wildlife is maintained.” (Exhibit 1: PCGP, at p. 110, §  
28 6.C.2.)



1 142. Sierra Club and Audubon Society each proposed project alternatives that would meet  
2 the General Plan’s mandatory policies requiring preservation of Blue Oak Woodlands and unique  
3 wildlife habitats. (See *supra*, ¶¶ 94-94.)

4 143. No subsequent or supplemental environmental analysis or addendum was prepared for  
5 the Bickford Ranch Specific Plan EIR to allow public review of the Sierra Club Alternative or the  
6 Audubon Society Alternative.

7 144. The County’s certification of the Bickford Ranch Specific Plan EIR, its Findings and  
8 Statement of Overriding Considerations in support of that certification, and its approval of the Bickford  
9 Ranch Specific Plan and Development Agreement must be set aside because the County failed to  
10 consider – under the procedures and in the public forum demanded by CEQA – any project alternative  
11 that would allow development of the Bickford Ranch project site while minimizing or avoiding the  
12 proposed project’s identified, significant impacts on Blue Oak Woodlands and unique wildlife habitats.

13 **TENTH CAUSE OF ACTION**

14 **(IMPROPER DEFERRAL OF DEVELOPMENT OF RESIDENTIAL DEVELOPMENT STORM WATER**  
15 **RUNOFF MITIGATION MEASURES)**

16 145. Petitioners and Plaintiffs hereby incorporate paragraphs 1 through 144 of this Petition  
17 and Complaint.

18 146. In its Findings in support of approval of the Bickford Ranch Project, the County  
19 declares that the stormwater runoff from residential development is less than significant after mitigation,  
20 because – in part – the applicant will be required to prepare and implement a “post-development storm  
21 water management plan,” under the guidelines set up by the Placer County Flood Control and Water  
22 Conservation District’s Stormwater Management Manual. (Exhibit 7: Findings, at p. 41, § 6; Exhibit 4:  
23 BR DEIR, at p. 12-22, § 12.4.)

24 147. The Bickford Ranch “post-development storm water management plan” has not yet  
25 been developed.

26 148. The Placer County Flood Control and Water Conservation District’s Stormwater  
27 Management Manual contains no water quality performance standards for storm water runoff by which  
28

1 a “post-development storm water management plan” might be evaluated for compliance with the  
2 County’s finding of “less than significant impacts” associated with such runoff.

3 149. Despite the lack of any water quality performance standards for the project’s yet-to-  
4 be-developed “Post Development Storm Water Management Program,” the Bickford Ranch Specific  
5 Plan FEIR summarily concludes that impacts associated with such runoff will be less than significant.  
6 (Exhibit 6: BR FEIR, at pp. MR-80 to MR-81.)

7 150. The County’s certification of the Bickford Ranch Specific Plan EIR, its Findings and  
8 Statement of Overriding Consideration in support of that certification, and its approval of the Bickford  
9 Ranch Specific Plan and Development Agreement must be set aside because the County has arbitrarily  
10 made a finding that water quality impacts associated with residential stormwater runoff are “less than  
11 significant after mitigation” where no performance standards exist by which the County can reasonably  
12 determine that the project’s yet-to-be-developed “Post Development Storm Water Management  
13 Program” will actually mitigate all impacts beyond significance.

14 **ELEVENTH CAUSE OF ACTION**

15 **(THE SPECIFIC PLAN’S FAILURE TO PROTECT OFF-SITE GROUNDWATER RECHARGE AREAS FROM**  
16 **RESIDENTIAL RUNOFF CONTAMINATION IS INCONSISTENT WITH THE GENERAL PLAN)**

17 151. Petitioners and Plaintiffs hereby incorporate paragraphs 1 through 150 of this Petition  
18 and Complaint.

19 152. The Placer County General Plan mandates that the County will protect groundwater  
20 from contamination by (1) identifying and controlling sources of potential contamination, and (2)  
21 protecting important groundwater recharge areas. (Exhibit 1: PCGP, at p. 105, § 6.A.10.)

22 153. The Bickford Ranch Specific Plan DEIR states that the project’s storm water drainage  
23 system “will utilize existing drainage systems to the extent possible, including the ravines and existing  
24 natural channels.” (Exhibit 4: BR DEIR at p. 12-19, § 12.3.3.)

25 154. The Bickford Ranch Specific Plan Draft EIR entirely fails to evaluate how stormwater  
26 runoff from the residential development will affect off-site groundwater recharge areas – such as Auburn  
27 Ravine Creek or Clover Valley Creek.  
28





1 cumulative impacts associated with the Bickford Ranch project – including impacts to Biological  
2 Resources – are unavoidable is arbitrary and unsupported by substantial evidence.

3 **STATUTE OF LIMITATIONS**

4 168. Petitioners and Plaintiffs incorporate Paragraphs 1 through 167 of this Petition and  
5 Complaint.

6 169. The Notice of Determination for the Bickford Ranch Specific Plan was filed on December  
7 18, 2001.

8 170. This Petition and Complaint was filed in Placer County Superior Court within thirty (30)  
9 days of the filing of the Notice of Determination for the Bickford Ranch Specific Plan.

10 171. Petitioners and Plaintiffs filed this Action prior to expiration of any applicable statute of  
11 limitation.

12 **NOTICE OF CEQA SUIT**

13 172. Petitioners and Plaintiffs incorporate Paragraphs 1 through 171 of this Petition and  
14 Complaint.

15 173. On January 16, 2002, Petitioners and Plaintiffs faxed and mailed a letter to the Placer  
16 County Clerk of the Board giving notice to the Board and County of their intent to file this lawsuit on or  
17 before January 17, 2002. (See Exhibit 8: letter to Antoinette Sharp, Placer County Clerk of the  
18 Board.)

19 **ELECTION TO PREPARE RECORD**

20 174. Petitioners and Plaintiffs incorporate Paragraphs 1 through 173 of this Petition and  
21 Complaint.

22 175. Petitioners and Plaintiffs elect to prepare the administrative record in this action. (Pub.  
23 Resources Code, § 21167.6, subd. (b)(2).)

24 **PRIVATE ATTORNEY GENERAL DOCTRINE**

25 176. Petitioners and Plaintiffs incorporate Paragraphs 1 through 175 of this Petition and  
26 Complaint.

27  
28

1 177. Petitioners and Plaintiffs bring this action as private attorneys general pursuant to Code of  
2 Civil Procedure section 1021.5, and any other applicable legal theory, to enforce important rights  
3 affecting the public interest.

4 178. Issuance of the relief requested in this Petition and Complaint will confer a significant  
5 benefit on the general public by requiring Placer County to analyze the project-specific, significant and  
6 unavoidable environmental impacts of the proposed Bickford Ranch project, and to ensure that the  
7 Bickford Ranch Specific Plan and Development Agreement are consistent with the County's General  
8 Plan.

9 179. Issuance of the relief requested in this Petition and Complaint will also result in the  
10 enforcement of important rights affecting the public interest. By compelling Placer County to engage in  
11 full and legally adequate analysis of the Bickford Ranch Project, Placer County will be forced to ensure  
12 that all feasible mitigation measures are implemented to reduce or avoid the project's impacts and that  
13 the project, as approved, does not frustrate the General Plan's mandatory policies.

14 180. The necessity and financial burden of enforcement are such as to make and award of  
15 attorney's fees appropriate in this case. Absent enforcement by Plaintiffs, Placer County and U.S.  
16 Home will proceed with development in the Bickford Ranch area that is inconsistent with the County's  
17 General Plan and that will incur potentially significant environmental impacts that could otherwise be  
18 reduced or avoided through the adoption of feasible mitigation measures and alternatives.

19 181. Plaintiffs and Petitioners have served a copy of this Petition and Complaint on the  
20 Attorney General's office to give notice of Plaintiffs and Petitioners intent to bring this lawsuit as private  
21 attorneys general under Code of Civil Procedure section 1021.5. (See Exhibit 9: cover letter to  
22 Attorney General.)

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Petitioners and Plaintiffs pray for the following relief:

25 1. The Court issue a peremptory writ of mandate compelling Respondents and Defendants  
26 PLACER COUNTY and the PLACER COUNTY BOARD OF SUPERVISORS to set aside the  
27 Board's certification of the Bickford Ranch Specific Plan EIR, its Findings and Statement of Overriding  
28

1 Consideration in support of that certification, and/or its approval of the Bickford Ranch Specific Plan  
2 and Development Agreement based on the invalid EIR;

3 2. The Court declare that Appendix C of the 1994 Placer County General Plan does not exist,  
4 because it was never approved by the Placer County Board of Supervisors in certifying the 1994  
5 General Plan Final Environmental Impact Report and approving the 1994 General Plan;

6 3. The Court declare that the Bickford Ranch Specific Plan and Development Agreement are  
7 invalid because they are inconsistent with and frustrate Appendix C to Placer County's General Plan;

8 4. The Court declare that the Bickford Ranch Specific Plan and Development Agreement, as  
9 an amendment to and clarification of Appendix C of the Placer County General Plan, are invalid  
10 because they are inconsistent with the remainder of Placer County's General Plan;

11 5. The Court permanently enjoin all Respondents and Defendants from carrying out any aspect  
12 of the Bickford Ranch Specific Plan and Development Agreement because they are (1) inconsistent with  
13 Placer County's General Plan and/or (2) because a legally adequate EIR has not been prepared or  
14 certified for the Bickford Ranch project;

15 6. The Court maintain jurisdiction over this matter until Respondents and Defendants PLACER  
16 COUNTY and the PLACER COUNTY BOARD OF SUPERVISORS complies with the peremptory  
17 writ by (1) preparing a Bickford Ranch Specific Plan and Development Agreement that is consistent  
18 with Placer County's General Plan, and (2) certifying a legally adequate EIR for the Bickford Ranch  
19 Specific Plan and Development Agreement;

20 7. The Court order Respondents to pay Petitioners and Plaintiffs' costs of suit and reasonable  
21 attorney's fees incurred herein; and/or

22 8. For such other and further relief as the Court may deem proper.

23  
24 DATE: \_\_\_\_\_, 2001

Respectfully submitted,

25  
26 LAW OFFICE OF J. WILLIAM YEATES

27  
28 \_\_\_\_\_  
J. WILLIAM YEATES

KEITH G. WAGNER  
Attorney for Petitioners and Plaintiffs

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