

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

EDNA VALLEY WATCH et al.,

Plaintiffs and Appellants,

v.

COUNTY OF SAN LUIS OBSIPO et al,

Defendants and Respondents.

2d Civil No. B223653
(Super. Ct. No. CV080636)
(San Luis Obispo County)

ORDER MODIFYING OPINION
AND DENYING REHEARING
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on August 2, 2011, be modified as follows:

The third full paragraph on page 6, commencing with "The County argues there is scant evidence," is modified to read as follows:

"The County argues there is scant evidence of Edna's participation in the administrative proceedings. But we are only deciding that the administrative proceedings are part of the "action" within the meaning of section 1021.5. To even qualify for the court's consideration of attorney's fees, the participation of a "successful party" must have conferred a significant benefit on the public or a large class of persons. Once this condition is met, the trial court must consider the extent of the parties' participation in the administrative proceeding and the cost and time necessary to reasonably prepare for a challenge to these proceedings. The fees the court deems appropriate may range from no fees to reasonable fees under the circumstances."

There is no change in the judgment.

Respondents' petition for rehearing is denied.