

intent to act conscientiously in carrying out your duties as an elected public official after carefully reviewing all pertinent data.

Majority Opinions and Special Interest Groups

Let me address a subject that will no doubt cause some individuals to be angry with me. There are two groups in Foresthill that have expressed the most vocal interest in the Project over the last few years -- the Chamber of Commerce and the Foresthill Residents for Responsible Growth (FROG). Each of these groups (I am not a member of either one) has about 30 members more or less. The Chamber members see this Project as a way to increase business in their stores or other enterprises and are generally supportive of it. On the other hand, FROG, while believing in modest growth over time, believes that this Project is too big. Neither of these groups has been elected or appointed as an official voice speaking for the residents; they are in fact what could be called "special interest groups". There is absolutely nothing wrong with that, and their views need to be heard, respected and taken into consideration, but I think that fact needs to be borne in mind as you make your decision on this Project.

So what do the majority of residents of the Foresthill Divide think of this huge Project looming over us? From my perspective, it seems that no official attempt has been made to find out. I was in a meeting of the Foresthill Forum in August 2006, when the subject of a survey was mentioned. As part of that discussion on the survey, Mike Johnson, Planning Director for the Placer County Planning Department, stated that they did not see a need for another survey given that one was conducted in October 1996; and subsequent to that time, the community had adequate opportunity to address the Commission verbally and in letters, thereby updating the 10-year-old (now 12) survey as part of the process for approval of the Plan.

I believe this is ludicrous. The majority of the verbal comments and letters received were by landowners concerned with the potential adverse effects of zoning and density laws affecting their own property. These were and are legitimate concerns; however, they do not address the community's feelings about the Project. To assume that everyone who sees negative aspects to bringing a Project of this size to Foresthill will have made those feelings known to the Planning Commission makes no sense at all.

When the survey was conducted, there were rumors of a possible development of perhaps 500 dwelling units on the old Pomfret Estate, but the thought of a 2,213 development was not contemplated. Some of the questions in the survey give a little indication of what was on people's minds concerning development. Recognizing that I will no doubt be accused of only highlighting the results that bolster my own position, I will still give you a few:

- "Would you like to see more commercial services provided in the Foresthill area?"
Yes 611 No 616
- Asked to rank 1 – 5, various statements concerning traffic and circulation -- the following statement was given an average of 4 "Agree": "An alternative route from the Foresthill Divide across the North Fork American River canyon (e.g. Yankee Jim's Road, Ponderosa Way, etc.) should be straightened and paved if major new housing developments are approved and built."

- "Should there be higher density housing provided for older citizens and for younger households which are new to the housing market?"

Yes 418 No 603

How do you use this information from 12 years ago? I don't have the answer to that question and since the residents of Foresthill have not been "officially" asked specifically about the Project's 2,213 dwelling units, we can't know with certainty how they would respond. However, in a nonofficial, and some would say unscientific, petition done last year, 1,000 people signed a statement that they don't want a development of that magnitude on the Divide. It's obviously up to you whether you wish to pay attention to it.

I would like to expand on the 1996 survey statement regarding an alternative route off the Divide if "major new housing developments are approved and built". This has not been required of the investors of this Project and there is no way it can be construed as anything but a "major housing development". What people in Foresthill were trying to say 12 years ago is that there is currently one main road off the Divide. There are in fact, two other paved roads off the Divide. I took one of those roads a year ago and wrote my impressions of that experience:

I took a drive the other day on Route 10, the road through Sugar Pine Reservoir to Iowa Hill and on to Colfax and I-80. I started from the Foresthill Post Office and kept track of the mileage on my odometer. The total mileage from there to the on-ramp of I-80 West in Colfax is a little over 32 miles. At about Mile 19, the road begins to narrow appreciably being "squeezed" by trees on either side. At Mile 27, the road begins its steep descent into the canyon of the North Fork of the American River becoming a series of switchbacks with blind corners. There are places where the road seems to be no wider than about seven feet. With no guardrails to protect from the drop of hundreds of feet to the canyon below and a rock face on the other side, it is necessary to proceed at speeds no greater than 10-15 mph. In fact, there are signs posted at some hairpin curves cautioning 5 mph.

I subsequently took the other road, Mosquito Ridge, with similar terrain in places. In any emergency situation, primarily catastrophic wildfires, no other road is a feasible alternative. Adding 80% more people without doing something about this is, in my view, grossly negligent and perhaps even criminal.

Wildfires

As we have seen in California for many years, current policies are not sufficient to protect homeowners in case of catastrophic wildfires. I understand that many of the houses throughout the state probably shouldn't be situated where they are in the first place (perhaps my own as well), but who is to blame for that? Local and state agencies give permits to developers for large tracts of homes without regard to the potential adverse consequences. They see the bottom line of impact fees and increased property taxes as an overriding reason for approval. One reason for this thinking, according to a Wall Street Journal editorial of October 27, 2007 regarding the California fires, is that local and state governments know that if tragedy strikes, the federal government will eventually bail them out.

To quote some parts of the above-mentioned editorial "The national media have focused on the federal response, eager to compare it to the Hurricane Katrina fiasco of two years ago. However, local officials also deserve scrutiny. A good first step would be to require state and local governments to foot more of the costs of fighting these fires. The U.S. Forest Service, which is part of the Department of Agriculture, is tasked with combating fires in national forests. But most of the agencies time and resources are spent protecting private property in what is known as the 'wildland urban interface'. Local officials continue to allow

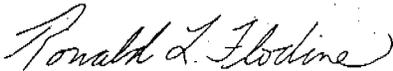
people to build in these areas because they know that if a threatening firestorm does occur, the feds will pick up the tab." It goes on to say "Since 1992, the Forest Service's fire expenditures have grown by 450%, and well over half of that has been spent protecting private property next to public land."

Bringing this discussion into our own county, as the Planning Commission and the Board of Supervisors look at the feasibility of new developments on the Foresthill Divide, they should pay careful attention to the fire risks and give thought as to how to pay for fighting the fires that will inevitably come. Perhaps we, on the one hand, shouldn't be so quick to blame the Forest Service for not providing services we would like to see if we are advocating additional developments that will continue to put constraints on their budget by requiring more and more funds be used for fire expenditures in the ever increasing "wildland urban interface" areas.

I know this has been a very long letter and I appreciate your patience. As I believe you can tell, I am very concerned that the size of the Forest Ranch Project will totally overwhelm our small community. It's just too much of an increase all in one development. I am not naïve, nor am I a no-growth advocate; all communities need to grow to survive, but this is just too big. I am aware that the investor currently has the approvals and permits necessary to build 500-600 homes right now. I have heard no complaints from any Foresthill residents about this possible development but he has opted not to pursue this course of action.

Thank you for your time.

Sincerely,



Ronald L. Flodine
P.O. Box 50
Foresthill, CA 95631

flodine@ftcnet.net

cc: Placer County Board of Supervisors
Placer County Planning Comissioners
Foresthill Forum
Nevada-Yuba-Placer Ranger Unit (Cal Fire)
Sierra Club
Assistant Planning Director - Loren Clark
Planning Director - Michael Johnson
Foresthill Public Utility District Board of Directors
Foresthill Fire Dept. - Kurt Snyder
United States Dept. of Agriculture - Attn: Chris Fischer
Assemblyman Ted Gaines
Assemblyman Rick Keene
Senator Sam Aanestad
Senator Dave Cox
U.S. Senator Barbara Boxer
U.S. Senator Dianne Feinstein
U.S. Representative John Doolittle

- CLERK OF THE BOARD
- County Executive Office
- County Counsel
- Mike Boyle
- Planning 3080

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3 BOS Rec'd MB DW
 Officer RS COB

AUG 29 2008

Sup D1 Sup D4 Aide D1 Aide D4
 Sup D2 Sup D3 Aide D2 Aide D3
 Sup D5 Aide D5

August 23, 2008

Placer County Planning Commission
3091 County Center Drive
Auburn, CA 95603

Dear Mike Stafford, Richard Johnson, Gerald Brentnall, Ken Denio, Larry Sevison and Larry Farinha:

On August 4, 2008, Placer County Assistant Planning Director, Loren Clark, and Planner Crystal Jacobsen, addressed the Foresthill Municipal Advisory Committee (MAC), and the public in regards to the Foresthill Divide Community Plan (FDCP).

During this presentation Mr. Clark stated that the county planning staff would be recommending to the Planning Commission a negative vote on Appendix "E" of the FDCP; the section regarding the expansion of the Forest Ranch development concept from 533 homes to 2,200 homes.

This is now the second Placer County Planning Department staff to urge a negative vote on the expansion.

On August 18, 2008, the Placer County Planning Commission met in Foresthill, with Planning Director Michael Johnson, Assistant Director Loren Clark and Crystal Jacobsen also in attendance. Again, Mr. Johnson stated that the county planning staff urged a negative vote on Appendix "E", denying the expansion to 2,200 homes.

District #5 Planning Commissioner Larry Farinha, appointed by Supervisor Kranz to replace Michelle Ollar-Burris, who Mr. Kranz was forced to remove by the other Supervisors due to alleged land use improprieties, immediately stated that he thought the Forest Ranch concept of 2,200 homes was a great idea. Thus, Mr. Kranz appoints another Planning Commissioner, who like himself, believes in large, ill planned housing developments in the rural areas of his district which will bring large amounts of campaign funds.

Mr. Farinha's statement was greeted with rousing applause from the Ryan Family (Forest Ranch Developers), and the approximate one third in attendance who do not reside in Foresthill, or Placer County for that matter, but, appeared to be offered free room and board if they would show up and support the Forest Ranch concept.

Doug Ryan of Forest Ranch Developers, then addressed the Planning Commission stating that he saw no problem in building a sewage treatment plant, a reservoir to supply water, or anything else that the Planning Commissioners would want if they would just approve his project. All Commissioners, except Mr. Farinha, stated that they have not seen any plan submitted by the Ryans for the Forest Ranch project and would like to see a plan submitted. Mr. Ryan, as usual changed the subject.

On August 21, 2008, the Foresthill Public Utility District, on the request of the Foresthill Chamber of Commerce, held a public meeting to discuss the District's Master Plan and to have their engineer's in attendance, to discuss water issues regarding the Ryans Forest

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AUG 29 2008

Ranch concept. The Ryans were also notified of this meeting, weeks in advance, and were requested to attend with their engineers. Placer County Planning Department Assistant Direct Loren Clark was also in attendance.

The meeting commenced with Don Ryan informing everyone to proceed as he had just received a call and their engineer would be a few minutes late as he was stuck in traffic. Approximately fifteen minutes later in walked Doug Ryan and NO engineer. When pressed as to where the Forest Ranch engineer was, Doug Ryan stated that he had not received sufficient notification to find an engineer and that Forest Ranch did not need an engineer as he could answer any engineering questions.

Doug Ryan stated, like he did at the Planning Commission meeting, that Forest Ranch was going to build a sewage treatment plant, a reservoir, then added that Forest Ranch had received a letter from the Department of Dams to build a dam for the reservoir on the Forest Ranch land, with Doug Ryan concluding his statement that he was considering forming their own water district for the Forest Ranch Project. This statement brought skepticism from not only the Foresthill Public Utility district, but the public, who this time consisted of only Foresthill residents.

Don Ryan closed the meeting stating that the Forest Ranch project would not require much water as the houses they intended to build would only require one hundred (100) gallons of water per day. Actually, the current average consumption per household is 450 gallons a day. Don Ryan proceeded to chastise the Foresthill community for not living in the "real world" and that his families "vision" for Foresthill was it's only chance for survival. This statement was met with utter disbelief and I found it ridiculous when one considers that none of the Ryans, and most of their supporters, do not live in Foresthill, or even in Placer County.

I urge you the Planning Commissioners and the Foresthill community to view the DVD's made of these meetings. See for yourselves the disingenuous statements made by the Forest Ranch people and the arrogance and condescending attitudes displayed by the Ryans to the residents of Foresthill.

The bottom line is that there never has been a development plan for Forest Ranch, there is no plan now, and there never will be one in the future. The Ryans have been asked repeatedly over the years, by not only the Foresthill Public Utility District, but the Placer County Planning Department and the public to produce a plan. All requests have been met with evasion on the part of the Ryans.

Does Foresthill need growth? You bet, but not from developers who seem to be perpetuating a land scheme on the residents of Foresthill and Placer County.

Sincerely,


John & Diane Laster

6427 Longridge Dr., Foresthill, CA 95631

Cc: Placer County Board of Supervisors and Planning Director Michael Johnson
Auburn Journal and Auburn Sentinel

September 19, 2008

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SEP 22 2008

PLANNING DEPT.

Placer County Board of Supervisors
Bruce Kranz, Jim Holmes, Robert Weygandt, Rocky Rockholm & Kirk Uhler
175 Fulweiler Ave.
Auburn, CA 95603

RE: FORESTHILL DIVIDE COMMUNITY PLAN

Dear Supervisors:

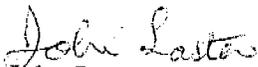
I am writing to you to give you the following breakdown of events:

- 1) April 2007: Doug Ryan of Forest Ranch Associates circumvented the Foresthill Public Utility District (FPUD) and requested that the Association of California Water Agencies (ACWA) change California law/water code 10912(c). This would have forced the FPUD to supply water to the proposed Forest Ranch development outside of the FPUD district boundaries. ACWA justifiably denied the request after review.
- 2) September 2007: Doug Ryan of Forest Ranch Associates circumvented the Foresthill Public Utility District (FPUD) and Placer County Planning Department and requested that the Placer Local Agency Formation Committee (LAFCO) become the lead agency overseeing the proposed Forest Ranch development. LAFCO justifiably denied the request after review.
- 3) February 2008: Don Ryan of Forest Ranch Associates initiated a civil lawsuit against the Foresthill Public Utility District (FPUD) to stop FPUD's implementation of its 2008 Master Plan. This lawsuit is ongoing and could lead to rate increases on existing ratepayers to offset the expense of defending against lawsuit.
- 4) August 2008: Doug Ryan of Forest Ranch Associates addressed the Placer County Planning Commission meeting held in Foresthill, stating that he (Forest Ranch) would build anything the Commission desires if they would just approve the development. When Commissioner Johnson asked Doug Ryan where any plan for the development was, Doug Ryan conveniently changed the subject and ignored the question. This is on DVD for review.
- 5) August 2008: Foresthill Public Utility District (FPUD) conducted a public meeting with the Foresthill Chamber of Commerce to discuss the Chamber's request that the FPUD has sufficient water to supply the proposed Forest Ranch development per Doug Ryan. At this meeting the FPUD adequately demonstrated the water rights issues regarding Forest Ranch and the community as a whole, including annexation procedures and that the Ryans have failed to submit a water analysis plan for their development upon repeated requests by the FPUD over the years. This is on DVD for review.

analysis. There is NOTHING on the part of the Ryans and Forest Ranch other than verbal speculation and unfulfilled promises. This is nothing more than a land development scheme being perpetrated against the Foresthill Community and Placer County.

I urge you to vote NO on Appendix E and YES to either Appendix B or YES to the "Modified Appendix E" which designates the numbers of Appendix B and makes the Ryan property a "Future study area".

Sincerely,



John Laster
6427 Longridge
Foresthill, CA 95631

Cc: Michael Johnson, Placer County Planning Director, 3091 County Center Dr.,
Auburn, CA 95603

DONALD V. RYAN, D.D.S.

5904 N. El Dorado St., Suite C
Stockton, California 95207
(209) 957-8907 • Fax (209) 931-3208

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AUG 22 2008

Aug. 22, 2008

PLANNING DEPT.

Placer County Planning Commissioners
DeWitt Center
Auburn, California

Gentlemen,

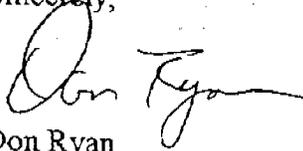
This next week you shall be reviewing the Foresthill Community Update, and specifically Appendix E, of which I again ask your support.

There seems to be the misunderstanding in the community that this is an approval of additional density: **that is not the case.** Just to clarify, Appendix E will allow Forest Ranch to submit a specific plan for up to 2200 +/- units of which 1700 would be age restricted. Included in this number are the currently zoned 533 +/- units that have existed on the property for over 25 years. This specific plan would be subject to all CEQA review, community input, and finally your vote. Appendix E was endorsed by the Foresthill Forum on August 21, 2008 and one week earlier by the Chamber of Commerce.

Adoption of E will allow us to plan the future use of over 2500 acres of land next door to the existing downtown. My family and I are deeply committed to the planning process, understanding that no other parcel will ever exist which is so strategically located, and if properly planned, so beneficial to Foresthill and Placer County.

Thank you for your consideration.

Sincerely,



Don Ryan

Crystal, Loren:

In line with the Planning Commission recommendation to modify Appendix E to reflect agreements between the chamber and Forest Ranch, I suggest the following wording. While the Commission directions only related to extending capacity so that wastewater collection and treatment could be extended to downtown, Forest Ranch has agreed to other items which we would like to see included in the appendix: 1) building of the first 9 holes of the golf course in the first phase – needed for wastewater disposal, 2) permission for high school golf team and coach to practice on course fee-free, and 3) additional wording to clarify the restrictive nature of the commercial reserve.

Thanks,

Douglas Ryan
Forest Ranch

Suggested Appendix E Modifications

In the bullet points under commercial, office and professional reserve, add an additional bullet.

- Such uses will require a minor use permit, which shall only be granted if the Foresthill Chamber of Commerce is unable to locate a suitable location in the Historic District Mixed Use Area within a reasonable period of time. Such uses should be located near Foresthill Road.

Add to the bottom of recreational uses:

Phasing of a golf course shall include development of the first 9 holes within the first development phase. The high school golf team and coach shall be allowed to use the course fee-free during non-peak periods for training purposes up to three times a week.

Add to the end of infrastructure improvements:

The waste water treatment facility or facilities shall be sized to accommodate potential flows from the downtown historic district. Such facilities shall become available as demand for service dictates. The waste water collection system design shall include a proposed routing from the waste water treatment facility to Foresthill Road, and include a routing on Foresthill Road and/or Main Street from the current Elementary School Site to the High School site. The first phase of the project shall include construction of a collection pipeline from the edge of the project property to an on-site waste water treatment facility. Construction of off-site portions of the pipeline shall be started during the second phase. Adoption of this appendix shall not require any current users to hook up to the wastewater collection system until such time as their current septic system fails or requires a major upgrade. Hookup fees for off-site users shall be limited to the incremental capital cost of wastewater facility, pipeline development and financing.

Loren Clark

From: Douglas Ryan [douglas_]_ryan@yahoo.com]
Sent: Saturday, August 02, 2008 2:36 PM
To: Loren Clark
Subject: FW: recommendation
Attachments: Water Issues for Forum V2.doc

Loren,

FYI – I sent the following to Michael Johnson.

Dear Michael:

Loren informed me of Staff's decision regarding a recommendation on the Forest Ranch retirement community project. I ask that you reconsider and reverse the decision before the meeting Monday night.

Given the voluminous amount of information, it is not surprising that Staff overlooked the information that deals with each of the items of concern.

1. Sewer Treatment Feasibility: The Sauer's report commissioned by the County indicated that a Forest Ranch wastewater district was both physically and financially feasible. Loren was unaware of the study. I emailed him a soft copy. (It was included in Forest Ranch's draft EIR).
2. Evacuation: The premise underlying the reasoning is flawed. The Foresthill strategy for handling wildfires is NOT to evacuate. Further, golf courses are used as safe area in the event of a wildfire. Evidence their use in Southern California. As the golf course is on site, there would be no traffic from the site to interfere with emergency equipment on Foresthill Road. The golf course also serves as a fire-break. Congregating people in a central safe area like a golf course also facilitates a controlled exodus should one be necessary.

The "Shelter in Place" concept was proven effective in last year's Southern California wildfires. Through the use of proper subdivision design, Class 'A' roofs and vigilance to prevent the accumulation of latter materials ("fuels"), a community can be made fire-resistant. This was the experience of five San Diego subdivisions. Fires came up to the edge of the communities; embers flew in -- not a single house burned.

3. Water Supply: I am surprised this is even an issue. The Foresthill PUD has the right to divert to storage *every year* 2 ½ times the amount needed for environmental and consumption at build out. In four out of five years there would be a surplus of water. In about half the years, the PUD's full allotment can be diverted to storage.

If there is a need for more storage, there are many strategies for increasing storage on the Divide. The attached pages regarding the water "issue" should be sufficient to conclude that additional water storage is not even necessary to supply the Forest Ranch retirement community.

I appreciate your looking into this. Should you need documentation to prove any of the points contained above or in the attached pages, I will be happy to provide it.

Sincerely,
Douglas Ryan

Dear County:

In order to accept the conclusions of the water district regarding water supply that there is not enough water to supply the 1700 units requested by Forest Ranch, you must find that the following Foresthill PUD assumption in the left column is true:

Foresthill PUD Assumptions	Facts	# of additional homes that can be served at current rates of consumption
<p>A) No additional water storage can be put on the Divide</p>	<p>PUD has the right to store <u>EVERY YEAR</u> 2.5 times the amount of water it says it will ever need. This amount of physical water is available in roughly half of the years.</p> <p>Installing gates on the Dam would increase capacity by 50%.</p> <p>Forest Ranch offered to put a lake on its property of whatever size might be needed. Engineers confirmed feasibility of a 2000 acre foot lake, enough to supply all Forest Ranch retirement community residents during a drought.</p> <p>The PUD pipeline from Sugar Pine runs through the Forest Ranch property.</p>	<p>Essentially unlimited</p>
<p>B) Former PUD General Manager lied to the state about water diverted during the mid 1970s drought</p>	<p>The mid 1970s drought is the worst drought in recorded history</p> <p>Bill Martinsen would have no motive to lie to the state.</p> <p>Mill Creek supplied a minimum of 46,000,000 gallons per year during this drought</p>	<p>325</p>

Foresthill PUD Assumptions	Facts	# of additional homes that can be served at current rates of consumption
C) Division of Water Rights would require PUD to release water to satisfy non-existent prior downstream water rights	<p>Bureau of Reclamation estimated that 176 acre feet of prior downstream water rights <i>MIGHT</i> exist for which it would be responsible.</p> <p>Division of Water Rights extensively researched the issue and determined there is no evidence these water rights exist.</p> <p>Division of Water Rights is the agency that arbitrates water rights.</p> <p>Division of Water Rights says it is an oxymoron to say that you need to release water for non-existent rights</p>	415
D) PUD will have to supply 250 industrial enterprises in Foresthill	<p>PUD Director at June 2008 forum meeting said he did not believe that there would ever be 250 industrial units and the engineer <i>KNEW</i> there would never be 250 industrial units.</p> <p>Even if we were to assume a 1000% increase in industrial activity in Foresthill, water usage would only be 4% of what is predicted in the report.</p> <p>There is no law which says that PUD has to make assumptions it knows will never happen.</p> <p>The 1992 Master Plan assumed no industrial in Foresthill.</p> <p>Correcting this error yields at least an additional 67 acre feet</p>	158

Foresthill PUD Assumptions	Facts	# of additional homes that can be served at current rates of consumption
E) Commercial establishments will use 1420 gallons a day	<p>Most water consumption by commercial units is for toilet use.</p> <p>Starting in 2014, toilets will be limited to 1.3 gallons per flush. 1420 gallons represents 1092 flushes per day</p>	Unknown, but significant
F) New multifamily units will use twice as much water as existing units	<p>PUD reports an increase in use of 84,500 gallon per day for multifamily units.</p> <p>PUD reports a potential increase of 170 multifamily units.</p> <p>84,500/170 is 497.</p> <p>Current usage per unit is 244 gallons per day.</p> <p>Water usage declined between the years 1990 and 2005. (See Colfax Paradox SOLVED below)</p>	113
G) Each new single family home would use 31% more water than current homes.	<p>Same logic as above, but numbers are significantly higher.</p> <p>Water usage declined between the years 1990 and 2005. (See Colfax Paradox SOLVED below)</p>	857

Foresthill PUD Assumptions	Facts	# of additional homes that can be served at current rates of consumption
H) District would spend \$40,000 for each potential customer in Yankee Jims area. Wells cost substantially less.	<p>PUD report says it would cost \$2,910,000 to serve this area.</p> <p>There are a maximum potential of 67 single family residential units in assessors book 258 pages 3,4,5,& 6, The Yankee Jims area.</p> <p>If existing customer with wells do not convert to PUD water, then the cost to serve potential customers goes over \$100,000.</p>	67
I) All properties will be fully built out	Some properties are known to have impairments that would prevent them from building out to the maximum allowed by their zoning.	Unknown
J) All water efficiency mandates currently in law will fail.	<p>Starting in 2012, all residential irrigation controllers sold in CA will have to meet SMART standards. Tests have shown a 25-33% reduction in water use.</p> <p>Starting in 2014, all new toilets in CA will be 1.3 gallons per flush.</p> <p>When plumbing is retrofitted in existing homes, they must comply with the Energy Act of 1992 which mandates maximum usage for toilets, showerheads, faucets, etc.</p>	Unknown, but significant
TOTAL	FOREST RANCH IS ONLY REQUESTING 1700 ADDITIONAL HOMES. No additional storage is necessary.	A minimum of an additional 1935 homes could be served.

The Colfax Paradox SOLVED

The PUD maintains it needs to assume increased consumption in the future for single and multifamily residences because newer residents will be more affluent and use more water. They refer to this as consumption creep.

Colfax is subject to the same demographic influences as Foresthill, so its water consumption per household should have increased as well. BUT IT DID NOT, IN FACT IT WENT DOWN.

The mystery was recently solved. Turns out, the number of active households in 1990 was severely overstated, causing the average use per household to be unusually low. When compared to current numbers, it gave the illusion of increasing consumption, when the reality is otherwise.

How the mystery was solved

1. It had been known for some time that the 1990 US Census reported an estimate of 1477 houses that used public water within the PUD's boundary. This was based on a 10% sampling within the District boundaries.
2. The 1992 Master Plan reported 1,646 households using PUD within the District Boundaries.
3. Last Month, when going through old papers, I discovered a letter written by Kurt Reed dated March 13, 1991. In that letter, he indicates that there are 1,482 customers, very close to the US Census Bureau estimate, breaking the tie and confirming that the numbers reported in the 1992 report were wrong.
4. The Reed letter also explains the substantial drop in single-family residential customers reported to the State in the year 1994.

The 1992 report was based on the number of meters, not on the number of occupied households. The years of the late 1980s and early 1990s were unusual for Foresthill. The lumber industry was shutting down. There were an abnormally high number of houses for sale, for rent, etc. The census bureau reports that in 1990, 15.5% of all homes were vacant for one reason or another. In typical times, vacancies typically run about 5%. In 2000, it stood at 4.9%.

When these factors are all taken into account, water consumption per single-family residential unit and per multi family residential unit each declined by 5% +.

Loren Clark

From: douglas ryan [douglas_j_ryan@yahoo.com]
Sent: Sunday, August 03, 2008 9:16 PM
To: Michael Johnson
Cc: Loren Clark; Crystal Jacobsen
Subject: backup documentation
Attachments: Documentation for forum meeting.doc

Michael,

Attached is the supporting evidence to the email sent earlier. If you have any questions, I will be at the forum meeting Monday night. Also, you can check out our website at www.forestranch.info - that's info, not com.

Doug

PS. I tried printing this out, but for some reason the copies from PDF don't print, but it is viewable online. I'll have a paper copy at the meeting.

D.

Item A. North Shirltail Creek Flows

Note: At Build-out, District estimates need for slightly over 5,000 acre feet of water to supply both its downstream requirements (environmental & rights) and customer requirements. (Approximately Green Line)

Note: During drought years, this requirement drops to as low as 3,500 acre feet of water as the environmental release requirements are reduced. (Approximate Yellow Line)

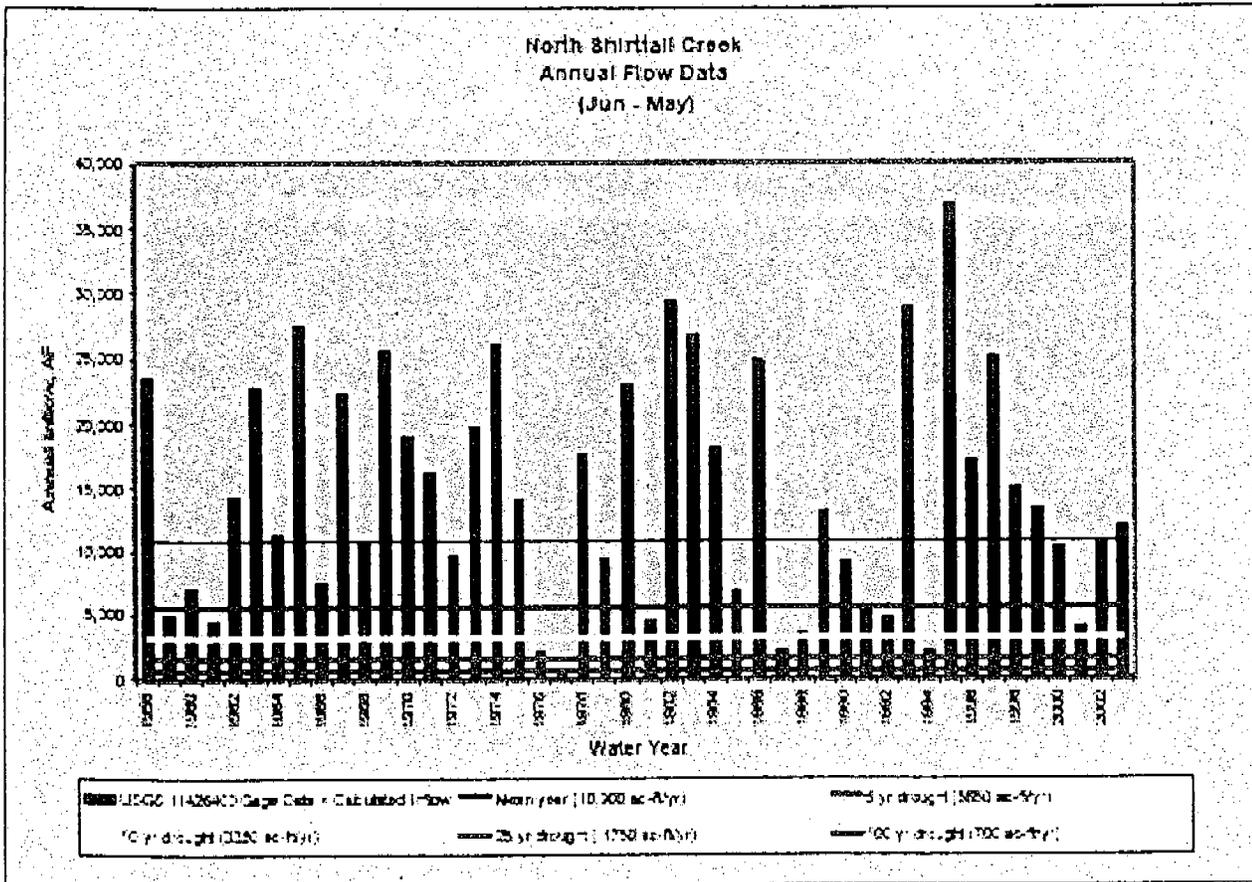


Figure 2-3 Annual Flow Data, North Shirltail Creek

Item B. Public Water System Statistics Signed by Bill Martinsen for years 1976, 1977, 1978

DOCUMENTATION IS NOT IN ELECTRONIC FORM

Item C. Emails From DWR

File: C:\Documents & Settings\Owner\Desktop\RE%20FW%20water%20rights%20question.txt

From: Kevin Long [KLONG@waterboards.ca.gov]
Sent: Wednesday, November 24, 2004 12:00 PM
To: douglas_j_ryan@yahoo.com
Subject: RE: FW: water rights question

Mr. Ryan:

1. A "downstream prior right which do[es] not exist" is an oxymoron. If a lawful appropriation once existed, but no longer exists (i.e., has been abandoned or revoked), then water does not have to be bypassed or released to satisfy the downstream diversion that is no longer there.

Note: A right to appropriate water may revert back to the State after five continuous years of non-use (except for riparian rights). See Water Code Section 1241 (for post-1914 rights) (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=wat.&group=01001-02000&file=1240-1244>) and/or Smith v. Hawkins (110 Cal. 122) for pre-1914 rights.

2. & 3. I have researched our records and your statements are correct.

4. Correct. The bypass and/or storage release requirements under Permit 15375 are specified in the e-mail I sent to you on November 22, 2004 and in the Permit.

Sincerely,

Kevin Long, P.E.
WRC Engineer
SWRCB Division of Water Rights
(916) 341-5346

>>> "Douglas Ryan" <douglas_j_ryan@yahoo.com> 11/24/04 10:33AM >>>

Dear Mr. Long:

I do have clarification questions related to the specific comment by the member of the local public utility board. Are the following statements correct?

1. There is no provision in Permit 15375 that requires release for downstream prior rights which do not exist.

2. The Water Board is unaware of any recorded water rights in existence between the diversion site in Permit 15375 and the North Fork of the American River.

File: C:\Documents & Settings\Owner\Desktop\RE%20FW%20water%20rights%20question.txt (1 of 3) 11/25/2004 1:03:13 AM

3. The Water Board is unaware of any statements of diversion on file between the diversion site in Permit 15375 and the North Fork of the American River.

4. There is no requirement in Permit 15375 that requires the specific release of 176 acre feet of water.

Thank you. I appreciate your assistance.

Douglas Ryan

-----Original Message-----

From: Kevin Long [mailto:KLONG@waterboards.ca.gov]

Sent: Monday, November 22, 2004 3:33 PM

To: douglas_j_ryan@yahoo.com

Subject: Re: FW: water rights question

Dear Mr. Ryan:

I reviewed the Water Rights Board's "Order Approving Application" dated March 29, 1967 that was issued following a hearing on water right Application 21945 held on 23 March 1966, and the water right permit (no.

15375) issued pursuant to the Order. Permit 15375 has a face value of 8.674 af direct diversion + 15.400 af storage = 24.074 afa. My review found that the permit contains all the terms that the Order specified.

The key permit terms relating to the bypass of water are terms 13 and 16.

Permit Term 13 requires reservoir inflows to be bypassed (released) between July 2 and October 31, and to the extent necessary to satisfy downstream prior rights during the diversion season.

Permit Term 16 requires compliance with the Dept. of Fish & Game Memorandum of Agreement dated 25 January 1967, which requires:

- 1) Bypass of 5 cfs or the natural flow of North Shitrtail Canyon Creek, if less than 5 cfs, from February 1 to May 31 of each year.
- 2) Bypass of 2 cfs or the natural flow of North Shitrtail Canyon Creek, if less than 2 cfs, from June 1 to July 1 and November 1 to January 31.
- 3) Minimum bypass or release from storage of 0.5 cfs at all times regardless of the natural flow of North Shitrtail Canyon Creek.

Based on the Memorandum, the theoretical minimum in-stream flow releases during a severe drought would be $0.5 \text{ cfs} \times 1.983 \times 365 \text{ d/y} = 362 \text{ afa}$. In full fish flow availability conditions, required releases would be $1.678 \text{ afa} +$ all reservoir inflows between July 2 and October 31.

Additional bypass and/or storage release requirements over and above those in the Fish & Game Memorandum of Agreement are not present in the permit and therefore not required by the State Water Resources Control Board.

I hope this responds adequately to your inquiry.

Sincerely,

Kevin Long, P.E.
WRC Engineer
Licensing Unit
SWRCB Division of Water Rights
(916) 341-5346

>>> "Douglas Ryan" <douglas_j_ryan@yahoo.com> 11/19/04 01:40PM >>>
Dear Water Rights Division:

It is the opinion of a member of our local public utility board that Application A21945/Permit 15375 requires release of 176 acre feet of water each year even if water rights between the North Fork of the American River and the dam do not exist. His full comments are posted at <http://www.foreshillpud.com/gpage4.html>. Our review of the permit issued pursuant to the water rights order dated March 29, 1967 indicates that such bypass requirement does not exist. This figure of 176 acre feet of water came about as a result of witness testimony of potential consumptive use on North Shirttail Canyon Creek and Shirttail Canyon Creek between the dam site and the North Fork of the American River during the hearing held pursuant to Application A21945. Is there a specific requirement in the Permit that 176 acre feet of water be released?

Sincerely yours,

Douglas J. Ryan

Item D. Report Assumes 250 Industrial Units At Build Out

Table 3-3
 Estimated Units – Current and Build-Out^(a)

District Meter Category	Current Units ^(b)	Total Units at Build-out	
		Unconstrained	Constrained
Residential, services	1,751	5,500	4,500
Multi-family Residential, services	330	2,400 ^(c)	500 ^(c)
Commercial, services	57	190 ^(c)	170 ^(c)
Industrial, services	1	250 ^(d)	250 ^(e)

Item E. Commercial establishments assumed to use 1420 gallons per day, equivalent to over 1,000 toilet flushes when the new standards take hold in 2014.

Table E-6
Recommended Water Demand Factors

Water User	Annual Average Water Demand Factor, gpd/unit ^(a)
Residential	450
Multi-family Residential	550
Commercial	1,420
Industrial	250

(a) Does not include unaccounted water. Residential and multi-family residential factors listed are in units of gpd/EDU. Commercial and industrial factors are in units of gpd/connection.

Item F. Multi Family Units to use 165,000 gallons at build out, currently use 80,500 for an increase of 84,500 gallons per day.

Table 2-7
Water Demand Estimates

Demands	Current	Build-Out	1992 Water Master Plan
Residential, gpd	673,200	2,025,000	1,262,380
Multi-family Residential, gpd	80,500	165,000	317,460
Commercial, gpd	121,800	238,000	191,700
Industrial, gpd	250	62,500	159,100
Average Day Demand (ADD), gpd ^(a)	875,750	2,490,500	2,330,640
Production	Current	Build-Out	
Unaccounted Water (UA), gpd ^(a)	57,800	242,050	
Total Avg. Day w/UA, gpd ^(a)	933,550	2,732,550	
Max. Day Demand, gpd ^{(a)(b)}	2,250,000	6,475,000	
Peak Hour, gpm ^(a)	2,850	7,525	

(a) Based on demands calculated from land uses and water demand factors.

Future units of 500, currently 330 units, for an increase of 170 units.

Table 2-3
Estimated Units – Current and Build-Out^(a)

District Meter Category	Current Units ^(a)	Total Units at Build-out	
		Unconstrained	Constrained
Residential, services	1,751	5,500	4,500
Multi-family Residential, services	330	2,400 ^(b)	500 ^(b)
Commercial, services	87	190 ^(b)	170 ^(b)
Industrial, services	1	250 ^(b)	250 ^(b)

84,500/170 = 497 gallons per day that would be needed to be used by new units in order for the build out usages to be reached. Current usage is 244. New Units would have to use

Table 3-8
Water Use Comparison, gpd/unit

Water User	2003 – 2005 ^(a)	1992 Water Master Plan ^(a)	
		Uncorrected ^(b)	Corrected ^(c)
Residential	378	303	430
Multi-family Residential ^(c)	244	234	330
Commercial	1,389	1,004	1,420
Industrial ^(c)	219	159,000	159,700

(a) Calculated from 2003, 2004, and 2005 meter data

Item G. Single Family Units to use 2,025,000 gallons at build out. Current usage 673,200 for an increase of 1,315,800.

Table 2-7
Water Demand Estimates

Demands	Current	Build-Out	1992 Water Master Plan
Residential, gpd	673,200	2,025,000	1,222,380
Multi-family Residential, gpd	80,500	165,000	317,460
Commercial, gpd	121,000	238,000	191,700
Industrial, gpd	250	62,600	159,100
Average Day Demand (ADD), gpd ^(a)	875,750	2,490,500	2,330,640
Production	Current	Build-Out	
Unaccounted Water (UA), gpd ^(b)	57,600	242,650	
Total Avg. Day w/UA, gpd ^(c)	933,350	2,733,150	
Max. Day Demand, gpd ^{(d)(e)}	2,250,000	6,475,300	
Peak Hour, gpm ^(f)	2,850	7,625	

(a) Based on demands calculated from land uses and water demand factors.

Future units of 4,500, currently 1,781 units, for an increase of 2,719 units.

Table 2-3
Estimated Units – Current and Build-Out^(a)

District Meter Category	Current Units ^(a)	Total Units at Build-out	
		Unconstrained	Constrained
Residential, services	1,781	6,500	4,500
Multi-family Residential, services	330	2,400 ^(b)	500 ^(c)
Commercial, services	87	190 ^(d)	170 ^(e)
Industrial, services	1	250 ^(f)	250 ^(g)

$1315800/2719 = 497$ gallons per day per additional unit, 31% more than today's 378.

Table 3-8
Water Use Comparison, gpd/unit

Water User	2003 – 2005 ^(a)	1992 Water Master Plan ^(b)	
		Uncorrected ^(c)	Corrected ^(d)
Residential	378	303	450
Multi-family Residential ^(e)	244	234	330
Commercial	1,369	1,004	1,420
Industrial ^(f)	219	159,000	159,100

(a) Calculated from 2003, 2004, and 2005 meter data.

Item H. Cost Improvements to Serve Yankee Jims Area

(See Items n & o) $2,910,000/67 = \$43,432$ per potential new customer. Note: several are currently on wells, which are much cheaper to install, and much less costly on a monthly basis to operate.

Section 5

Transmission, Distribution and Storage

Table 6-7
Build-out Transmission Pipeline Improvements Cost Estimate (a, b)

Improvements	Unit	Qty	Unit Cost	Cost (x1,000)
k 10" branch transmission main from 12" proposed main to the existing main in Forests Road on the east of Polar's Way	LF	7,210	\$115	\$830
l PRV station from DS 2 to transmission main in Fores-hill Road	Ea.	1	\$50,000	\$50
m 8" transmission main from the 10" tank feeder main in Powerline Road at the vicinity of the proposed tank through Hard Rock Drive	LF	3,050	\$85	\$260
n 12" transmission mains from the existing 18" main at the vicinity of Old Mill PRV to the proposed 12" main via Yankee Jim area	LF	20,540	\$135	\$2,780
o PRV stations along 12" transmission main	Ea.	2	\$50,000	\$100
p 10" transmission main along McKeon Ponderosa Way from Spring Garden	LF	7,840	\$115	\$900
q 8" transmission main along McKeon Ponderosa Way from the end of the 10" towards the south of the Gas Canyon area	LF	12,170	\$85	\$1,035
r 10" transmission main from the end of the proposed 8" pipeline to the vicinity of the Richardson PRV	LF	2,140	\$115	\$245
s Check valve in 8" main on Red Rock Drive	Ea.	1	\$10,000	\$10
t PRV stations	Ea.	3	\$50,000	\$150
Sub-Total				\$7,135
Contingencies @ 25%				1,784
Sub-Total				\$8,919
Engineering, Admin, Legal @ 25%				2,230
Total				\$11,149

The Colfax Paradox – Supporting Evidence

Fact 1. Census Bureau Estimates 1100+170+207 units using public water for a total of 1477.

H023. SOURCE OF WATER - Universe: Housing units
Data Set: 1990 Summary Tape File 3 (STF 3) - Sample data

NOTE: For information on confidentiality, sampling error, nonsampling error, and definitions, see <http://factfinder.census.gov/home/en/datanotes/expstf390.htm>.

	BG 1, Tract 202, Placer County, California	BG 2, Tract 202, Placer County, California	BG 4, Tract 202, Placer County, California
Public system or private company	1100	170	207
Individual well:			
Drilled	277	7	17
Dug	38	12	0
Some other source	0	0	18

U.S. Bureau of the Census
1990 Census of Population and Housing

Fact 2. 1992 Report used 1331 single family and 315 multifamily units in 1990, the same year as the census, as the number of units for a total of 1646.

DOCUMENTATION IS NOT IN ELECTRONIC FORM

Fact 3. Kurt Reed Letter Dated March 13, 1991 contained the following information (Fax too faded to be copied, but still very readable – Relevant portions transcribed here)

Total number of single family residences(*)	1436
Total number of apartments	56
Total number of residential meters	1482
(*) Number of mobile homes included as single family residences	284
Total number of non-mobile home single family residences(1436-284)	1172

The 1992 report combined mobile homes and apartments as multifamily residences, as did the 2008 report.

1990 Census 15.5% vacancy

Total occupied units = 1198 + 146 + 229 = 1573
 Total vacant units = 206 + 51 + 32 = 289
 Total units = 1573 + 289 = 1862
 Vacancy percentage = (289 / 1573) = 15.52%

H002. OCCUPANCY STATUS - Universe: Housing units
Data Set: 1990 Summary Tape File 1 (STF 1) - 100-Percent data

NOTE: For information on confidentiality, nonsampling error, and definitions, see <http://factfinder.census.gov/home/en/datanotes/expstf190.htm>.

	BG 1, Tract 202, Placer County, California	BG 2, Tract 202, Placer County, California	BG 4, Tract 202, Placer County, California
Occupied	1198	146	229
Vacant	206	51	32

U.S. Bureau of the Census
 1990 Census of Population and Housing

2000 Census 4.9% vacancy

Total occupied units = $1622 + 159 + 290 = 2071$

Total vacant units = $69 + 8 + 24 = 101$

Total units = $2071 + 101 = 2178$

Vacancy percentage = $(101 / 2178) = 4.65\%$

H3. OCCUPANCY STATUS [3] - Universe: Housing units

Data Set: Census 2000 Summary File 1 (SF 1) 100-Percent Data

NOTE: For information on confidentiality protection, nonsampling error, definitions, and count corrections see <http://factfinder.census.gov/home/en/datanotes/expsflu.htm>.

	Block Group 1, Census Tract 202, Placer County, California	Block Group 2, Census Tract 202, Placer County, California	Block Group 4, Census Tract 202, Placer County, California
Total:	1,622	159	290
Occupied	1,553	151	266
Vacant	69	8	24

U.S. Census Bureau
Census 2000



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

Michael J. Johnson, AICP
Planning Director

FORESTHILL DIVIDE COMMUNITY PLAN UPDATE

Response to Comments Received on FEIR

Letter 1: Stephen P Hunt, Lynne P Hunt, and Beverly P Daken – August 27, 2008
email comment (see Exhibit G for correspondence received)

Response 1:

Comment noted. This comment notes concern regarding impacts that could result from a potential build-out population of over 60,000 for the Community Plan area.

The figure of 62,000 represents a build-out calculation that is not a part of the Community Plan's assumptions. The Community Plan's projections, which are representative of a worse case scenario, indicate that there is over 170 years of potential residential growth for the Plan's zoned land holding capacity of approximately 21,000 persons. In addition, the Community Plan assumes a two-percent growth rate, which predicts a population of approximately 9,620 persons in the year 2030.

Based on the maximum density of the assigned land use designations (including the build-out of commercial as multi-family residential), the Foresthill Divide Community Plan's build-out population could, theoretically, be as high as 62,948 persons; however this theoretical amount of growth cannot be realized during the time horizon of the Foresthill Divide Community Plan, or even within the distant future, because of the lack of suitable wastewater treatment facilities and treated domestic water. Furthermore, market conditions would preclude the conversion of all commercially-designated property to 20+ dwelling units per acre of multi-family residential (where the majority of the theoretical holding capacity can be found). Such a build-out population also assumes 100 percent of the maximum density of each land use district, when in an area like Foresthill such densities cannot be achieved because of infrastructure constraints and environmental constraints (e.g., slope, and on-site septic capabilities). Lastly, the implementing zoning reduces this holding capacity by two-thirds and, consequently, no such densities could be achieved under the proposed zoning. Because of such constraints, the DEIR did not evaluate the theoretical holding capacity of 62,948 persons. Instead, the DEIR focused on predictable impacts between now and 2030, and build-out based upon the recommended zoning within the Community Plan.

Letter 2: John Murphy – August 26, 2008 email comment (see Exhibit G for correspondence received)

Response 2:

Comment noted. This comment notes concern regarding impacts that could result from a potential build-out population of over 60,000 for the Community Plan area.

The figure of 62,000 represents a build-out calculation that is not a part of the Community Plan's assumptions. The Community Plan's projections, which are representative of a worse case scenario, indicate that there is over 170 years of potential residential growth for the Plan's zoned land holding capacity of approximately 21,000 persons. In addition, the Community Plan assumes a two-percent growth rate, which predicts a population of approximately 9,620 persons in the year 2030.

Based on the maximum density of the assigned land use designations (including the build-out of commercial as multi-family residential), the Foresthill Divide Community Plan's build-out population could, theoretically, be as high as 62,948 persons; however this theoretical amount of growth cannot be realized during the time horizon of the Foresthill Divide Community Plan, or even within the distant future, because of the lack of suitable wastewater treatment facilities and treated domestic water. Furthermore, market conditions would preclude the conversion of all commercially-designated property to 20+ dwelling units per acre of multi-family residential (where the majority of the theoretical holding capacity can be found). Such a build-out population also assumes 100 percent of the maximum density of each land use district, when in an area like Foresthill such densities cannot be achieved because of infrastructure constraints and environmental constraints (e.g., slope, and on-site septic capabilities). Lastly, the implementing zoning reduces this holding capacity by two-thirds and, consequently, no such densities could be achieved under the proposed zoning. Because of such constraints, the DEIR did not evaluate the theoretical holding capacity of 62,948 persons. Instead, the DEIR focused on predictable impacts between now and 2030, and build-out based upon the recommended zoning within the Community Plan.

Letter 3: Marilyn Jasper, Sierra Club – August 28, 2008 letter (see Exhibit G for correspondence received)

Response 3:

Comment noted. This comment letter notes the need for the Community Plan to address new State legislation: State Assembly Bill 2447. State Assembly Bill 2447 is before the Governor at this time; should it pass, Placer County will implement the legislation accordingly.

Letter 4: Michael Garabedian, Friends of the North Fork – August 27, 2008 letter (see Exhibit G for correspondence received)

Response 4:

Comment noted. This comment is regarding the County's Facility Service Department's North Fork Trail project and Environmental Impact Report. The County's EIR for the North Fork Trail project adequately analyzes impacts associated with the construction and use of the North Fork Trail, including the portion at Ponderosa Way for staging and access.

Letter 5: Sherry Wicks, Foresthill Residents for Responsible Growth, Inc. – August 26, 2008 letter (see Exhibit G for correspondence received)

Response 5:

Comment noted. This comment letter addresses the risk and impacts associated with wildland fire hazard within the Community Plan area and wildland incident evacuation.

The County has identified all possible evacuation routes within the Plan area and has worked with the Foresthill Fire Protection District to ensure that the Community Plan adequately addresses wildland fire hazard and wildland fire protection within the Plan area. Since the County's release of the FEIR, the Community Plan has been amended to include additional policy regarding fire protection within the Plan area, including Policies 3.B.8-15 and 3.D.13-2, which relate to the requirements for fire protection response times, as well as fire safe standards for new development. In addition, the County has amended its Transportation and Circulation Diagram to include Powerline and Patent Roads as additional future Emergency Vehicle Access routes within the Plan area.