

Foresthill Residents for respOnsible Growth, Inc.

Letter 17D

P. O. Box 568, Foresthill, CA 95631  
(530) 367-4803

February 26, 2008

Larry Sevison  
Placer County Planning Commission  
3091 County Center Drive #140  
Auburn, CA 95603

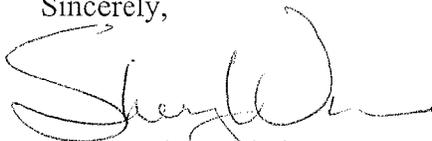
Dear Larry Sevison,

FROG has spent many hours accumulating, reading and analyzing most of the Revised Foresthill Divide Community Plan documents as well as earlier Community Plan and Forest Ranch documents. We felt that it would helpful to give an overview of the Plan's history, current status and future projections.

In the attached *Foresthill Narrative* we have tried to breakout various areas of concern referencing our backup documentation, and finally discussing in the "Conclusion" section our concerns for Foresthill's future.

We have given you a copy of this narrative with the hopes that it will make it easier for you to understand our situation and ask questions.

Sincerely,



Sherry Wicks, Chairman  
29 Year Foresthill Resident

Attachment

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## Foresthill Narrative

### FROG

Foresthill Residents for respOnsible Growth, Inc., proudly known as FROG, was organized in May, 2005, by local residents who were concerned about the Forest Ranch project overwhelming the town of Foresthill. FROG became a nonprofit public benefit corporation in August, 2007. Our mission statement says that we will “provide facts and information to community residents on development issues that will affect their daily lives”.

### Forest Ranch

Forest Ranch surrounds Foresthill, lying east, west and north of town. The developers, Forest Ranch Associates, had proposed 2,213 residential units on 2,615 acres. The project included a golf course, an equestrian center, an RV park and 5 acres for commercial businesses. Based on their own traffic study released in 2003, more than 4,000 vehicles would access the Foresthill Road daily and travel into downtown Foresthill at three locations...one at Yankee Jim’s Road and other two from access roads east of town. Due to the increased projected daily roadway volumes, the study suggested that several traffic lights would be needed on the Foresthill Road. Some consideration was given to a “roundabout” located at the intersection of Foresthill Road, Harrison Street, and Mosquito Ridge Road (near the post office). The Forest Ranch property is currently zoned for 591 residential units<sup>1</sup>. The developers requested increased density from 591 to 2,213 residential units when they filed the appropriate planning documents with the County Planning Department in November, 2001.

FROG has collected approximately 1,000 signatures from citizens who oppose the Forest Ranch project of 2,213 homes. Additionally, the Planning Department had previously issued a memo dated June 14, 2004, to the Planning Commission that said “staff *does not recommend* (our emphasis) that the draft FDCP be amended to provide for such a project...The primary issues that have lead to the staff’s position on this project can be summarized as follows:

-a 2200 unit project would overwhelm the existing community and result in significant changes to the existing community character

-the extent of the development would alter the existing forested character of an area in close proximity of downtown

-substantially more open space loss would occur with the project proposed

-significantly more habitat would be converted to urban/suburban uses

-the project would add significant additional traffic to the areas roadways”.

A meeting was held on August 30, 2005, with the Placer County Planning Department staff, the developers and their attorney as well as 5<sup>th</sup> District Supervisor Bruce Kranz and his appointed Planning Commissioner, Michelle Ollar-Burris. The meeting discussed merging the two planning efforts (Foresthill Divide Community Plan and Forest Ranch) into a single community plan which the developer’s attorney, William W. Abbott of Abbott & Kindermann, LLP, later suggested that “the time is *ripe* (our emphasis) for staff to consider whether this...decision best serves the County’s interests”. At a Planning Commission meeting in November, 2005, the Planning Department staff announced that Forest Ranch with its proposed 2,213 residential units would be included in the Revised Foresthill Divide Community Plan (FHDCP) as an option. Currently there are two options available in the Revised FH Divide Community Plan. The first option, Appendix “B”, would limit the project to only 533 residential units on 1,300 acres; the second option, Appendix “E”, proposes 2,213 residential units on 2,615 acres with the same recreational facilities but increasing the designated area for commercial businesses to 28 acres (a 500% increase).

The increase in commercial land use acreage for Forest Ranch was suggested by the Public Works Department to offset the traffic congestion problem that might occur in the Foresthill downtown area. The parcels located in the historic district are “small and disjointed” in nature which prevents the natural development of small town services. Forest Ranch’s modification of its project description to include a commercial mixed use reserve within its boundaries insures that retail can develop naturally (grocery store, pharmacy, etc.)<sup>2</sup>; however, the recently released Revised FH Divide Community Plan’s Draft Environmental Impact Report goes on to suggest that within the mixed use reserve

area “certain commercial uses are prohibited including gasoline service stations, restaurants and hardware stores”.<sup>3</sup>

### **Foresthill Divide Community Plan**

The State of California requires that the county adopt a general plan...in the case of Foresthill, a community plan, which sets forth the land use policy for all future development. The goals and objectives of a general or community plan are updated, or amended, about every 20 years. The existing Foresthill Community Plan was updated in 1981. Several Foresthill residents began working on a more current Community Plan update in 1992. In 1995, seven members of the community were appointed by the Board of Supervisors to the Community Plan Team and would work with the County Planning Department staff in a joint effort to update the existing plan. The Plan Team would be responsible for developing a detailed survey, creating subcommittees, attending monthly meetings and holding Town Hall gatherings to obtain more input from Foresthill residents.

The 1981 Foresthill Community Plan boundary included 56 square miles. The new Foresthill Divide Community Plan is considerably larger increasing to 109 square miles. The old plan had 19.1 square miles of public land and 36.9 square miles of private land, while the new plan would have 63.7 square miles of public land and 45.3 square miles of private land. There was a total increase of 8.4 square miles of private land to the new Foresthill Divide Community Plan. The old plan of 56 square miles “would allow for 14,400+/- residents on the Divide if every available parcel of land were to be subdivided into the maximum number of lots allowed (our emphasis)”<sup>4</sup>.

The Plan Team mailed a detailed survey in 1996 to all residents in Foresthill. Approximately 38% of the questionnaires were returned. The questionnaire stated that the projected population at full build-out was 14,400 persons. When asked if the capacity of the new Foresthill Divide Community Plan should provide for *more, less* or *about the same* number of persons, approximately 67% of those answering the survey question indicated that the new plan capacity should be about the same or less. The majority of those residents returning the survey indicated that they wanted less density for the increased area of 109 square miles in the updated Foresthill Divide Community Plan.

The Foresthill Divide Community Plan Policy Document and Draft Environmental Impact Report were released in August, 2003. The documents released had proposed a maximum build-out population density of 13,500. Forest Ranch had also been included as an Appendix "B" suggesting that the project be developed as a specific plan area consisting of 1,300 acres with a maximum of 533 dwelling units.

Because the boundary area increased and the build-out population decreased, the change would have substantially reduced density and zoning, which would have caused some property owners to effectively lose the right to split their parcels (i.e. a property owner with 10 acres zoned for 4.6 acre minimums based on the 1981 plan, then subsequently receives reduced density and a zoning change, could not apply for a parcel split). Many Foresthill residents were unhappy because they did not realize that their wish to have reduced density would also impact their own properties. Regardless of all the hard work completed by the Plan Team in their efforts to bring a new vision to Foresthill, the Foresthill Divide Community Plan went back to the drawing board.

In November, 2004, after many community meetings and much discussion, the Foresthill Forum (a Municipal Advisory Council) wrote a letter to the Board of Supervisors recommending that "zoning of all private land outside the Downtown Area remain consistent with the 1981 General Plan"...,"all PD (Planned Development) zoning outside the Downtown Area be retained in its present form"... , Forest Ranch be allowed "development of...**553 single-family residential units** on approximately 1,200 acres", Raintree Subdivision be allowed..."a **maximum of thirty four (34)** single family residences on approximately 308 acres..., and "presentations by each of the landowners whose interests were affected by the FDCP" be considered in an FDCP revision. Ultimately, there were seventy-seven property owner requests (nine appear to be developers) who received the same or better zoning as recommended by the Planning Commission. Also attached was a petition signed by Supervisor Rex Bloomfield, Supervisor-Elect Bruce Krantz, Brian Connelly, Sharon Page, John Worton, George Grant, Larry Jordan, Larry Mobley, Ken Drone, Randy Wilson and over 500 residents of Foresthill supporting no change in zoning from the 1981 Foresthill General Plan outside of the downtown area and accepting the Plan Team's recommendations with respect to the downtown area and the Forest Ranch project, i.e. 553 dwelling units on 1,200 acres.

The Revised Foresthill Divide Community Plan was once again released in December, 2007, for public review and Public Comments through March 5, 2008. The 2000 US Census indicated that the population of Foresthill was 5,702 and there were 2,375 housing units.<sup>5</sup> The population projections used in the Revised Plan suggests a 2% annual growth rate to the year 2030 which leads to the conclusion that 9,620 people will reside in the Plan area. If Forest Ranch, Appendix "D", is approved and the project builds out by 2025, an additional 2,890 will be added for a total population of 12,510 by 2030.<sup>6</sup>

However, the land use policy, and its designations as proposed in the community plan amendment, needs to be taken into consideration because it embodies the policy relative to the distribution of future land uses. The land use designations used in the Draft Environmental Impact Report for the Foresthill Divide Community Plan represent the long-term objectives for future development as discussed in the Policy Document for the Community Plan. Based on these land use designations, the unconstrained holding capacity *if every available parcel of land were to be subdivided into the maximum number of lots allowed* is 62,948 persons.<sup>7</sup> The unconstrained build-out based on the current zoning is 22,010 persons. There is a difference between these two numbers...the former is based on a proposed land use policy which is difficult to change and establishes the long-term objectives as a basis for day-to-day decision-making, such as zoning changes; and the latter is based on zoning designations that are currently in place for the Foresthill Divide Community Plan area and can be changed when the land use policy with its increased density is approved.

Zoning implements land use policy. Zoning can be changed at any time. Land use policy can only be changed by amending the general or community plan.

## Water

Foresthill PUD currently supplies domestic water to a large portion (21 square miles) of the existing Plan area from their Sugar Pine Dam facilities. Private wells are also another source of water. The Foresthill PUD currently serves approximately 5,500 persons within their district boundaries. If radial gates are installed at the dam site, they could serve approximately 16,500 persons. However, any modification to the existing system runs the risk that the Federal government might reevaluate the Sugar Pine facility

agreement which could possibly cause the district and its users to incur significant additional expense.

An application or proposal to install radial gates on the existing dam would trigger a very extensive Environmental Impact Report because several Federal, and possibly State agencies, would become involved. Each agency has their own requirements for compliance with laws and ordinances that are current at the time of application. The FPUD has not had to comply with many of these laws and ordinances due to the terms of the legislation at the time the Sugar Pine agreement was created.

Approximately 65% of the Forest Ranch project is not located within the current district boundary; however, it is included in the Sphere of Influence. Property within the Sphere of Influence must be annexed to the district prior to receiving district services. LAFCO (Local Agency Formation Commission) must approve annexation to the district. The FPUD is only legally obligated to provide water to properties within the district boundaries.

To date, the Forest Ranch project has not applied to the FPUD for annexation of the area within the Sphere of Influence. Additionally, they have not provided a plan to the FPUD describing the water needs of any proposed project. On February 14, 2008, Don Ryan (a partner in the Forest Ranch project) filed a lawsuit (SCV 22459) against FPUD. The lawsuit is effectively against the ratepayers of the District since the ratepayers are stockholders of the District. It amounts to a lawsuit against the community of Foresthill.

## **Fire**

Foresthill is listed in the Federal Register as a community at high risk from wildfire because we have continuous fuels (i.e. ladder fuels) in close proximity to structures; we're within an area of steep slopes; and more importantly, we have a one way in and one way out route.

In a report issued by the Sierra Nevada Alliance called Dangerous Development, Wildfire and Rural Sprawl in the Sierra Nevada, it states that "the predominant form of new development is low-density 'rural ranchettes' where houses are scattered at low densities (1 house per 2 – 80 acres) in a sea of wildland vegetation....This type of development creates a 'wildland urban interface' ...that is extremely problematic for fire

management. Preventing and fighting wildfire in the wildland urban interface (WUI) is extremely difficult and resource-intensive.” (p. 6) The report indicates that according to CalFire data released in 2005, “90-95% of fires in California are caused by humans. The vast majority of these ignitions are unintentional: cars, equipment, and debris burning are among the major culprits. Statewide, just 5% of fires are caused by lightning.” (p. 12) Therefore, as we increase population, the risk of fire increases.

It then goes on to argue that “once a fire is established in a developed area, the houses themselves become a source of fuel, and firebrands can quickly spread fire from house to house” (p. 13) which is what happened in the Angora fire where “all 242 houses and 67 commercial buildings destroyed by the fire were lost during the first twelve hours”. (p. 6)

“The urban-wild land interface occurs where development abuts wild land, and is particularly susceptible to wildfires”<sup>8</sup>, therefore many areas in the Foresthill Divide Community Plan are at serious risk of wild land fires. High hazard areas exist surrounding the Todd’s Valley Subdivision and the Yankee Jim’s Area; and extreme hazard areas exist on the steep slopes of the North and Middle Forks of the American River that lies on both sides of Foresthill which sets on a ridge.

### **Traffic**

The 2003 Foresthill Divide Community Plan indicated that the current Foresthill Road “can serve a total population of less than 12,000 without undesirable traffic congestion”.<sup>9</sup> Additionally, the 2003 plan indicated that “existing traffic volumes are low to very low, and all roads operate at (Level of Service) LOS ‘C’ or better...and that the “need to maintain an acceptable LOS ‘C’ on Foresthill Road is a major constraint to future development in the Plan area”.<sup>10</sup>

The Revised Foresthill Divide Community Plan has substituted “C” for “D” with no change in phraseology or explanation implying that “D” is *acceptable*. LOS “C” represents “stable flow at slower speeds” and LOS “D” represents “Unstable flow, with slower speeds and long platoons”. The Placer County General Plan states that “the County shall develop and manage its roadway system to maintain the following minimum levels of service (LOS)

- LOS 'C' on *rural roadways* (our emphasis), except within one-half mile of state highways where the standard shall be LOS 'D'.”<sup>11</sup>

### **New Developments**

There are several small subdivision projects “on the drawing board” in and around Foresthill, excluding Forest Ranch, that are waiting for the increased density and subsequent zoning change once the proposed Revised Community Plan has been approved. The developers need those changes to move forward with their projects. Although the projects are relatively small, there would be a cumulative effect to traffic. If the population increased another 30% from such projects as well as homes built on scattered lots, the Environmental Impact Report suggests that adding approximately 1.5 miles of passing lanes between the Foresthill Bridge and Spring Garden Road will help mitigate the increased traffic... however, it would still be *significant and unavoidable*.

### **Spring Garden Road and the Impact of PD Designation**

Areas along Spring Garden Road, areas west of the intersection of Spring Garden and Foresthill Road, and an area east of the town of Foresthill, currently have a Land Use designation in the existing 1981 Foresthill Community Plan of Rural Estate 2.3 – 4.6 Acre Minimum. The proposed Land Use designation for those areas in the Revised Foresthill Divide Community is Forest Residential 1 – 4.6 Acre Minimum. Those areas of concern are two to three times larger in total size than Todd’s Valley Subdivision. The Planning Department has explained that the Land Use designation had to change from Rural Estate with a lesser density to Forest Residential with a higher density, because there were some properties located in those areas with a Planned Development (PD) designation which would allow for one dwelling unit per acre. Zoning has to be consistent with the Community Plan and its Land Use policy. To allow the existing zoning to remain in place as recommended by the Foresthill Forum, the Planning Department has explained that they had no alternative but to increase density. If the increase in density to the Community Plan is approved, that area could realize a significant increase in development through zoning change requests.

## Chamber of Commerce

Many meetings over the last several years have been held with Chamber members, Forum members, County executives, and County staff about revitalizing the Foresthill Business community. Since most of Foresthill development is west of town and the Foresthill Road has been substantially improved over the past twenty years, more than a few residents in and around the Todd Valley area *just turn left* and do much of their shopping in Auburn or Roseville...which leaves our local businesses struggling. We are no longer the isolated community we use to be.

On one hand it can be argued that just because an "Open for Business" sign is hung on the door, it doesn't mean that customers will come. A business owner needs to provide a product or service that the consumer will purchase. Then on the other hand, local businesses are needed on the "Hill" because they bring a sense of community and make available services and products that we need.

While the business community struggles and examines ways to enhance business in the downtown area, the only proposal made public by the Chamber of Commerce is to support new residential growth east of the historic business district, only.<sup>12</sup> The presumption is that anyone living east of town will need to drive through the business district on their way out and will stop and shop.

## Conclusion

We know that change is inevitable and growth is certain. Managing growth in a responsible manner can avoid the "booms and busts" that the housing industry has experienced and will help preserve our property values. Additionally, thoughtful and well-planned growth (i.e. Smart Growth) can also help take the pressure off services and infrastructure paid by we taxpayers when overwhelming development goes unchecked.

Many of us have watched Lincoln grow from a small rural town to a booming city overnight. It now has all the problems and headaches of a life that most Foresthill residents moved here to avoid. People move to Foresthill for the quiet country life to raise kids, garden, fish, smell the fresh air and enjoy the night skies. They certainly didn't realize that what they left behind could catch up with them.

Since the early 1990's, the Forest Ranch developers have continually tried to promote and persuade Foresthill business people and residents that its vision would benefit the community...disregarding the possibility that the project might overwhelm it. Some of those individuals who have bought into the concept do so because of their own self-interests, yet others do so because they are truly convinced that the vision would revitalize Foresthill. By increasing the business commercial area in the project, it could actually promote a new and separate community with its own post office, and possibly new ZIP code, while hindering the growth of new businesses in the historic downtown area.

Until 2005, our County government understood and recognized that the majority of Foresthill residents, the Foresthill Forum and the Plan Team members wanted a plan for the future that would leave the forested and unique character of our community preserved. It now appears that all "caution is thrown to the wind" in trying to get a comprehensive community plan and the only concern is to just "git'er done". The community plan will have to be amended again in about twenty years, and with a density of 62,000, we wonder what battles will take place then. The naysayers deny and even chuckle at the prospect of 62,000 persons living on the "Hill", but if the land use policy reflecting such a density is put in place, we will have to live with the consequences. Whether this is prudent and thoughtful planning is questionable. It appears that the attorney for the Forest Ranch project could be right; *the time is ripe for decisions that best serve the County's interests...and not Foresthill's*. We say let's get it done...but let's get it done RIGHT.

We support the Foresthill Forum in its recommendations to the Planning Commission and the Board of Supervisors to adhere to the zoning (and land use) designations of the 1981 Foresthill Community Plan, the Forest Ranch and Raintree limitations, as well as the property owner requests.

We need to understand the consequences of our actions...or lack of actions. It is time for Foresthill residents to let their government know their wishes. We are stewards of the earth and need to treat it well for it was not given to us by our parents, but loaned to us by our children.

## References

- <sup>1</sup> Quad Knopf, Inc., *Forest Ranch General Plan Amendment and Rezoning Draft Environmental Impact Report*, Placer County Planning Department, May 2004, p. 2-7.
- <sup>2</sup> Abbott & Kindermann, LLP, Forest Ranch attorney, letter dated January 30, 2006.
- <sup>3</sup> Quad Knopf, Inc., *Revised Foresthill Divide Community Plan Draft Environmental Impact Report*, Placer County Community Development Resource, Planning Department, November, 2007, p. 2-11.
- <sup>4</sup> Ibid, p. 2-3.
- <sup>5</sup> Ibid, p. 3-4.
- <sup>6</sup> Ibid, p. 3-9.
- <sup>7</sup> Ibid, p. 3-18.
- <sup>8</sup> Ibid, p. 3-68.
- <sup>9</sup> Quad Knopf, Inc., *Foresthill Divide Community Plan Draft Environmental Impact Report*, Placer County Planning Department, September, 2003, p. 2-3.
- <sup>10</sup> Ibid, p 3-194.
- <sup>11</sup> Placer County General Plan Policy Document, Section 3 Transportation and Circulation, Streets and Highways, Policy 3.A7, p. 71.
- <sup>12</sup> Foresthill Divide Chamber of Commerce, letter to Mike Johnson, Planning Director, dated September 20, 2007.

**SUMMONS  
(CITACION JUDICIAL)**

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):

BOARD OF DIRECTORS OF THE FORESTHILL PUBLIC UTILITY DISTRICT; FORESTHILL PUBLIC UTILITY DISTRICT; and DOES 1 through 50, inclusive

YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):  
DON RYAN

COPY

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF PLACER

FEB 14 2008

JOHN MENDES  
EXECUTIVE OFFICER & CLERK  
BY T. Lewis, Deputy

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

*Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

*Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.*

The name and address of the court is:  
(El nombre y dirección de la corte es):  
Superior Court of California County of Placer  
101 Maple St., Auburn, CA 95603-5012

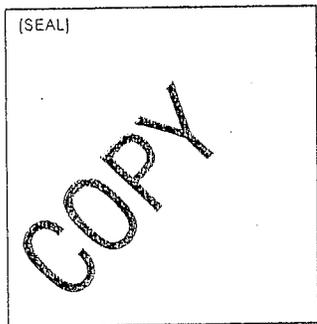
CASE NUMBER  
(Número del caso) **EV 22459**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

William W. Abbott, Glen C. Hansen, Cori M. Badgley  
Abbott & Kindermann, LLP, 2100 21st Street, Sacramento 95818, (916) 456-9595

DATE: **FEB 14 2008** Clerk, by T Lewis, Deputy  
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify): Board of Directors of the Foresthill Public Utility District  
under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify):
- by personal delivery on (date): 2/14/08

CASE NO.

**S CV 22459**

**A CASE MANAGEMENT CONFERENCE HAS BEEN SCHEDULED:**

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DATE: June 10, 2008

TIME: 10:30 A.M. If your case number starts with "S-CV"

11:00 A.M. If your case number starts with "M-CV"

DEPT: 7 Located at 11546 B Ave, DeWitt Center, Auburn CA 95603

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**IF YOU DO NOT HAVE AN ATTORNEY, READ THIS:**

The judge does not decide whether you win or lose your case at this court date. If you do not file an "Answer," or other "responsive pleading," you will automatically lose this case, usually before this court date. The Answer or responsive pleading must be given to the court clerk within 30 days of the day you received the Summons, along with a filing fee or application for waiver of court fees.

You can get free help filling out your Answer or responsive pleading at the court's Legal Help Center. Call 530-889-7465 or go to the court's website at [www.placercourts.org](http://www.placercourts.org) and select "Legal Help Center/Self Help" for information about the Legal Help Center.

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**INFORMATION ABOUT CASE MANAGEMENT CONFERENCES:**

Fifteen calendar days before the Case Management Conference, you must file and serve a completed Case Management Statement (CM-110). If you turn it in late, it will be returned to you and will not be filed. (CRC 3.725, Local Rule 20.1.8) The court may also impose sanctions, dismiss the case, and/or strike the answer.

You do not need to come to court for the first Case Management Conference. You can see the court's proposed orders 12 calendar days before the Case Management Conference on the court's website, [www.placercourts.org](http://www.placercourts.org). Select "Tentative Rulings and Calendar Notes", then "Civil CMC." If you do not have Internet access, call the court at 530-745-2222 to get the information.

At the First Case Management Conference, the court will make orders which may include: redesignating the class currently assigned; exempting the case from dispositional time goals; referring the case to arbitration; transferring the case to Limited Jurisdiction; assigning the case to a particular judge for all purposes; assigning a trial date; assigning the case as a short cause trial matter; identifying the case as one which may be protracted; identifying the case as one which may be amenable to early settlement; establishing a discovery cut-off; scheduling the exchange of expert witness information; scheduling a mandatory settlement conference; scheduling a final case management conference; or, other orders to achieve the interests of justice and timely disposition of the case.

The court does not provide a court reporter at Case Management Conferences or Law & Motion hearings. If you want the proceedings reported, you must provide your own court reporter at your own expense.

IF YOU WANT TO APPEAR BY TELEPHONE, YOU MUST CONTACT COURT CALL TOLL FREE, AT 888-882-6878, AT LEAST TWO (2) COURT DAYS PRIOR TO THE APPEARANCE TO ARRANGE FOR THIS. YOU MUST PAY COURT CALL TO USE THIS SERVICE UNLESS YOU HAVE BEEN GRANTED A FEE WAIVER BY THE COURT.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
William W. Abbott, State Bar No. 083976  
Abbott & Kindermann, LLP  
2100 21st Street, Sacramento, CA 95818  
TELEPHONE NO.: (916) 456-9595 FAX NO.: (916) 456-9599  
ATTORNEY FOR (Name): Petitioner and Plaintiff Don Ryan

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF PLACER  
FEB 14 2008  
JOHN MENDES  
EXECUTIVE OFFICER & CLERK  
BY T. Lewis, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Placer  
STREET ADDRESS: 101 Maple St.  
MAILING ADDRESS:  
CITY AND ZIP CODE: Auburn, CA  
BRANCH NAME:

CASE NAME:  
Don Ryan v. Board of Directors of the Foresthill Public Utility District, et

CIVIL CASE COVER SHEET  
 Unlimited (Amount demanded exceeds \$25,000)  Limited (Amount demanded is \$25,000 or less)

Complex Case Designation  
 Counter  Joinder  
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:  
**S CV 22459**  
JUDGE:  
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

|   |  |  |
|---|--|--|
| <input type="checkbox"/> Auto Tort<br><input type="checkbox"/> Auto (22)<br><input type="checkbox"/> Uninsured motorist (46)<br>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort<br><input type="checkbox"/> Asbestos (04)<br><input type="checkbox"/> Product liability (24)<br><input type="checkbox"/> Medical malpractice (45)<br><input type="checkbox"/> Other PI/PD/WD (23)<br>Non-PI/PD/WD (Other) Tort<br><input type="checkbox"/> Business tort/unfair business practice (07)<br><input type="checkbox"/> Civil rights (08)<br><input type="checkbox"/> Defamation (13)<br><input type="checkbox"/> Fraud (16)<br><input type="checkbox"/> Intellectual property (19)<br><input type="checkbox"/> Professional negligence (25)<br><input type="checkbox"/> Other non-PI/PD/WD tort (35)<br>Employment<br><input type="checkbox"/> Wrongful termination (36)<br><input type="checkbox"/> Other employment (15) | <input type="checkbox"/> Contract<br><input type="checkbox"/> Breach of contract/warranty (06)<br><input type="checkbox"/> Rule 3.740 collections (09)<br><input type="checkbox"/> Other collections (09)<br><input type="checkbox"/> Insurance coverage (18)<br><input type="checkbox"/> Other contract (37)<br>Real Property<br><input type="checkbox"/> Eminent domain/Inverse condemnation (14)<br><input type="checkbox"/> Wrongful eviction (33)<br><input type="checkbox"/> Other real property (26)<br>Unlawful Detainer<br><input type="checkbox"/> Commercial (31)<br><input type="checkbox"/> Residential (32)<br><input type="checkbox"/> Drugs (38)<br>Judicial Review<br><input type="checkbox"/> Asset forfeiture (05)<br><input type="checkbox"/> Petition re: arbitration award (11)<br><input checked="" type="checkbox"/> Writ of mandate (02)<br><input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)<br><input type="checkbox"/> Antitrust/Trade regulation (03)<br><input type="checkbox"/> Construction defect (10)<br><input type="checkbox"/> Mass tort (40)<br><input type="checkbox"/> Securities litigation (28)<br><input type="checkbox"/> Environmental/Toxic tort (30)<br><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)<br>Enforcement of Judgment<br><input type="checkbox"/> Enforcement of judgment (20)<br>Miscellaneous Civil Complaint<br><input type="checkbox"/> RICO (27)<br><input type="checkbox"/> Other complaint (not specified above) (42)<br>Miscellaneous Civil Petition<br><input type="checkbox"/> Partnership and corporate governance (21)<br><input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|--|

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:  
a.  Large number of separately represented parties d.  Large number of witnesses  
b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
c.  Substantial amount of documentary evidence f.  Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive

4. Number of causes of action (specify):  
5. This case  is  is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: February 13, 2008  
William W. Abbott  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE  
• Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.  
• File this cover sheet in addition to any cover sheet required by local court rule.  
• If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.  
• Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

|  |  |  |
|--|--|--|
| <b>Auto Tort</b>   | <b>Contract</b>  | <b>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)</b>      |
| Auto (22)--Personal Injury/Property Damage/Wrongful Death  | Breach of Contract/Warranty (06)   | Antitrust/Trade Regulation (03)  |
| Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto) | Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)                                     | Construction Defect (10)   |
|  | Contract/Warranty Breach--Seller Plaintiff (not fraud or negligence)   | Claims Involving Mass Tort (40)  |
|  | Negligent Breach of Contract/Warranty  | Securities Litigation (28)   |
| <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b>  | Other Breach of Contract/Warranty  | Environmental/Toxic Tort (30)  |
| Asbestos (04)  | Collections (e.g., money owed, open book accounts) (09)  | Insurance Coverage Claims (arising from provisionally complex case type listed above) (41) |
| Asbestos Property Damage   | Collection Case--Seller Plaintiff  | <b>Enforcement of Judgment</b>   |
| Asbestos Personal Injury/Wrongful Death  | Other Promissory Note/Collections Case   | Enforcement of Judgment (20)   |
| Product Liability (not asbestos or toxic/environmental) (24)   | Insurance Coverage (not provisionally complex) (18)  | Abstract of Judgment (Out of County)   |
| Medical Malpractice (45)   | Auto Subrogation   | Confession of Judgment (non-domestic relations)  |
| Medical Malpractice--Physicians & Surgeons   | Other Coverage   | Sister State Judgment  |
| Other Professional Health Care Malpractice   | Other Contract (37)  | Administrative Agency Award (not unpaid taxes)   |
| Other PI/PD/WD (23)  | Contractual Fraud  | Petition/Certification of Entry of Judgment on Unpaid Taxes                                |
| Premises Liability (e.g., slip and fall)   | Other Contract Dispute   | Other Enforcement of Judgment Case   |
| Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)   | <b>Real Property</b>   | <b>Miscellaneous Civil Complaint</b>   |
| Intentional Infliction of Emotional Distress   | Eminent Domain/Inverse Condemnation (14)   | RICO (27)  |
| Negligent Infliction of Emotional Distress   | Wrongful Eviction (33)   | Other Complaint (not specified above) (42)   |
| Other PI/PD/WD   | Other Real Property (e.g., quiet title) (26)   | Declaratory Relief Only  |
| <b>Non-PI/PD/WD (Other) Tort</b>   | Writ of Possession of Real Property  | Injunctive Relief Only (non-harassment)  |
| Business Tort/Unfair Business Practice (07)  | Mortgage Foreclosure   | Mechanics Lien   |
| Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)  | Quiet Title  | Other Commercial Complaint Case (non-tort/non-complex)                                     |
| Defamation (e.g., slander, libel) (13)   | Other Real Property (not eminent domain, landlord/tenant, or foreclosure)  | Other Civil Complaint (non-tort/non-complex)   |
| Fraud (16)   | <b>Unlawful Detainer</b>   | <b>Miscellaneous Civil Petition</b>  |
| Intellectual Property (19)   | Commercial (31)  | Partnership and Corporate Governance (21)  |
| Professional Negligence (25)   | Residential (32)   | Other Petition (not specified above) (43)  |
| Legal Malpractice  | Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential) | Civil Harassment   |
| Other Professional Malpractice (not medical or legal)  | <b>Judicial Review</b>   | Workplace Violence   |
| Other Non-PI/PD/WD Tort (35)   | Asset Forfeiture (05)  | Elder/Dependent Adult Abuse  |
| <b>Employment</b>  | Petition Re: Arbitration Award (11)  | Election Contest   |
| Wrongful Termination (36)  | Writ of Mandate (02)   | Petition for Name Change   |
| Other Employment (15)  | Writ--Administrative Mandamus  | Petition for Relief From Late Claim  |
|  | Writ--Mandamus on Limited Court Case Matter  | Other Civil Petition   |
|  | Writ--Other Limited Court Case   |  |
|  | Review   |  |
|  | Other Judicial Review (39)   |  |
|  | Review of Health Officer Order   |  |
|  | Notice of Appeal--Labor  |  |
|  | Commissioner Appeals   |  |

1 WILLIAM W. ABBOTT, State Bar No. 083976  
GLEN C. HANSEN, State Bar No. 166923  
2 CORI M. BADGLEY, State Bar No. 252949  
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5 Email: [wabbott@aklandlaw.com](mailto:wabbott@aklandlaw.com)  
Email: [ghansen@aklandlaw.com](mailto:ghansen@aklandlaw.com)  
6 Email: [cbadgley@aklandlaw.com](mailto:cbadgley@aklandlaw.com)

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF PLACER

FEB 14 2008

JOHN MENDES  
EXECUTIVE OFFICER & CLERK  
BY T. Lewis, Deputy

7 Attorneys for Petitioner and Plaintiff  
8 Don Ryan

9  
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF PLACER

12 DON RYAN,

13 Petitioner and Plaintiff,

14 v.  
15

16 BOARD OF DIRECTORS OF THE  
17 FORESTHILL PUBLIC UTILITY  
DISTRICT; FORESTHILL PUBLIC  
18 UTILITY DISTRICT; and DOES 1  
through 50, inclusive,

19 Respondent and Defendant.  
20

CASE NO:

**§ CV 22459**

PETITION FOR WRIT OF MANDATE  
AND COMPLAINT FOR DECLARATORY  
RELIEF (Code Civ. Proc., §§ 1085, 1094.5,  
1060; Pub. Resources Code, §§ 21167, 21168,  
21168.5)

21 Petitioner and Plaintiff DON RYAN petitions this Court for a writ of mandate under Code  
22 of Civil Procedure section 1085 or in the alternative Code of Civil Procedure section 1094.5,  
23 directed to Respondents and Defendants BOARD OF DIRECTORS OF THE FORESTHILL  
24 PUBLIC UTILITY DISTRICT and the FORESTHILL PUBLIC UTILITY DISTRICT, and for  
25 declaratory relief, and by this petition and complaint alleges as follows:

26 **PARTIES**

27 1. Petitioner and Plaintiff DON RYAN ("Petitioner") is a co-owner of real property  
28 within the FORESTHILL PUBLIC UTILITY DISTRICT's boundaries and adopted sphere of

1 influence. As a property owner and developer, Petitioner is and will be subject to fees, charges,  
2 taxes and assessments imposed by the Foresthill Public Utilities District. Petitioner participated  
3 in the administrative process herein, has exhausted his remedies and has standing to sue, for the  
4 reasons stated in this petition and complaint.

5 2. Respondent and Defendant BOARD OF DIRECTORS OF THE FORESTHILL  
6 PUBLIC UTILITY DISTRICT ("BOARD") is the governing body of Respondent and Defendant  
7 FORESTHILL PUBLIC UTILITY DISTRICT (collectively referred to as "DISTRICT" or  
8 "Respondents"). The DISTRICT operates the water system that provides water to the  
9 unincorporated community of Foresthill in Placer County. The headquarter of the DISTRICT is  
10 located in Foresthill in Placer County.

11 3. Petitioner is ignorant of the true names and capacities of Respondents/Defendants  
12 sued herein as DOES 1 through 50, inclusive, and therefore sues said Respondents/Defendants by  
13 such fictitious names. Petitioner will amend this petition and complaint to set forth their true  
14 names and capacities when the same has been ascertained. Petitioner is informed and believe and  
15 thereon alleges that each of the fictitiously named Respondents/Defendants is responsible in some  
16 manner for the events, occurrences, and happenings alleged in this petition and complaint.

17 4. Petitioner is informed and believes and thereon alleges that, at all times mentioned  
18 in this petition and complaint, each of the Respondents/Defendants, including each of the  
19 fictitiously named DOE Respondents/Defendants, was the agent, servant or employee of the other  
20 Respondents/Defendants and, in doing or omitting to do each of the things herein alleged, was  
21 acting within the course and scope of such agency or employment with the full knowledge and  
22 consent, either express or implied, of each of the other Respondents/Defendants.

### 23 BACKGROUND

24 5. Respondents presented the draft Foresthill Public Utility District Water System  
25 Master Plan (dated June 2007) to the public on or about August 29, 2007. The purpose of the  
26 Water System Master Plan is to develop an "improvement plan consisting of water supply,  
27 transmission/distribution pipelines and storage and facilities to provide water for future growth."

28 6. On January 9, 2008, the BOARD approved the final Foresthill Public Utility

1 District Water System Master Plan (January 2008) (“Master Plan”), which made minor changes  
2 to the draft master plan released in August. The improvements called for by the Master Plan  
3 include relocating the existing plant access road, constructing a pipeline up to the reservoir,  
4 constructing a pretreatment building, extending the existing treatment building to add additional  
5 filters capacity, building two new tank sites and installing in excess of 17 miles of new pipeline  
6 and potential expansion of Sugar Pine Reservoir. The Master Plan also prioritizes  
7 implementation of projects.

8 7. Prior to approving the Master Plan, the DISTRICT did not conduct any  
9 environmental review on the potential effects on the environment of the Master Plan. On January  
10 11, 2008, the DISTRICT posted a Notice of Exemption (“NOE”) for the Master Plan, two days  
11 after the “Master Plan” was adopted. The NOE asserted that the Master Plan was exempt from  
12 environmental review under sections 15260 et seq. of the California Environmental Quality Act  
13 (“CEQA”) Guidelines. (Cal. Code Regs., tit. 14, § 15260 et seq.) Specifically, the NOE stated  
14 that the project is exempt because it is a feasibility and planning study. Implementation of the  
15 Master Plan may necessitate the acquisition of Petitioners real property by District.

#### 16 JURISDICTION AND VENUE

17 8. This Court has jurisdiction over this action pursuant to sections 1085 and 187 of  
18 the California Code of Civil Procedure and section 21168.5 of the California Public Resources  
19 Code. Petitioner is informed and believes that this action is properly brought as a petition for writ  
20 of mandate under those provisions. However, should this Court conclude that this action cannot  
21 be properly brought as a petition for a writ of mandate, Petitioner requests that this petition be  
22 construed as a petition for writ of administrative mandamus (for which jurisdiction would lie  
23 pursuant to Code of Civil Procedure sections 1094.5 and 187, and Public Resources Code section  
24 21168), or for other appropriate extraordinary relief.

25 9. Venue is proper in the County of Placer under Code of Civil Procedure section  
26 394, subdivision (a) as the county where Respondents are situated and as the situs of Petitioner’s  
27 procedural and substantive injuries.

28 ///



1 including additional storage at the treatment plant, transmission main improvements, increased  
2 capacity at Sugar Pine Reservoir, a new pretreatment building, new tank sites and a new access  
3 road. These infrastructure upgrades and improvements call for physical changes in the  
4 environment, none of which were evaluated as required by CEQA.

5 14. Respondents' determination that the Master Plan was exempt from environmental  
6 review also constitutes a prejudicial abuse of discretion on the grounds that none of the statutory  
7 or categorical exemptions under CEQA apply to the Master Plan. The Master Plan contemplates  
8 the construction of infrastructure improvements that amount to a project under CEQA and do not  
9 fit under the statutory exemption of feasibility and planning studies as asserted in the NOE. The  
10 purpose of the Master Plan is to provide a description of improvements and develop a logical  
11 expansion plan that can be phased. The Master Plan specifically mentions improvements and  
12 upgrades that should take place and includes specific sites for those improvements. The Master  
13 Plan is subject to environmental review under CEQA prior to approval, and no exemption applies.  
14 Therefore, the DISTRICT had a duty to perform environmental review prior to approval of the  
15 Master Plan. The DISTRICT failed to perform that environmental review.

16 15. Petitioner is entitled to recover attorneys' fees as provided in Code of Civil  
17 Procedure section 1021.5 if he prevails in this action and the Court finds a significant benefit has  
18 been conferred on the general public or a large class of persons, and that the necessity and burden  
19 of private enforcement is such as to make an award of fees appropriate.

## 20 SECOND CAUSE OF ACTION

### 21 (Writ of Mandate – Lack of Rational Basis)

22 16. Petitioner realleges and fully incorporates by reference paragraphs 1 through 15 of  
23 this petition and complaint.

24 17. The approval of the Master Plan constitutes a prejudicial abuse of discretion on the  
25 grounds that the Master Plan lacks any rational basis for the assumptions that lead to its  
26 conclusions. The Master Plan is wholly lacking in evidentiary support on material matters,  
27 including but not limited to: known water sources available during drought; pre-existing water  
28 commitments; current usage by agricultural and governmental users, changes in customer demand

1 per classification.

2 18. Petitioner is entitled to recover attorneys' fees as provided in Code of Civil  
3 Procedure section 1021.5 if he prevails in this action and the Court finds a significant benefit has  
4 been conferred on the general public or a large class of persons, and that the necessity and burden  
5 of private enforcement is such as to make an award of fees appropriate.

6 **THIRD CAUSE OF ACTION**

7 **(Declaratory Relief)**

8 19. Petitioner realleges and fully incorporates by reference paragraphs 1 through 18 of  
9 this petition and complaint.

10 20. An actual controversy, for which Petitioners desire a resolution, has arisen and  
11 now exists between the parties relating to the validity of the Master Plan.

12 21. Pursuant to Code of Civil Procedure section 1060, a declaratory judgment is  
13 necessary in that the DISTRICT disregarded the requirements of CEQA by failing to engage in an  
14 environmental evaluation of the Master Plan, approved a Master Plan lacking in evidentiary  
15 support, and failed to proceed in a manner required by law. The adoption of the Master Plan by  
16 Respondents adversely affects the rights of the residents and property owners in the community  
17 of Foresthill, including Petitioner.

18 22. Petitioner requests a judicial declaration that establishes a) that the adoption of the  
19 Master Plan is against the law, is arbitrary and capricious and is void; and b) that the Master Plan  
20 is not exempt from environmental review under CEQA.

21 23. Petitioner is entitled to recover attorneys' fees as provided in Code of Civil  
22 Procedure section 1021.5 if he prevails in this action and the Court finds a significant benefit has  
23 been conferred on the general public or a large class of persons, and that the necessity and burden  
24 of private enforcement is such as to make an award of fees appropriate.

25 **PRAYER**

26 THEREFORE, Petitioner prays for entry of judgment as follows:

27 1. For an alternative and peremptory writ of mandate directing Respondents to vacate  
28 and set aside its decision certifying the Master Plan and directing Respondents to

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prepare, circulate and consider a legally adequate environmental review document under CEQA prior to the approval of a new master plan;

- 2. For a declaration that a) the adoption of the Master Plan is against the law, is arbitrary and capricious and is void; and b) the Master Plan is not exempt from environmental review under CEQA;
- 3. For his costs of suit;
- 4. For an award of attorneys' fees under Code of Civil Procedure, section 1021.5;
- 5. For other legal or equitable relief that the Court deems just and proper.

DATED: February 13, 2007

Respectfully submitted,

ABBOTT & KINDERMANN, LLP

By: 

WILLIAM W. ABBOTT  
Attorneys for Petitioner and Plaintiff,  
DON RYAN

VERIFICATION

I, William W. Abbott, am the attorney for Don Ryan, who is the Petitioner and Plaintiff in this proceeding. Petitioner and Plaintiff Don Ryan does not reside in Sacramento County, where my office is located. I have read the foregoing PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF, and know its contents. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, as to those matters I believe them to be true. This verification was executed on February 13, 2008, at Sacramento, California.

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

  
\_\_\_\_\_  
William W. Abbott



1 WILLIAM W. ABBOTT, State Bar No. 083976  
2 GLEN C. HANSEN, State Bar No. 073384  
3 CORI M. BADGLEY, State Bar No. 252949  
4 Abbott & Kindermann, LLP  
5 2100 21st Street  
6 Sacramento, California 95818  
7 Telephone: (916) 456-9595  
8 Facsimile: (916) 456-9599

9 Attorneys for Petitioner and Plaintiff  
10 Don Ryan

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF PLACER

FEB 14 2008

JOHN MENDES  
EXECUTIVE OFFICER & CLERK  
BY T. Lewis, Deputy

COPY

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 FOR THE COUNTY OF PLACER

13 DON RYAN,

14 Petitioner and Plaintiff,

15 v.

16 BOARD OF DIRECTORS OF THE  
17 FORESTHILL PUBLIC UTILITY  
18 DISTRICT; FORESTHILL PUBLIC  
19 UTILITY DISTRICT; and DOES 1  
20 through 50, inclusive,

21 Respondent and Defendant.

CASE NO: **§ CV 22459**

REQUEST TO PREPARE  
ADMINISTRATIVE RECORD  
(Pub. Resources Code, § 21167.6)

22 TO THE COURT AND THE PARTIES:

23 Pursuant to Public Resources Code section 21167.6, Petitioner and Plaintiff, DON RYAN  
24 (“Petitioner”), hereby requests that the Respondent in the above captioned matter, the BOARD  
25 OF DIRECTORS OF THE FORESTHILL PUBLIC UTILITY DISTRICT and FORESTHILL  
26 PUBLIC UTILITY DISTRICT (“Respondent”) prepare the record of proceedings relating to the  
27 approval of the Water Systems Master Plan in January 2008.

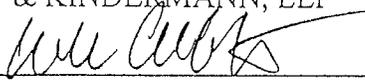
28 The Petitioner requests that the Respondent include in the record all documents, including  
all transcripts, minutes or meetings, notices, correspondence, reports, studies, proposed decisions,  
final decisions, findings, and any other documents or records relating to the Respondents’

1 approval of the Water Systems Master Plan. The Petitioner will pay the costs of preparation of  
2 the record on notice of the estimated costs of preparation.

3  
4 DATED: February 13, 2007

Respectfully submitted,

5 ABBOTT & KINDERMANN, LLP

6 By: 

7 WILLIAM W. ABBOTT

8 Attorneys for Petitioner and Plaintiff,  
9 DON RYAN

1 WILLIAM W. ABBOTT, State Bar No. 083976  
2 GLEN C. HANSEN, State Bar No. 073384  
3 CORI M. BADGLEY, State Bar No. 252949  
4 Abbott & Kindermann, LLP  
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8 Facsimile: (916) 456-9599

9 Attorneys for Petitioner and Plaintiff  
10 Don Ryan

**FILED**  
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COUNTY OF PLACER

FEB 14 2008

JOHN MENDES  
EXECUTIVE OFFICER & CLERK  
BY T. Lewis, Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF PLACER

DON RYAN,

Petitioner and Plaintiff,

v.

BOARD OF DIRECTORS OF THE  
FORESTHILL PUBLIC UTILITY  
DISTRICT; FORESTHILL PUBLIC  
UTILITY DISTRICT; and DOES 1  
through 50, inclusive,

Respondent and Defendant.

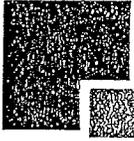
CASE NO: **S CV 22459**

NOTICE OF COMMENCEMENT OF  
CEQA ACTION



ABBOTT &  
KINDERMANN, LLP

ATTORNEYS AT LAW



February 13, 2008

VIA FACSIMILE

Gregory L. Wells, President  
Board of Directors of the Foresthill Public Utility District  
P.O. Box 266  
24540 Main Street  
Foresthill, CA 95631-0266

Re: Notice of Commencement of CEQA Action: *Don Ryan v. Board of  
Directors of the Foresthill Public Utility District, et al.* (Pub. Resources  
Code, § 21167.5)

Dear Mr. Wells:

Pursuant to section 21167.5 of the Public Resources Code, this letter provides written notice to the Foresthill Public Utility District Board of Directors that our client, Don Ryan, intends to commence an action under the California Environmental Quality Act ("CEQA"), on or about February 15, 2008, challenging the approval of the Water System Master Plan rendered by the Board of Directors of the Foresthill Public Utility District.

Sincerely,

William W. Abbott

WWA/sb



1 Matter: *Don Ryan v. Board of Directors of the Foresthill Public Utility District, et al.*  
2 Superior Court for County of Placer, Case No.

3 **CERTIFICATE OF SERVICE**

4 I, Sharon Buckenmeyer, declare as follows:

5 I am employed in the County of Sacramento, over the age of eighteen years and not a party to  
6 this action. My business address is 2100 21st Street, Sacramento, California 95818.

7 On this date, I served the foregoing document(s) described as:

8 **NOTICE OF COMMENCEMENT OF CEQA ACTION**

9 On the parties stated below, by placing a true copy thereof in an envelope addressed as shown  
10 below by the following means of service:

11 Gregory L. Wells, President  
12 Board of Directors of the Foresthill Public  
13 Utility District  
14 P.O. Box 266  
15 24540 Main Street  
16 Foresthill, CA 95631-0266

17  **BY MAIL:** I placed a true copy in a sealed envelope addressed as indicated above on the  
18 above-mentioned date. I am familiar with the firm's practice of collection and processing  
19 correspondence for mailing. It is deposited with the U.S. Postal Service on that same day  
20 in the ordinary course of business. I am aware that on motion of party served, service is  
21 presumed invalid if postal cancellation date or postage meter date is more than one day  
22 after the date of deposit for mailing in affidavit.

23 **BY PERSONAL SERVICE:** I placed a true copy in a sealed envelope addressed to each  
24 person[s] named at the address[es] shown and giving same to a messenger for personal  
25 delivery before 5:00 p.m. on the above-mentioned date.

26 **BY FEDEX NEXT DAY AIR:** On the above-mentioned date, I enclosed the documents  
27 in an envelope or package provided by an overnight delivery carrier and addressed to the  
28 persons listed on the attached service list. I placed the envelope or package for collection  
and overnight delivery following our ordinary business practices.

**BY FACSIMILE:** Sending a true copy via facsimile transmission (by use of facsimile  
machine telephone number 916-456-9599 of the above described document(s) to the  
interested parties, at the facsimile numbers listed below. The facsimile machine I used  
complied with California Rules of Court, Rule 2301, and no error was reported by the  
machine.

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

Executed on this 13 day of February, in the year 2008, at Sacramento, California.

  
Sharon Buckenmeyer

PROOF OF SERVICE



PUBLIC COMMENT

# Foresthill Residents for respOnsible Growth, Inc.

P. O. Box 568, Foresthill, CA 95631  
(530) 367-4803

January 7, 2008

Received in Meeting

JAN 08 2008

Clerk of the  
Board of Supervisors

Board of Supervisors  
County of Placer  
175 Fulweiler Ave.  
Auburn, CA 95603

Dear Board Members,

As you are aware, the Foresthill Divide Community Plan Amendment has been an on-going and convoluted project since its inception in 1992. A plan amendment was presented to the community in 2003 but some residents felt that the proposed plan was too much of an over-reach in density reduction. After several public Planning Commission hearings, the Planning Department went back to the drawing board to give the community a Revised Foresthill Divide Community Plan Amendment.

Because the project has become so complex with continually changing build-out populations ranging from 13,500 to 62,948; significant density increases; an option to include a 2,213 unit subdivision which would overwhelm the town of Foresthill; concern about infrastructure and the threat of future catastrophic wild fires, many concerned Foresthill residents had requested that the Planning Department allow for a 90-day Public Comment period. We were told several times that a 90-day Public Comment would be acceptable. There was relief and appreciation from Foresthill residents when the 90-day Public Comment period was published in the Notice of Availability because many knew it would be a struggle reviewing and understanding documents with which they were not familiar.

The Notice of Availability (NOA) was published both in the Auburn Journal on December 7, 2007, and the Foresthill Messenger on December 19, 2007, and indicated that the Public Comment period would be from December 5, 2007, to March 5, 2007. The NOA also indicated that access to the Policy Document, the Revised EIR and its appendices were available at four locations, i.e. the County website, the Foresthill Library, the Auburn Public Library, and the public counter at the Community Development Resource Agency.

On December 20, 2007, Foresthill Residents for respOnsible Growth (FROG) came to realize that not all documents were available at the locations indicated in the NOA. The appendices to the Revised EIR were not at the website and there were no documents available at the Auburn Public Library. We wrote a letter to the Planning Department on December 20, 2007 (see Exhibit 1), advising them of this error and asking that the Revised Foresthill Divide Community Plan

Amendment be re-circulated so that the full review period (90 days) would be available to Foresthill residents with access to all pertinent documents. The appendices to the Revised EIR are now available on the County's website (see Exhibit 2).

We are very concerned that Foresthill residents were not aware of the error and did not have access to all the necessary information needed to make their Public Comments. Because the proposed amendment could change Foresthill forever, we feel it's important that all information be made available in a timely manner.

It is with these concerns, and with all due respect to the Planning Department, that we are asking the Board of Supervisors to direct the staff to re-circulate the Revised Foresthill Divide Community Plan for availability and access for the full 90-day review period.

Sincerely,



Bill Hansson  
FROG Board Member

cc Anthony J. La Bouff, Placer County Counsel  
Michael Johnson, Placer County Planning Department  
Foresthill Forum  
John Marin, Placer County Community Development Resource Agency

Letter 17D: Sherry Wicks, Chair, Foresthill Residents for respOnsible Growth, Inc.

Response 17D-A: The “Foresthill Narrative” providing an overview of the FDCP history from the commenter perspective is noted. This is an informational comment on the merits of the proposed Foresthill Divide Community Plan and does not raise a significant environmental issue that requires a response in this Final EIR.

Foresthill Residents for respOnsible Growth, Inc.

F U O I L C O M M E N T

Letter 17E

P. O. Box 568, Foresthill, CA 95631  
(530) 367-4803

January 7, 2008

Received in Meeting

JAN 08 2008

Clerk of the  
Board of Supervisors

Board of Supervisors  
County of Placer  
175 Fulweiler Ave.  
Auburn, CA 95603

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A

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A cont.

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B

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Sincerely,



Bill Hansson  
FROG Board Member

cc Anthony J. La Bouff, Placer County Counsel  
Michael Johnson, Placer County Planning Department  
Foresthill Forum  
John Marin, Placer County Community Development Resource Agency

Letter 17E: Bill Hansson, Board Member, Foresthill Residents for respOnsible Growth, Inc.

**Response 17E-A:** It should be noted that CEQA only requires a 45-day review period. The County went way beyond this requirement in order to afford the public additional time to review the document and circulated the DEIR for a 90-day comment period. The comment pertaining to the 90 day public review period that occurred for the FDCP DEIR between December 5, 2007 and March 5, 2008 is noted. Although Placer County web site technical difficulties resulted in portions of the DEIR appendices containing technical models used for conducting analysis pertaining to traffic and noise not being accessible for a short period of time during the 90 day review period (this situation was remedied when brought to the attention of the county), the entire text of the DEIR and the majority of studies presented in the DEIR Appendix was available to the public at all times. Likewise, copies of the entire document were available at least two of the four locations indicated in the Notice of Availability (NOA) published in the Auburn Journal throughout the entire 90 day review period.

**Response 17E-B:** The comment requesting a re-circulation of the DEIR is noted. It is the opinion of Placer County that the Section 15087 of the CEQA Guidelines was complied with, precluding the necessity of re-circulation, in that (1) pursuant to Section 15087 (a)(1) the NOA was correctly published in the newspaper of largest circulation from among the newspapers of general circulation in the FDCP area, (2) The DEIR was available in it's entirety at least two locations throughout the entire 90 day public review period, a period of time exceeding the legally required 45 day review period by 45 days.

P. O. Box 568, Foresthill, CA 95631  
(530) 367-4803

RECEIVED  
DEC 20 2007  
CDRA

December 20, 2007

County of Placer  
Environmental Coordination Services  
3091 County Center Drive, Ste. 190  
Auburn, CA 95603

Attn: Gina Langford, Environmental Coordinator

Dear Ms. Langford,

Based on the County's Notice of Availability of A Revised Draft EIR for Public Review (see attached) for the Foresthill Divide Community Plan (FHDCP), you have indicated that the timeframe for the Review Period for Public Comments was December 5, 2007 – March 5, 2008. Our group is very concerned that the proposed plan could be approved without adequate input from the community.

One of our supporters attended the Foresthill Forum meeting on December 3, 2007, and obtained a CD with what he thought was all the pertinent information that we needed for analyzing and making Public Comments. It wasn't until a week and a half later after reviewing the CD, downloading the FHDCP .pdf files from your website, printing all documents and using a complete set of manuals loaned to us by one of the Forum members for comparison purposes, did we realize that the Appendices to the Revised Draft EIR was not included in the CD received at the Forum meeting...nor available on your website (see attached webpage copies). Finally realizing the error, we purchased copies of both CDs from the County to get the complete documentation. The Appendices is a valuable part of the Revised Draft EIR since there are many references to it.

The cost of the hardcopy documents is \$100 each for a total of \$300...nearly triple the cost of the 2003 sets. Many of us cannot afford to purchase these documents. Because Foresthill residents use the internet with its fast DSL service, we are concerned that they, and others, might think they have the complete documents by visiting your website...but they won't.

To restate, your notification indicates that these documents (three) are available for Public Review and Comments at "the Community Development Resource Agency public counter and the Foresthill Library and Auburn Public

A

Exhibit 1

Library" . . . and also "accessed through the County's website at:  
<http://www.placer.ca.gov/Departments/CommunityDevelopment/Planning/Projects/FDCP.aspx>."

A cont.

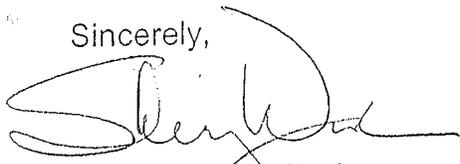
On Saturday, December 15, 2007, one of our supporters visited the Auburn Public Library to review the FHDCP documents but the clerk at the Information Desk explained that those particular documents were not at their site. The bookshelves, where other EIRs were located, were searched but no Revised FHDCP documents could be found. As mentioned above the Appendices are not available at the County's website as stated. . . and, additionally, none of the documents were available at the Auburn Public Library as stated.

The Foresthill Public Library does have one complete set of hard copy documents which cannot be checked out. They also have four sets of CDs. If more than four people wish to check out the CDs, then nothing is available for the other 3,500 +/- adult Foresthill residents.

There appears to be a real issue of inadequate disclosure of documents to the public for an amendment to the Community Plan that will affect this community for years to come. It has taken us almost two and a half weeks to determine this lack of consistency in disclosure, and we are asking that the errors be corrected, specifically access to the Appendices at your website, and the Revised FHDCP be re-circulated.

Thank you for your attention to this important matter.

Sincerely,



Sherry Wicks, Chairman

Attachments

cc: Foresthill Forum



**COUNTY OF PLACER**  
**Community Development Resource Agency**

John Marin, Agency Director

ENVIRONMENTAL  
COORDINATION SERVICES

Gina Langford  
Environmental Coordinator

**NOTICE OF AVAILABILITY OF A REVISED DRAFT EIR  
FOR PUBLIC REVIEW**

Placer County has released a Revised Draft Environmental Impact Report (EIR) and a policy document for the project listed below:

**PROPOSED PROJECT:**       **Foresthill Divide Community Plan**  
(PEIR T20070206 / State Clearinghouse # 2001092094)

**PROJECT DESCRIPTION:** The proposed project consists of the adoption and implementation of the Foresthill Divide Community Plan (FDCP), which consists of the following elements:

- Community Development Element, including Population and Housing, Land Use, Community Design, Public Facilities, and Parks and Recreation
- Resource Management Element, including Natural Resources/Conservation/Open Space, Cultural Resources, and Air Quality
- Transportation and Circulation Element

The FDCP includes a land use and circulation plan for the Plan area. The proposed project also includes rezoning of properties within the Plan area as necessary and required to achieve consistency with the proposed FDCP land use designations.

The FHCP is intended to supersede the 1981 Foresthill General Plan in order to provide an opportunity to comprehensively address issues facing the community and to responsibly and proactively plan for the next 20 years.

The proposed Foresthill Divide Community Plan area encompasses approximately 109 square miles. The time horizon for the community plan is to the year 2030 and population projections based on growth trends indicated that the population at 2030 would be approximately 9,620 persons. Should the community grow at two percent over the next 20 years, this is the population that is anticipated for the Foresthill Community Plan area. This population represents 44 percent of the projected residential buildout for the plan area.

**PROJECT LOCATION:**       North Fork of the American River, Shirttail Canyon, the watershed of Sugar Pine Reservoir, and Elliott Ranch Road on the west and north; west branch of El Dorado Canyon on the east; North Fork of the Middle Fork American River and the Middle Fork American River on the south in Placer County

**REVIEW PERIOD:**               **December 5, 2007 – March 5, 2008**

**PUBLIC HEARING:** A public hearing to receive comments on the Draft EIR will be held at a date and time to be determined in Placer County Planning Commission Hearing Room, located at 3091 County Center Drive (corner of Richardson Drive and Bell Road in the Dewitt Center), Auburn. The purpose of the hearing is to discuss the project's EIR. Comments related to the merits of the project will be considered at a subsequent hearing to be held on the project's requested entitlement applications.

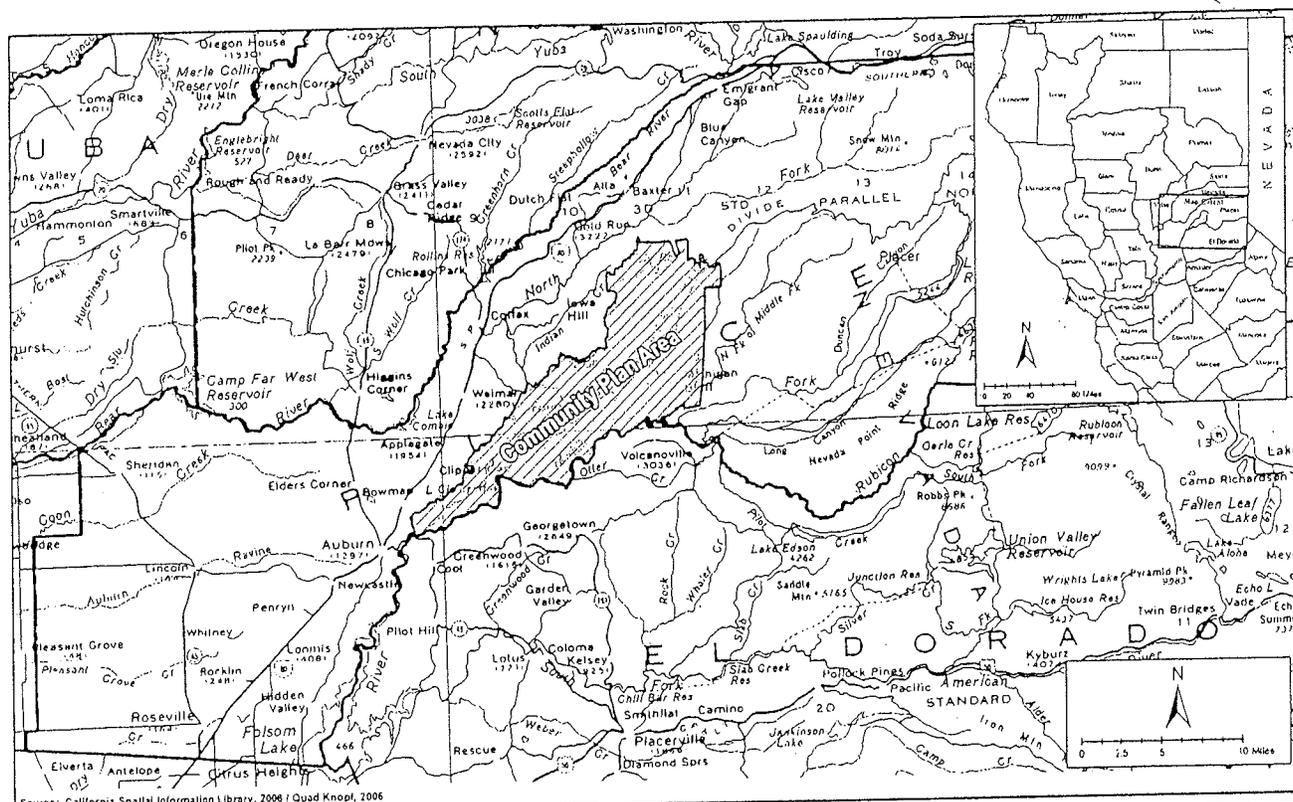
SIGNIFICANT ENVIRONMENTAL EFFECTS ANTICIPATED: Land use; aesthetics; geology, soils, and mineral resources; transportation and traffic; air quality; noise; biological resources; cultural resources; public services and utilities; recreation & parks; safety; surface hydrology and water quality; cumulative impacts.

Comments regarding this Revised Draft EIR must be submitted to Maywan Krach, Environmental Coordination Services, at the Placer County Community Development Resource Agency, 3091 County Center Drive, Suite 190, Auburn, CA 95603, by email at [cdraecs@placer.ca.gov](mailto:cdraecs@placer.ca.gov), or by fax (530)745-3003 by 5:00 p.m. on March 5, 2008. Copies of the Revised Draft EIR and Technical Appendices are available for review at the Community Development Resource Agency public counter and the Foresthill Library and Auburn Public Library. It can also be accessed through the County's website at: <http://www.placer.ca.gov/Departments/CommunityDevelopment/Planning/Projects/FDCP.aspx>

Comments regarding the adequacy of the Revised Draft EIR not presented during the public review period may not be considered at subsequent hearings. Additional information may be obtained by contacting Crystal Jacobsen, Supervising Planner, at (530)745-3085 on Monday-Friday between the hours of 8:00 a.m. and 5:00 p.m.

Foresthill Messenger  
December 19, 2007

Auburn Journal  
December 7, 2007



**FORESTHILL DIVIDE COMMUNITY PLAN EIR  
LOCATION AND VICINITY MAP**

Figure 2-1



Home > Departments > Community Development > Planning Department > Projects > Foresthill Divide Community Plan

## Foresthill Divide Community Plan

- \* Policy Document
- \* Revised Draft EIR

Placer County has released a [Notice of Availability](#) for a Revised Draft Environmental Impact Report (EIR) and policy document for the **Foresthill Divide Community Plan** (Placer County file #: PEIR T20070206, State Clearinghouse #: 2001092094).

**PROJECT DESCRIPTION:** The proposed project consists of the adoption and implementation of the Foresthill Divide Community Plan (FDCP), which consists of the following elements:

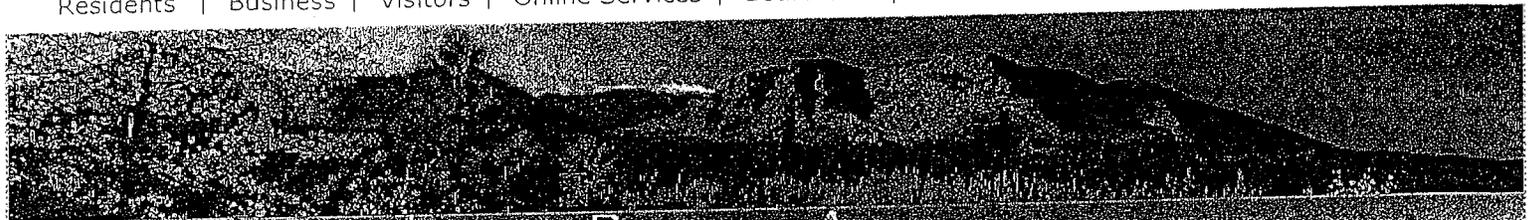
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**PROJECT LOCATION:** North Fork of the American River, Shirttail Canyon, the watershed of Sugar Pine Reservoir, and Elliott Ranch Road on the west and north; west branch of El Dorado Canyon on the east; North Fork of the Middle Fork American River and the Middle Fork American River on the south in Placer County

**PUBLIC REVIEW PERIOD: December 5, 2007 – March 5, 2008**

Additional information may be obtained by emailing [Crystal Jacobsen](#), Supervising Planner, or by phone at (530)745-3085.



## Community Development Resource Agency

Home > Departments > Community Development > Planning Department > Projects > Foresthill Divide Community Plan > Revised Draft EIR

### Foresthill Divide Community Plan - Revised Draft Environmental Impact Report (RDEIR)

The Placer County Planning Department has released the Revised Draft Environmental Impact Report (RDEIR) of the Foresthill Divide Community Plan for public review. The [Notice of Availability](#) has also been posted and includes the project description and a location map.

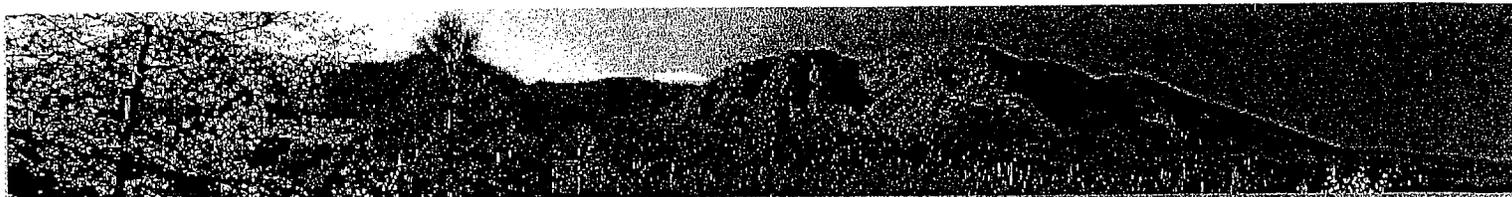
The below sections of the Revised Draft EIR are available in portable document format (pdf):

- Table of Contents
- Chapter 1
- Chapter 2 (Pages 1 thru 8, 9 thru 18)
- Chapter 3 (Pages 1 thru 100, 101-200, 201-300, 301-369)
- Chapter 4
- Chapter 5
- Chapter 6
- Executive Summary (Table)
- References
- Report Contributors
- Persons Contacted

#### FIGURES

- 2-1, 2-2, 2-3, 2-4, 2-5, 2-6
- 3.6-1 and 3.6-2
- 3.9-1, 3.9-2, 3.9-3, 3.9-4, 3.9-5, 3.9-6, 3.9-7, 3.9-8
- 3.10-2 and 3.10-3
- 4-1, 4-2, 4-3, 4-4

*No EIR Appendices*



## Community Development Resource Agency

Home > Departments > Community Development > Planning Department > Projects > Foresthill Divide Community Plan > Revised Draft EIR

### Foresthill Divide Community Plan - Revised Draft Environmental Impact Report (RDEIR)

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- Appendix A.1
- Appendix A.2
- Appendix B.1
- Appendix B.2
- Appendix C.1
- Appendix C.2
- Appendix C.3
- Appendix C.4
- Appendix C.5
- Appendix C.6
- Appendix C.7
- Appendix C.8
- Appendix D
- Appendix E
- Appendix F
- Appendix G
- Appendix H
- Appendix I
- Appendix J

#### FIGURES

- 2-1, 2-2, 2-3, 2-4, 2-5, 2-6
- 3.6-1 and 3.6-2

Exhibit 2

3.10-2 and 3.10-3

4-1, 4-2, 4-3, 4-4

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# COMMENTS

## 2<sup>ND</sup> ADMINISTRATIVE DRAFT REVISED

### FORESTHILL DIVIDE COMMUNITY PLAN

Name: Sherry Wicks Address: P. O. Box 456, Foresthill, CA 95631

Email: sherrywicks@saveforesthill.com

RECEIVED

SEP 12 2007

**Representing:**

Resident  Developer CDRA

Agency  Organization FROG

#1 Need to make the Land Use Diagram easier and quicker to review by the public. Because Open Space identifies public lands, some other color should be used besides a variation of green. In the 2003 policy document, public lands were identified as white and could be discerned with little effort.

#2 Need to have a detailed discussion about why some public lands have a Land Use designation of Timberland 80 Ac Min and other public lands are Open Space. There needs to be clarity as to how much public lands are in the plan area.

#3 Need a discussion as to why the plan area was increased. What's the justification for the increase in plan area, especially since the bulk of the increase of 56 sq miles to 109 sq miles was public lands? There needs to be a table included which clearly spells out: 1) sq miles of private land and sq miles of public land within the 1981 Plan area, 2) and sq miles of private land and sq miles of public land in the new revised FDGP, 3) and include totals in the table as well as percentage of change.

#4 Verify that the Land Use Diagram in the 2nd Admin Draft is the same Land Use Diagram suggested and approved by the Forum in approximately 2004.

#5 Include changes from the 2003 policy document as redlined (i.e. strike-throughs, bolded, etc.) in the new revised policy document. Continued..

# COMMENTS

## 2<sup>ND</sup> ADMINISTRATIVE DRAFT REVISED

### FORESTHILL DIVIDE COMMUNITY PLAN

Name: Sherry Wicks Address: P. O. Box 456, Foresthill, CA 95631

Email: sherrywicks@saveforesthill.com

RECEIVED  
SEP 12 2007  
CDRA

Representing:

Resident

Developer

Agency

Organization FROG

#6 Include the spreadsheet in policy document indicating holding capacity (i.e. buildout) based on 1981 Plan and its current Land Use Designations. The current available spreadsheet needs to be reviewed for accuracy, especially in the Spring Garden Road area.

#7 Need to include population information from last FDCP for 1990 to give the public a better understanding of population change due primarily to road improvement...possibly using a method of extrapolation from SACOG, census data or county housing numbers.

#8 Omit "Polulation 2015" in Table 3.A-1 and include "Population 2030". Verify the calculations for population increase.

#9 Need additional Growth Projections in Table 3.A-2 for 3% and 4% since Plan Assumptions discuss a moderate growth rate of 2 - 4% per year.

#10 Include a discussion of maximum holding capacity numbers based on the proposed Land Use Designations and how the density applied to public lands affect those numbers.

Letter 17F: Sherry Wicks, Chairman, Foresthill Residents for respOnsible Growth, Inc.

Response 17F-A: See Response 46-A.