

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

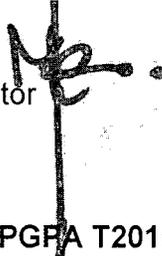
Michael J. Johnson, Agency Director

**PLANNING  
SERVICES DIVISION**

Paul Thompson  
Deputy Planning Director

**MEMORANDUM**

**TO:** Honorable Board of Supervisors

**FROM:** Michael J. Johnson, Agency Director 

**DATE:** July 12, 2011

**SUBJECT: GENERAL PLAN AMENDMENT (PGPA T20100374)  
FORESTHILL DIVIDE COMMUNITY PLAN SETTLEMENT AGREEMENT**

**ACTION REQUESTED**

The Board of Supervisors is being asked to consider the approval of amendments to the Foresthill Divide Community Plan and adoption of the Addendum to the Environmental Impact Report for the Foresthill Divide Community Plan as recommended by the Planning Commission on June 9, 2011.

**BACKGROUND**

On December 9, 2008, after certifying the Final Environmental Impact Report, the Board of Supervisors adopted the Foresthill Divide Community Plan, an update of the 1981 Foresthill General Plan. Two organizations, Foresthill Residents for Responsible Growth (FROG) and Friends of the North Fork (Friends), filed a lawsuit challenging the County's certification of the EIR and the approval of the Plan. After extensive negotiations, the Board of Supervisors, FROG and Friends entered into a Settlement Agreement which resolved all issues between the parties, contingent on the Board's consideration of amendments to the Plan (see Discussion of Amendments, following). A copy of the Settlement Agreement is included as Attachment B.

**PROJECT DESCRIPTION**

Among others, the Settlement Agreement included the following provision:

*Within sixty (60) days of the Effective Date, County will commence work to prepare for submission to the Placer County Board of Supervisors for its consideration amendments to the Foresthill Divide Community Plan as described in this Section (B). County staff shall recommend and Petitioners shall support adoption of such amendments. The Parties agree and understand that the County shall follow its ordinary and customary process for the amendment of a County General Plan, including review under CEQA, public hearings and review of any proposed amendments by the applicable County-established municipal advisory committee and any other group, committee or forum that ordinarily and customarily*

*considers such amendments to allow the public an opportunity to comment on the proposed amendments.*

This provision listed the specific amendments to modify the Goals, Policies and Implementation Measures of the Plan. The proposed changes are discussed below, and constitute the Project.

**DISCUSSION OF AMENDMENTS:**

The Settlement Agreement identifies a number of amendments to Goals, Policies, and Implementation Measures in multiple sections of the Community Plan, which are set forth below. The changes from the currently adopted Plan are shown below in underline bold and by strikethrough.

**1. Goal 3.A.4, Policies 3.A.4-1, 3.A.4-2**

Add to Section III, Community Development Element, Section A, Population and Housing, the following new Goal and Policies:

**Goal 3.A.4** **Establish a maximum population for the Foresthill Divide Community Plan area compatible with the infrastructure and the environmental and physical constraints of the Foresthill Divide.**

**Policies**

**3.A.4-1** **The population of the Foresthill Divide Community Plan area shall not exceed 22,010 persons, assuming a ratio of 2.5 persons per dwelling unit for purposes of calculating population. When the population reaches the level specified in Policy 3.A.4-2, the County may adopt measures to ensure that the maximum population of this policy is not exceeded.**

**3.A.4-2** **No later than 2028, which is two (2) years before the Foresthill Divide Community Plan horizon year of 2030, or at such time as the population within the Community Plan area exceeds 16,500 persons or 6,600 dwelling units, whichever date or threshold occurs first, the County shall initiate a public process to consider the review and update of the Community Plan and, based upon a totality of the circumstances, determine whether an update of the Community Plan should be undertaken.**

The purpose of adding Goal 3.A.4 to the Foresthill Divide Community Plan is to establish a maximum population for the area in order to maintain the rural character of the Divide. Policy 3.A.4-1 supports Goal 3.A.4 by establishing the threshold for a maximum population for the Foresthill Divide Community Plan area of 22,010 persons based upon the zoned land holding capacity of the land use diagram and an assumed residency ratio of 2.5 persons per dwelling unit. Policy 3.A.4-2 establishes both a timeframe (no later than 2028) and the circumstances to determine when and if an update to the Community Plan should occur,

stipulating that, at such time when the Foresthill Divide Community reaches a population of 16,500 persons or 6,600 dwelling units, whichever occurs first, the County shall consider a review of the Community Plan and shall at that time determine if an update of the plan is necessary.

## 2. Policy 3.D.13-17

Add to Section III, Community Development Element, Section D, Public Facilities, Part 6, Fire Protection, the following new Policy:

**3.D.13-17** **The County shall require (a) new residential development that is located in high fire risk areas (meaning areas designated by CalFire as being in a High or Very High Fire Hazard Severity Zone) proposing more than ten (10) dwelling units and (b) new non-residential development larger than five (5) acres in area that is located in high fire risk areas to be responsible for the establishment and on-going maintenance of necessary shaded fuel breaks and other defensible space mechanisms, and shall require as a condition of such development the establishment of a funding mechanism for the costs thereof. Funding mechanisms may include, but are not limited to, a zone of benefit under a county service area, an assessment district, a mitigation fee or other funding mechanisms. The County shall coordinate any such fuel break and defensible space requirements with the applicable local fire protection agency and CalFire. County approval for new discretionary development shall include a condition to maintain defensible space consistent with State law.**

The purpose of Policy 3.D.13-17 is to establish provisions for ongoing fire protection for new development in the Foresthill Divide Community Plan area. Specifically, this policy requires that new residential development of ten (10) units or more, or new commercial development comprised of five (5) acres or more, establish on-going maintenance of shaded fuel breaks and establish a funding mechanism to support such a requirement.

## 3. Policy 3.D.4-1

Amend existing Policy 3.D.4-1 in Section III, Community Development Element, Section D, Public Facilities, Part 4, Water Supply, to read as follows:

3.D.4-1 All new development shall be required to demonstrate the availability of a long-term, reliable water supply. **Prior to the County granting a permit or approval for residential or non-residential development that requires new service from a public service provider,** written certification from the service provider shall be required that either existing services are available or needed improvements will be made prior to occupancy. Where the County will approve groundwater as the domestic water source, test wells, appropriate testing, and/or report(s) from qualified

professionals will be required substantiating the long-term availability of suitable groundwater.

The purpose of amending Policy 3.D.4-1 is to ensure that the County require, prior to approval of new development, written confirmation from the service provider ensuring the availability of domestic water. If groundwater is to be utilized as the domestic source, a qualified professional will be required to submit a report substantiating the long-term availability of suitable groundwater. The revised language further clarifies the County's intent to ensure that water is available prior to entitlements being issued.

#### **4. Policies 3.D.3-5, 3.D.3-6**

Add to Section III, Community Development Element, Section D, Public Facilities, Part 3, Sewage Disposal, the following new Policies:

**3.D.3-5**      **The County shall not approve the use of privately owned package wastewater treatment plants to provide service to residential or non-residential development. After full environmental and regulatory review and provided that it remains owned by and subject to oversight by a public agency, a wastewater treatment plant that is financed, constructed and/or operated in accordance with the provisions of Government Code sections 5956 through 5956.10 may be permissible.**

**3.D.3-6**      **The County shall discourage the sharing of a septic system (also known as a "cluster system" or a "community system") by two (2) parcels, and to protect the public health safety and welfare, the County shall prohibit, to the extent permitted by law, the sharing of a septic system by more than two (2) parcels when granting a discretionary permit or approval for residential or non-residential development that requires a new septic system; provided, however, this policy does not apply to a cluster or community system which is owned and operated by a public agency.**

Privately owned package wastewater treatment plants are regulated by the State but, pursuant to this policy (3.D.3-5), would be prohibited in the Foresthill Divide Community Plan area. The County's Environmental Health Department has stated that publicly owned wastewater treatment plants are preferred within the County and that privately owned wastewater treatment plants are generally not approved. At present there is no plan to establish a public wastewater treatment facility in Foresthill. Government Code Section 5956 clarifies rules for local agencies to use public/private partnerships for the financing and construction of infrastructure, including wastewater treatment facilities. The proposed policy amendment would allow for public/private partnerships to finance and build a new wastewater facility but would still require that it be publicly owned and managed.

The purpose of adding Policy 3.D.3-6 to the Foresthill Divide Community Plan is to discourage the sharing of septic systems by two or more parcels (commonly referred to as "cluster systems"). Requiring individual septic systems helps to ensure the integrity of the disposal systems and cluster systems are generally not permitted in the County. The proposed amendment is consistent with current County policy related to shared septic systems.

**5. Goals 3.C.10, 3.C.10-1, 3.C.10-2, 3.C.10-3, 3.C.10-4**

Add to Section III, Community Development Element, Section C, Community Design, Part 3, Goals and Policies, the following new Goal and Policies:

**Goal 3.C.10** **Promote an environmentally sustainable community that meets the present and future needs of the residents of the Foresthill Divide, enhances a healthy community, and maintains economic vitality.**

**3.C.10-1** **The County shall promote building and development design that minimizes the emission of greenhouse gases and assists with the mitigation of the impacts of climate change by considering, and incorporating where feasible, the utilization of the following building methods and techniques in the approval of new development: energy efficient design and appliances; passive solar energy; active solar energy; sustainable building materials; reflective roofs; paving that is shaded, reflective, or turfed; third-party green building certification, and other green building practices.**

**3.C.10-2** **The County shall investigate and promote programs to assist low- and middle-income homeowners to weatherize their homes in an energy efficient manner.**

**3.C.10-3** **The County shall promote the reduction of vehicle miles traveled and vehicle emissions by encouraging alternative modes of transportation, including carpooling, bicycling, and walking; promoting lower emission fuels and vehicle models; and promoting economic development in the historic core of Foresthill to build a thriving, walkable downtown.**

**3.C.10-4** **The County shall encourage and support the development of environmentally sustainable businesses and operations, including but not limited to a biomass utilization facility, that utilizes local resources such as forest biomass materials and that provide substantial benefits to the residents of the Foresthill Divide.**

The addition of Goal 3.C.10 and policies 3.C.10-1, 3.C.10-2, 3.C.10-3 and 3.C.10-4 are proposed to promote an environmentally sustainable community in the Foresthill Divide

Community Plan area with emphasis on encouraging implementation measures for the reduction of greenhouse gas emissions.

## **6. Policies 4.A.14-2, 4.A.14-3**

Amend existing Policies in Section IV, Resource Management Element, Section A, Natural Resources/Conservation/Open Space to read as follows:

- 4.A.14-2 The views of proposed development from other properties shall be considered when making decisions on compatibility of the proposed development, **and visual impacts of new discretionary development, including but not limited to parcel maps, shall be minimized to the maximum extent possible.**
- 4.A.14-3 Ridge-line development, **including new discretionary development on the rim of the American River canyons within the Plan area,** shall be carefully reviewed to ensure that proposed structures and lighting **are minimized to the maximum extent possible** and do not unduly intrude into the viewshed of nearby roadways, **public trails and recreation lands, and the public and private viewshed of** the American River canyon.

The purpose of amending policies 4.A.14-2 and 4.A.14-3 is to enhance the language of the existing policies related to protecting the visual and scenic character of the community. The enhanced language specifically relates to the visual impacts of new development, including considerations for ridgeline development.

## **7. Figure IV-6**

Figure IV-6 in the Foresthill Divide Community Plan as adopted on December 9, 2008, shall be replaced with the revised Figure IV-6, Attachment D to this report.

The purpose of amending Figure IV-6 is to reflect where Implementation Measure 29 will apply. The boundary area of this Figure was developed through the use of a 3-dimensional model that identifies the canyon view from the perspective of the North and Middle Forks of the American River Canyon.

## **8. Implementation Measure 29**

Add the following new Implementation Measure to Section IV, the Resource Management Element, Section A, Natural Resources/Conservation/Open Space:

- 29. The County shall develop design guidelines that identify measures and standards to be considered during the review and approval of, at minimum, new discretionary development proposals within the Plan area, including but not limited to parcel maps, in order to protect and maintain visual resources within the Important Viewshed as identified in Figure IV-6. The development of the design guidelines may include a review of the area subject to the design guidelines and boundaries**

of the Important Viewshed as identified in Figure IV-6. The measures and standards may include, but are not limited to, ridgeline development techniques to minimize visual impacts, setbacks from ridgelines and canyon rims, construction below tree canopy height, slope protection, use of appropriate revegetation materials and methods, definition of a ridgeline and canyon rim, limits on grading, limits on slope development, use of compatible color and mass of structures, use and location of lighting to minimize visual impacts, tree protection, retention of key visual features, appropriate and inappropriate locations for structures and parcels, and clustering techniques. These measures and standards shall be developed as funding becomes available, and may be developed in conjunction with any update of the County Zoning Ordinance or the County's Subdivision Ordinance. County staff shall investigate and actively pursue opportunities for obtaining and utilizing grant funds to defray the costs of developing these standards or guidelines.

Responsible Agency/Department: Community Development Resource Agency – Planning Services Division

Time Frame: As funding permits, but no later than the adoption of a comprehensive update of the Countywide General Plan in effect on the date of approval of this Plan.

Funding: General Fund, Grant funding as available.

The purpose of Implementation Measure 29 is to require the County to develop and implement design guidelines to protect and maintain visual resources within the Important Viewshed Map Figure IV-6 (Attachment D). These guidelines may include the minimization of visual impacts resulting from ridgeline development, setbacks from ridgelines and canyon rims, slope protection, construction below tree height, and the use of appropriate revegetation materials.

#### **9. Policy 4.A.13-2**

Amend existing Policy 4.A.13-2 in Section IV, Resource Management Element, Section A, Natural Resources/Conservation/Open Space to read as follows:

- 4.A.13-2 **The County shall encourage the recreation and open space potential of water features, including reservoirs, natural streams and other waterways, and recognize and minimize to the maximum extent possible, impacts to the economic and recreational value of non-motorized water dependent activities such as white water recreation, swimming, boating, fishing, water accessible campsites and gold panning.**

The purpose of amending policy 4.A.13-2 is to add to the existing policy language to include wording which would discourage impacts to non-motorized water dependant activities.

## 10. Policy 4.A.13-8

Add to Section IV, Resource Management Element, Section A, Natural Resources/Conservation/Open Space, the following new Policy:

### 4.A.13-8     The County shall minimize impacts of private development on Federal and State open space and recreation lands.

The purpose of adding Policy 4.A.13-8 is to minimize any potential impact to Federal and State managed open space areas located within the Community Plan area adjacent to privately owned properties. The amendment will serve to ensure compatible development on privately owned property.

## **FORESTHILL FORUM**

On April 9, 2011, staff presented the proposed General Plan Amendment to the Foresthill Forum as an Action Item, requesting that the Forum provide a recommendation to the Planning Commission. The Forum voted unanimously to recommend the Planning Commission approve the modifications as set forth in the Agreement with a few modifications developed by the Forum which are shown below in *italic*. It needs to be noted that both FROG and Friends have stated that they support the changes recommended by the Forum.

1. The first modification proposed by the Foresthill Forum is the addition of the following language to the proposed additional Policy 3.D.13-17 as shown below:

"For projects with fewer than 10 dwelling units, irrespective of size, the County shall coordinate with the local Fire Agencies to determine the feasibility and practicality of appropriate ongoing fuel treatment."

3.D.13-17     The County shall require (a) new residential development that is located in high fire risk areas (meaning areas designated by CalFire as being in a High or Very High Fire Hazard Severity Zone) proposing more than ten (10) dwelling units and (b) new non-residential development larger than five (5) acres in area that is located in high fire risk areas to be responsible for the establishment and on-going maintenance of necessary shaded fuel breaks and other defensible space mechanisms, and shall require as a condition of such development the establishment of a funding mechanism for the costs thereof. Funding mechanisms may include, but are not limited to, a zone of benefit under a county service area, an assessment district, a mitigation fee or other funding mechanisms. The County shall coordinate any such fuel break and defensible space requirements with the applicable local fire protection agency and CalFire. County approval for new discretionary development shall include a condition to maintain defensible space consistent with State law. *For projects with fewer than 10 dwelling units, irrespective of size, the County shall coordinate*

with the local Fire Agencies to determine the feasibility and practicality of appropriate ongoing fuel treatment.

The purpose of this additional language is to modify proposed Policy 3.D.13-17 to allow for discretionary review of proposed smaller projects by local fire agencies to afford them an opportunity to determine if and where such a policy should apply. This modification arose at the Foresthill Forum meeting after the Forum received testimony from a local fire official who stated that the standards set forth by the above policy could be inapplicable under certain circumstances.

2. The second modification proposed by the Foresthill Forum is the addition of the words "pedestrian-safe" to proposed Policy 3.C.10-3, as shown below:

**3.C.10-3     The County shall promote the reduction of vehicle miles traveled and vehicle emissions by encouraging alternative modes of transportation, including carpooling, bicycling, and walking; promoting lower emission fuels and vehicle models; and promoting economic development in the historic core of Foresthill to build a thriving, *pedestrian-safe*, walkable downtown.**

The purpose of this modification is to ensure that the proposed Policy includes language that is specific to pedestrian safety.

3. The third modification proposed by the Foresthill Forum is the addition of the word "properties" to the proposed amendment to Policy 4.A.14-3 as shown below:

**4.A.14-3     Ridge-line development, including new discretionary development on the rim of the American River canyons within the Plan area, shall be carefully reviewed to ensure that proposed structures and lighting **are minimized to the maximum extent possible** and do not unduly intrude into the viewshed of nearby roadways, *properties*, **public trails and recreation lands, and the public and private viewshed of ~~properties~~ or the American River canyon.****

The purpose of adding the word "properties" to this amended policy is to ensure that the Policy is not focused solely on the American River Canyon. The word property, as indicated by the strike-through above, is included in the current text of the Foresthill Divide Community Plan and is proposed to be removed as set forth in the Settlement Agreement.

## **PLANNING COMMISSION HEARING**

On June 9, 2011, a Planning Commission hearing was held for this General Plan Amendment and Addendum to the EIR. After receiving reports from Development Review Committee staff and testimony from the public, the Planning Commission took the following actions: 1) to recommend approval of the General Plan Amendment; 2) to approve the Amendment including the modifications proposed by the Foresthill Forum (included in Attachment E); 3) to recommend a modification to Policy 3.D.13-17 as modified by the Forum; and 4) to recommend adoption of the Addendum to the EIR.

The modification recommended by the Planning Commission to Policy 3.D.13-17 is to change the word "County" in the last sentence of the amendment to the word "Proponent" in the modified amendment, as follows:

**3.D.13-17** **The County shall require (a) new residential development that is located in high fire risk areas (meaning areas designated by CalFire as being in a High or Very High Fire Hazard Severity Zone) proposing more than ten (10) dwelling units and (b) new non-residential development larger than five (5) acres in area that is located in high fire risk areas to be responsible for the establishment and on-going maintenance of necessary shaded fuel breaks and other defensible space mechanisms, and shall require as a condition of such development the establishment of a funding mechanism for the costs thereof. Funding mechanisms may include, but are not limited to, a zone of benefit under a county service area, an assessment district, a mitigation fee or other funding mechanisms. The County shall coordinate any such fuel break and defensible space requirements with the applicable local fire protection agency and CalFire. County approval for new discretionary development shall include a condition to maintain defensible space consistent with State law. For projects with fewer than 10 dwelling units, irrespective of size, the County proponent shall coordinate with the local Fire Agencies to determine the feasibility and practicality of appropriate ongoing fuel treatment.**

The opinion of the Planning Commission was that the modified language proposed by the Foresthill Forum placed the burden of coordinating with local fire agencies on the County and that this requirement would be more appropriate when applied to the project proponent.

### **CEQA COMPLIANCE**

On December 9, 2008, the Board of Supervisors certified the Final Environmental Impact Report (EIR) for the Revised Foresthill Divide Community Plan (SCGH # 2001092094). An Addendum to the EIR has been prepared for this project pursuant to Section 15164 of the California Environmental Quality Act Guidelines and Section 18.20.110 of the Placer County Environmental Review Ordinance. The Addendum is attached and must be found adequate to satisfy the requirements of CEQA by the Planning Commission. Recommended findings for this purpose are attached.

### **RECOMMENDATION**

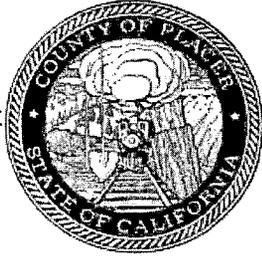
Staff brings forward the Planning Commission's recommendation that the Board of Supervisors approve the amendments and the adoption of the Addendum to the EIR by (1) adopting the Resolution Adopting the Addendum to the Final Environmental Impact Report for the Foresthill Divide Community Plan attached hereto as Attachment A-1 and (2) adopting the Resolution Amending the Foresthill Divide Community Plan attached hereto as Attachment A-2.

### **ATTACHMENTS:**

Attachment A:	Addendum to EIR
Attachment A1:	Resolution Adopting the Addendum to the FEIR
Attachment A2:	Resolution Amending the Foresthill Divide Community Plan
Attachment B:	Settlement Agreement
Attachment C:	Incorporated Modifications in the Foresthill Divide Community Plan
Attachment D:	Figure IV-6 – Important Viewshed Map
Attachment E:	Recommendations from the Foresthill Forum

cc: Foresthill Forum  
Friends of the North Fork  
Foresthill Residents for Responsible Growth  
Michael Garabedian

Copies Sent by Planning:  
Michael Johnson – Community Development Resource Agency Director  
Paul Thompson – Deputy Planning Director  
Scott Finley - County Counsel



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

**ENVIRONMENTAL  
COORDINATION  
SERVICES**

Michael J. Johnson, AICP  
Agency Director

Paul Thompson  
Deputy Planning Director

**ADDENDUM TO A PREVIOUSLY-CERTIFIED EIR**

Pursuant to CEQA Guidelines Section 15164 and Placer County Environmental Review Ordinance Section 18.16.090, an Addendum to a previously-certified EIR may be prepared under certain circumstances. The addendum need not be circulated for public review but can be included in or attached to the previously-certified EIR.

This Addendum to the **Foresthill Divide Community Plan** EIR has been prepared pursuant to the above requirements by the Environmental Review Committee chaired by Melanie Jackson, Associate Planner, who can be contacted at 530-745-3036.

## Addendum to EIR

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### Foresthill Divide Community Plan, EIR Addendum

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Project Name: Amendments to the Foresthill Divide Community Plan  
PLUS # PGPA 20100374

#### INTRODUCTION

The Foresthill Divide Community Plan, adopted by the Board of Supervisors on December 9, 2008, was an update of the then-existing community plan. In accordance with the California Environmental Quality Act, an Environmental Impact Report was prepared for the update. The EIR identified impacts in several areas including, but not limited to, Land Use / Agriculture, Air Quality, Biological Resources, and Water Quality. Studies prepared for the EIR included analyses of impacts in each of these areas and recommended mitigation measures. For the purposes of consistency with the Community Plan update, amendments were proposed to the Land Use Diagrams of the Placer County General Plan, the Auburn-Bowman Community Plan, and the Weimar-Applegate-Clipper Gap General Plan, as well as certain property zoning changes within the Foresthill Divide Community Plan, all of which were considered in the certified EIR for the update.

On December 9, 2008, the Placer County Board of Supervisors took the following actions related to the Community Plan and accompanying Ordinances and Resolutions:

1. Adopted Resolution 2008-377 certifying the Final Environmental Impact Report, Adopting a Statement of Findings A Statement of Overriding Considerations and a Mitigation Monitoring Plan for the Foresthill Divide Community Plan and Related Approvals (SCH #2001092094);
2. Adopted Resolution 2008-378 adopting the Foresthill Divide Community Plan;
3. Adopted Resolution 2008-379 approving certain amendments to the Land Use Diagrams of the Placer County General Plan, the Auburn-Bowman Community Plan, and the Weimar-Applegate-Clipper Gap General Plan; and
4. Adopted Ordinance No. 5538-B rezoning certain properties within the Foresthill Divide Community Plan.

On January 8, 2009, Foresthill Residents for Responsible Growth, Inc. (FROG) and Friends of the North Fork (Friends) filed a CEQA claim challenging Placer County's adoption of Resolutions 2008-377, 2008-378, 2008-379 and Ordinance No. 5538-B. A Settlement Agreement was entered into by FROG, Friends, and Placer County that included a process to consider amendments to the Foresthill Divide Community Plan approved by the Board on December 9, 2008. The Settlement Agreement provides that these amendments shall be handled through the County's standard General Plan Amendment process, which includes compliance with the requirements of CEQA. This document analyzes the environmental impacts of the proposed amendments to the Foresthill Divide Community Plan as contemplated under the Settlement Agreement.

#### REGULATORY BACKGROUND

Under the California Environmental Quality Act (CEQA), an Addendum to a certified Environmental Impact Report (EIR) may be utilized for a project when there are minor changes or modifications to a previously certified EIR and none of the conditions have

## **Addendum to EIR**

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occurred which would require the preparation of a subsequent EIR (CEQA Guidelines Section 15164). An Addendum is appropriate if the changes or modifications are minor and do not result in any new or significant impacts or a substantial increase in the severity of previously identified significant impacts. An addendum is also appropriate if there are no substantial changes with respect to the circumstances under which the project will be undertaken and there is no new information of substantial importance which shows significant environmental effects not discussed in the previous EIR. An Addendum need not be circulated for public review (CEQA Guidelines Section 15164[c]), but shall be considered by the decision making body prior to making a decision on the project (CEQA Guidelines Section 15164[d] and Placer County Environmental Review Ordinance Section 18.16.090).

This Addendum to the previously certified Foresthill Divide Community Plan EIR demonstrates that the environmental analysis, impacts, and mitigation requirements identified in the Environmental Impact Report remain substantively unchanged by the proposed amendments to the Foresthill Divide Community Plan, and the proposed amendments do not raise any new issues requiring new mitigation measures and do not exceed the level of impacts identified in the previous Environmental Impact Report.

### **EVALUATION OF PROJECT MODIFICATIONS**

The project proposes several sections of the Foresthill Divide Community Plan be amended, including sections related to Population and Housing, Public Facilities, Community Development and Resource Management. In preparing this Addendum, all of the potential impact areas identified on the CEQA Environmental Checklist were considered and analyzed. County staff has concluded that the impacts from the proposed project are consistent with the impacts identified in the certified EIR for the approved Community Plan, and therefore there are no impact(s) not already identified in the EIR.

The following describes the proposed modifications to the Foresthill Divide Community Plan and analyzes the impacts of the proposed project in relation to the certified EIR:

### **SECTION III, COMMUNITY DEVELOPMENT ELEMENT**

#### **Section A, Population and Housing**

Add the following goals and policies:

##### Goal 3.A.4

Establish a maximum population for the Foresthill Divide Community Plan area compatible with the infrastructure and the environmental and physical constraints of the Foresthill Divide.

##### Policy 3.A.4-1

The population of the Foresthill Divide Community Plan area shall not exceed 20,010 persons, assuming a ratio of 2.5 persons per dwelling unit for purposes of calculating population. When the population reaches the level specified in Policy 3.A.4-2, the

## **Addendum to EIR**

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County may adopt measures to ensure that the maximum population of this policy is not exceeded.

### Policy 3.A.4-2

No later than 2028, which is two (2) years before the Foresthill Divide Community Plan horizon year of 2030, or at such time as the population within the Community Plan area exceeds 16,500 persons or 6,600 dwelling units, whichever date or threshold occurs first, the County shall initiate a public process to consider the review and update of the Community Plan and, based upon a totality of the circumstances, determine whether an update of the Community Plan should be undertaken.

**Analysis and Discussion:** The addition of Goal 3.A.4 and accompanying Policies 3.A.4-1 and 3.A.4-2 will have no new impacts to population and housing beyond those impacts previously addressed in the Foresthill Divide Community Plan EIR because these policies would not cause or induce substantial population growth or displace substantial numbers of existing housing beyond that established by the Foresthill Divide Community Plan.

## **Section C, Community Design, Part 3, Goals and Policies**

Add the following goal and policies:

### Goal 3.C.10

Promote an environmentally sustainable community that meets the present and future needs of the residents of the Foresthill Divide, enhances a healthy community, and maintains economic vitality.

### Policy 3.C.10-1

The County shall promote building and development design that minimizes the emission of greenhouse gases and assists with the mitigation of the impacts of climate change by considering, and incorporating where feasible, the utilization of the following building methods and techniques in the approval of new development: energy efficient design and appliances; passive solar energy; active solar energy; sustainable building materials; reflective roofs; paving that is shaded, reflective, or turfed; third-party green building certification, and other green building practices.

### Policy 3.C.10-2

The County shall investigate and promote programs to assist low and middle income homeowners to weatherize their homes in an energy-efficient manner.

### Policy 3.C.10-3

The County shall promote the reduction of vehicle miles traveled and vehicle emissions by encouraging alternative modes of transportation, including carpooling, bicycling, and walking; promoting lower emission fuels and vehicle models; and promoting economic development in the historic core of Foresthill to build a thriving, walk-able downtown.

### Policy 3.C.10-4

The County shall encourage and support the development of environmentally sustainable businesses and operations, including but not limited to a biomass utilization

## Addendum to EIR

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facility, that utilizes local resources such as forest biomass materials and that provide substantial benefits to the residents of the Foresthill Divide.

**Analysis and Discussion:** The addition of Goal 3.C.10 and Policies 3.C.10-1, 3.C.10-2, 3.C.10-3 and 3.C.10-4, as proposed in the General Plan Amendment, will not result in impacts to air quality within the Community Plan area beyond those impacts that were previously addressed in the Foresthill Divide Community Plan EIR because these goals and policies are specifically aimed at minimizing the emissions of greenhouse gases, promoting the reduction of vehicle miles traveled, and promoting the establishment of environmentally sustainable businesses and operations.

### **Section D, Public Facilities, Part 3, Sewage Disposal**

Add the following policies:

#### Policy 3.D.3-5

The County shall not approve the use of privately owned package wastewater treatment plants to provide service to residential or non-residential development. After full environmental and regulatory review and provided that it remains owned by and subject to oversight by a public agency, a wastewater treatment plant is financed, constructed and/or operated in accordance with the provisions of Government Code sections 5956 through 5956.10 may be permissible.

#### Policy 3.D.3-6

The County shall discourage the sharing of a septic system (also known as a “cluster system” or a “community system”) by two (2) parcels, and to protect the public health, safety and welfare, the County shall prohibit, to the extent permitted by law, the sharing of a septic system by more than two (2) parcels when granting a discretionary permit or approval for residential or non-residential development that requires a new septic system; provided, however, this policy does not apply to a cluster or community system which is owned and operated by a public agency.

**Analysis and Discussion:** The addition of Policies 3.D.3-5 and 3.D.3-6, as proposed in the General Plan Amendment, will not result in impacts to utilities and service systems within the Community Plan area beyond those impacts that were previously addressed in the Foresthill Divide Community Plan EIR because these requirements enhance and reiterate the County standards in place for ensuring the availability of environmentally safe wastewater services for new development within Placer County, and the limitation on certain types of wastewater systems is designed to protect the integrity of the groundwater within the Plan area..

### **Section D, Public Facilities, Part 4, Water Supply**

Amend Policy 3.D.4-1 to read as follows:

#### Policy 3.D.4-1

All new development shall be required to demonstrate the availability of a long-term, reliable water supply. Prior to the County granting a permit or approval for residential or non-residential development that requires new service from a public service provider, written certification from the service provider shall be required that either existing

## **Addendum to EIR**

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services are available or needed improvements will be made prior to occupancy. Where the County will approve groundwater as the domestic water source, test wells, appropriate testing, and/or report(s) from qualified professionals will be required substantiating the long-term availability of suitable groundwater.

**Analysis and Discussion:** The addition of Policy 3.D.4-1, as proposed in the General Plan Amendment, will not result in impacts to utilities and service systems within the Community Plan area beyond those impacts that were previously addressed in the Foresthill Divide Community Plan EIR because these requirements enhance and reiterate the County protections for ensuring the availability of water services for new development within Placer County.

### **Section D, Public Facilities, Part 6, Fire Protection**

Add the following new policy:

#### **Policy 3.D.13-17**

The County shall require (a) new residential development that is located in high fire risk areas (meaning areas designated by CalFIRE as being in a High or Very High Fire Hazard Severity Zone) proposing more than ten (10) dwelling units and (b) new non-residential development larger than five (5) acres in area that is located in high fire risk areas to be responsible for the establishment and ongoing maintenance of necessary shaded fuel breaks and other defensible space mechanisms, and shall require as a condition of such development the establishment of a funding mechanism for the costs thereof. Funding mechanisms may include, but are not limited to, a zone of benefit under a county service area, an assessment district, a mitigation fee or other funding mechanisms. The County shall coordinate any such fuel break and defensible space requirements with the applicable local fire protection agency and CalFIRE. County approval for new discretionary development shall include a condition to maintain defensible space consistent with State law.

**Analysis and Discussion:** The addition of Policy 3.D.13-17, as proposed in the General Plan Amendment, will not result in impacts related to hazards and hazardous materials because the addition of this policy will not increase the exposure of people to wildland fires. Rather, the Policy will assist in mitigating fire hazards for new development by requiring that new developments of certain size develop a mechanism for creating and maintaining shaded fuel breaks in high fire risk areas. For these reasons, the addition of proposed Policy 3.D.13-17 will not result in impacts beyond what was previously addressed in the Foresthill Divide Community Plan EIR.

## **SECTION IV, RESOURCE MANAGEMENT ELEMENT**

### **Section A, Natural Resources/Conservation/Open Space**

Amend the following policies:

#### **Policy 4.A.14-2**

The views of proposed development from other properties shall be considered when making decisions on compatibility of the proposed development, and visual impacts of new discretionary development, including but not limited to parcel maps, shall be minimized to the maximum extent possible.

## Addendum to EIR

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### Policy 4.A.14-3

Ridge-line development, including new discretionary development on the rim of the American River canyons within the Plan area, shall be carefully reviewed to ensure that proposed structures and lighting are minimized to the maximum extent possible and do not unduly intrude into the viewshed of nearby roadways, public trails and recreation lands, and the public and private viewshed of the American River.

**Analysis and Discussion:** The addition of proposed Policies 4.A.14-2 and 4.A.14-3, as proposed in the General Plan Amendment, will not result in impacts related to aesthetics in the Community Plan area beyond what was previously addressed in the Foresthill Divide Community Plan EIR because the adoption of these revised policies will afford additional protections for aesthetic resources within the area.

### Figure IV-6

Replace Figure IV-6 in the Foresthill Divide Community Plan as adopted on December 9, 2008 with Exhibit A (attached).

**Analysis and Discussion:** The replacement of Figure IV-6 with a revised version of the Important Viewshed Map will not create impacts to aesthetics within the Community Plan area beyond what was previously addressed in the Foresthill Divide Community Plan EIR because the revised map expands the designated Important Viewshed areas within the Community Plan. The expansion of the Important Viewshed areas will result in the protection of a larger portion of property within the Community Plan from visual impacts that could result from new development.

Add the following Implementation Measure:

### Implementation Measure 29

The County shall develop design guidelines that identify measures and standards to be considered during the review and approval of, at minimum, new discretionary development proposals within the Plan area, including but not limited to parcel maps, in order to protect and maintain visual resources within the Important Viewshed as identified in Figure IV-6. The development of the design guidelines may include a review of the area subject to the design guidelines and boundaries of the Important Viewshed as identified in Figure IV-6. The measures and standards may include, but are not limited to, ridgeline development techniques to minimize visual impacts, setbacks from ridgelines and canyon rims, construction below tree canopy height, slope protection, use of appropriate revegetation materials and methods, definition of a ridgeline and canyon rim, limits on grading, limits on slope development, use of compatible color and mass of structures, use and location of lighting to minimize visual impacts, tree protection, retention of key visual features, appropriate and inappropriate locations for structures and parcels, and clustering techniques. These measures and standards shall be developed as funding becomes available, and may be developed in conjunction with any update of the County Zoning Ordinance or the County's Subdivision Ordinance. County staff shall investigate and actively pursue opportunities for obtaining and utilizing grant funds to defray the costs of developing these standards or guidelines.

Responsible Agency/Department: Planning Department

## **Addendum to EIR**

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Time Frame: As funding permits, but no later than the adoption of a comprehensive update of the Countywide General Plan in effect on the date of approval of this Plan.

Funding: General Fund, Grant funding as available.

**Analysis and Discussion:** The addition of Implementation Measure 29, as proposed by the General Plan Amendment will not cause impacts to aesthetics within the Foresthill Divide Community Plan area beyond what was previously addressed in the Foresthill Divide Community Plan EIR because the Implementation Measure will afford additional protections to important visual resources within the community plan area.

Amend the following Policy:

### Policy 4.A.13-2

The County shall encourage the recreation and open space potential of water features, including reservoirs, natural streams and other waterways, and recognize and minimize to the maximum extent possible, impacts to the economic and recreational value of non-motorized water dependent activities such as white water recreation, swimming, boating, fishing, water accessible campsites and gold panning.

**Analysis and Discussion:** The amendment of Policy 4.A.13-2 will not cause additional impacts to recreational parks or facilities in the Community Plan area because the policy itself will not result in any increase in use of these areas and does not establish a new level of use beyond what was previously provided for in the Foresthill Divide Community Plan.

Add the following Policy:

### Policy 4.A.13-8

The County shall minimize impacts of private development on Federal and State open space and recreation lands.

**Analysis and Discussion:** The addition of Policy 4.A.13-8 will not cause impacts to land use and planning in the Community Plan area beyond what was previously addressed in the Foresthill Divide Community Plan EIR because this policy emphasizes the protection of open space lands within and/or adjacent to the plan area.

Before the Board of Supervisors  
County of Placer, State of California

In the matter of: A RESOLUTION ADOPTING  
AN ADDENDUM TO THE FINAL ENVIRONMENTAL  
IMPACT REPORT FOR THE FORESTHILL DIVIDE  
COMMUNITY PLAN

Reso. No. 2011-\_\_\_\_\_

The following resolution was duly passed by the Board of Supervisors  
of the County of Placer at a regular meeting held July 12, 2011,  
by the following vote:

Ayes:

Noes:

Absent:

Signed by me after its passage.

\_\_\_\_\_  
Robert Weygandt, Chairman

Attest:

\_\_\_\_\_  
Ann Holman  
Clerk of said Board

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**WHEREAS**, on December 9, 2008, the Placer County Board of Supervisors certified a Final Environmental Impact Report (SCH No. 2001092094) and adopted a Statement of Findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan, and based thereon adopted the updated Foresthill Divide Community Plan, superseding and replacing in all respects the 1981 Foresthill General Plan, and

**WHEREAS**, the Board of Supervisors will be considering the adoption of certain amendments to the Foresthill Divide Community Plan (the "Project"), and

**WHEREAS**, an Addendum to the certified Final Environmental Impact Report has been prepared to analyze the potential environmental consequences of the Project, and

**WHEREAS**, on June 9, 2011, the Placer County Planning Commission ("Planning Commission") held a public hearing to consider the Addendum and Project, and recommended the Board of Supervisors adopt the Addendum and approve the Project, and

**WHEREAS**, the Board of Supervisors gave full and legal notice of a public hearing to consider and act upon the Addendum and the Project, and a public hearing was duly held on July 12, 2011, and, after duly considering the Addendum, the recommendations of the Planning Commission with respect thereto, the comments of the public, both oral and written, and all written materials in the record connected therewith, and having duly considered the Addendum, public comments, both oral and written, and all written materials in the record connected therewith, and being fully informed thereon,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER:**

1. There is no substantial evidence in the record as a whole that the Project may have a significant effect on the environment. The Project will not result in any new or additional significant adverse impacts. An addendum is the proper and appropriate environmental document for the Project in accordance with the provisions of the California Environmental Quality Act ("CEQA"--Public Resources Code section 21000 et seq.).
2. The Project will not result in substantial changes that would lead to the identification of new or previously unidentified significant environmental effects that would require revisions of the Final Environmental Impact Report for the Foresthill Divide Community Plan.
3. No new information of substantial importance which was not known, and could not have been known with the exercise of reasonable diligence at the time the Environmental Impact Report for the Foresthill Divide Community Plan was certified, has been discovered which would require revisions of the previously certified Environmental Impact Report.
4. The Board hereby adopts the Addendum to the Final Environmental Impact Report for the Foresthill Divide Community Plan as complete, adequate and in full compliance with CEQA as a basis for considering and acting upon the Project. The Addendum has been prepared as required by law and the document as adopted reflects the independent judgment and analysis of Placer County, which has exercised overall control and direction of its preparation.
5. The custodian of records for the Addendum is the Placer County Planning Director, 3091 County Center Drive, Suite 140, Auburn CA, 95603.

**BE IT FURTHER RESOLVED:** That the Planning Department is directed to file a Notice of Determination with the County Clerk within five (5) working days of approval of the Project in accordance with Public Resources Code section 21152(a) and CEQA Guidelines section 15094.

Before the Board of Supervisors  
County of Placer, State of California

In the matter of: A RESOLUTION AMENDING  
THE FORESTHILL DIVIDE COMMUNITY PLAN

Resolution No. 2011-\_\_\_\_\_

The following resolution was duly passed by the Board of Supervisors  
of the County of Placer at a regular meeting held July 12, 2011,  
by the following vote:

Ayes:

Noes:

Absent:

Signed by me after its passage.

\_\_\_\_\_  
Robert Weygandt, Chairman

Attest:

\_\_\_\_\_  
Ann Holman  
Clerk of said Board

**WHEREAS**, on December 9, 2008, the Board of Supervisors certified a Final Environmental Impact Report and adopted a Statement of Findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan, and based thereon adopted the updated Foresthill Divide Community Plan, superseding and replacing in all respects the 1981 Foresthill General Plan, and

**WHEREAS**, on June 9, 2011, the Placer County Planning Commission ("Planning Commission") held a public hearing to consider certain proposed amendments to the Foresthill Divide Community Plan, and

**WHEREAS**, on July 12, 2011, the Board held a public hearing to consider the recommendations of the Planning Commission and to receive public input regarding the proposed Community Plan amendments, and

**WHEREAS**, the Board has reviewed the proposed Community Plan, considered the recommendations of the Planning Commission, received and considered the written and oral comments submitted by the public thereon, and has approved the Addendum to the Final Environmental Impact Report for the Foresthill Divide Community Plan, and

**WHEREAS**, the Board finds the proposed amendments will serve to protect and enhance the health, safety and general welfare of the residents of the Foresthill Divide Community Plan area and the County as a whole, and

**WHEREAS**, the Board further finds the proposed amendments are consistent with the provisions of the General Plan, the remainder of the Foresthill Divide Community Plan, and in compliance with applicable requirements of State law, and

**WHEREAS**, notice of all hearings required has been given and all hearings have been held as required by County ordinance and State law, and

**WHEREAS**, the Board finds that the foregoing recitals setting forth the actions of the County are true and correct,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER** that the amendments to the Foresthill Divide Community Plan, as set forth in Exhibit A, attached hereto and incorporated herein by reference, are hereby adopted, and

**BE IT FURTHER RESOLVED**, that this Resolution shall take force and become effective immediately.

## Exhibit A

### Amendments to the Foresthill Divide Community Plan

1. The following new Goal and Policies shall be added to Section III, Community Development Element, Section A, Population and Housing:

Goal 3.A.4: Establish a maximum population for the Foresthill Divide Community Plan area compatible with the infrastructure and the environmental and physical constraints of the Foresthill Divide.

Policy 3.A.4-1: The population of the Foresthill Divide Community Plan area shall not exceed 22,010 persons, assuming a ratio of 2.5 persons per dwelling unit for purposes of calculating population. When the population reaches the level specified in Policy 3.A.4-2, the County may adopt measures to ensure that the maximum population of this policy is not exceeded.

Policy 3.A.4-2: No later than 2028, which is two (2) years before the Foresthill Divide Community Plan horizon year of 2030, or at such time as the population within the Community Plan area exceeds 16,500 persons or 6,600 dwelling units, whichever date or threshold occurs first, the County shall initiate a public process to consider the review and update of the Community Plan and, based upon a totality of the circumstances, determine whether an update of the Community Plan should be undertaken.

2. The following new Policy shall be added to Section III, Community Development Element, Section D, Public Facilities, Part 6, Fire Protection:

Policy 3.D.13-17: The County shall require (a) new residential development that is located in high fire risk areas (meaning areas designated by CalFire as being in a High or Very High Fire Hazard Severity Zone) proposing more than ten (10) dwelling units and (b) new non-residential development larger than five (5) acres in area that is located in high fire risk areas to be responsible for the establishment and on-going maintenance of necessary shaded fuel breaks and other defensible space mechanisms, and shall require as a condition of such development the establishment of a funding mechanism for the costs thereof. Funding mechanisms may include, but are not limited to, a zone of benefit under a county service area, an assessment district, a mitigation fee or other funding mechanisms. The County shall coordinate any such fuel break and defensible space requirements with the applicable local fire protection agency and CalFire. County approval for new discretionary development shall include a condition to maintain defensible space consistent with State law. For projects with fewer than ten (10) dwelling units, irrespective of size, the County shall coordinate with the local fire agencies to determine the feasibility and practicality of appropriate ongoing fuel treatment.

3. Policy 3.D.4-1 in Section III, Community Development Element, Section D, Public Facilities, Part 4, Water Supply, shall be amended to read as follows:

Policy 3.D.4-1: All new development shall be required to demonstrate the availability of a long-term, reliable water supply. Prior to the County granting a permit or approval for residential or

non-residential development that requires new service from a public service provider, written certification from the service provider shall be required that either existing services are available or needed improvements will be made prior to occupancy. Where the County will approve groundwater as the domestic water source, test wells, appropriate testing, and/or report(s) from qualified professionals will be required substantiating the long-term availability of suitable groundwater.

4. The following new Policies shall be added to Section III, Community Development Element, Section D, Public Facilities, Part 3, Sewage Disposal:

Policy 3.D.3-5: The County shall not approve the use of privately owned package wastewater treatment plants to provide service to residential or non-residential development. After full environmental and regulatory review and provided that it remains owned by and subject to oversight by a public agency, a wastewater treatment plant that is financed, constructed and/or operated in accordance with the provisions of Government Code sections 5956 through 5956.10 may be permissible.

Policy 3.D.3-6: The County shall discourage the sharing of a septic system (also known as a “cluster system” or a “community system”) by two (2) parcels, and to protect the public health, safety and welfare, the County shall prohibit, to the extent permitted by law, the sharing of a septic system by more than two (2) parcels when granting a discretionary permit or approval for residential or non-residential development that requires a new septic system; provided, however, this policy does not apply to a cluster or community system which is owned and operated by a public agency.

5. The following new Goal and Policies shall be added to Section III, Community Development Element, Section C, Community Design, Part 3, Goals and Policies:

Goal 3.C.10: Promote an environmentally sustainable community that meets the present and future needs of the residents of the Foresthill Divide, enhances a healthy community, and maintains economic vitality.

Policy 3.C.10-1: The County shall promote building and development design that minimizes the emission of greenhouse gases and assists with the mitigation of the impacts of climate change by considering, and incorporating where feasible, the utilization of the following building methods and techniques in the approval of new development: energy efficient design and appliances; passive solar energy; active solar energy; sustainable building materials; reflective roofs; paving that is shaded, reflective, or turfed; third-party green building certification, and other green building practices.

Policy 3.C.10-2: The County shall investigate and promote programs to assist low- and middle-income homeowners to weatherize their homes in an energy-efficient manner.

Policy 3.C.10-3: The County shall promote the reduction of vehicle miles traveled and vehicle emissions by encouraging alternative modes of transportation, including carpooling, bicycling, and walking; promoting lower emission fuels and vehicle models; and promoting economic development in the historic core of Foresthill to build a thriving, pedestrian-safe, walkable downtown.

Policy 3.C.10-4: The County shall encourage and support the development of environmentally sustainable businesses and operations, including but not limited to a biomass utilization facility, that utilize local resources such as forest biomass materials and that provide substantial benefits to the residents of the Foresthill Divide.

6. The following two policies in Section IV, Resource Management Element, Section A, Natural Resources/Conservation/Open Space shall be amended to read as follows:

Policy 4.A.14-2: The views of proposed development from other properties shall be considered when making decisions on compatibility of the proposed development, and visual impacts of new discretionary development, including but not limited to parcel maps, shall be minimized to the maximum extent possible.

Policy 4.A-14.3: Ridge-line development, including new discretionary development on the rim of the American River canyons within the Plan area, shall be carefully reviewed to ensure that proposed structures and lighting are minimized to the maximum extent possible and do not unduly intrude into the viewshed of nearby roadways, properties, public trails and recreation lands, and the public and private viewshed of the American River.

7. Figure IV-6 in the FDCP as adopted on December 9, 2008, shall be replaced with Exhibit I, attached hereto.

8. The following new Implementation Measure shall be added to Section IV, the Resource Management Element, Section A, Natural Resources/Conservation/Open Space:

The County shall develop design guidelines that identify measures and standards to be considered during the review and approval of, at a minimum, new discretionary development proposals within the Plan area, including but not limited to parcel maps, in order to protect and maintain visual resources within the Important Viewshed as identified in Figure IV-6. The development of the design guidelines may include a review of the area subject to the design guidelines and boundaries of the Important Viewshed as identified in Figure IV-6. The measures and standards may include, but are not limited to, ridgeline development techniques to minimize visual impacts, setbacks from ridgelines and canyon rims, construction below tree canopy height, slope protection, use of appropriate revegetation materials and methods, definition of a ridgeline and canyon rim, limits on grading, limits on slope development, use of compatible color and mass of structures, use and location of lighting to minimize visual impacts, tree protection, retention of key visual features, appropriate and inappropriate locations for structures and parcels, and clustering techniques. These measures and standards shall be developed as funding becomes available, and may be developed in conjunction with any update of the County Zoning Ordinance or the County's Subdivision Ordinance. County staff shall investigate and actively pursue opportunities for obtaining and utilizing grant funds to defray the costs of developing these standards or guidelines

Responsible Agency/Department: Planning Department

Time Frame: As funding permits, but no later than the adoption of a comprehensive update of the Countywide General Plan in effect on the date of approval of this Plan

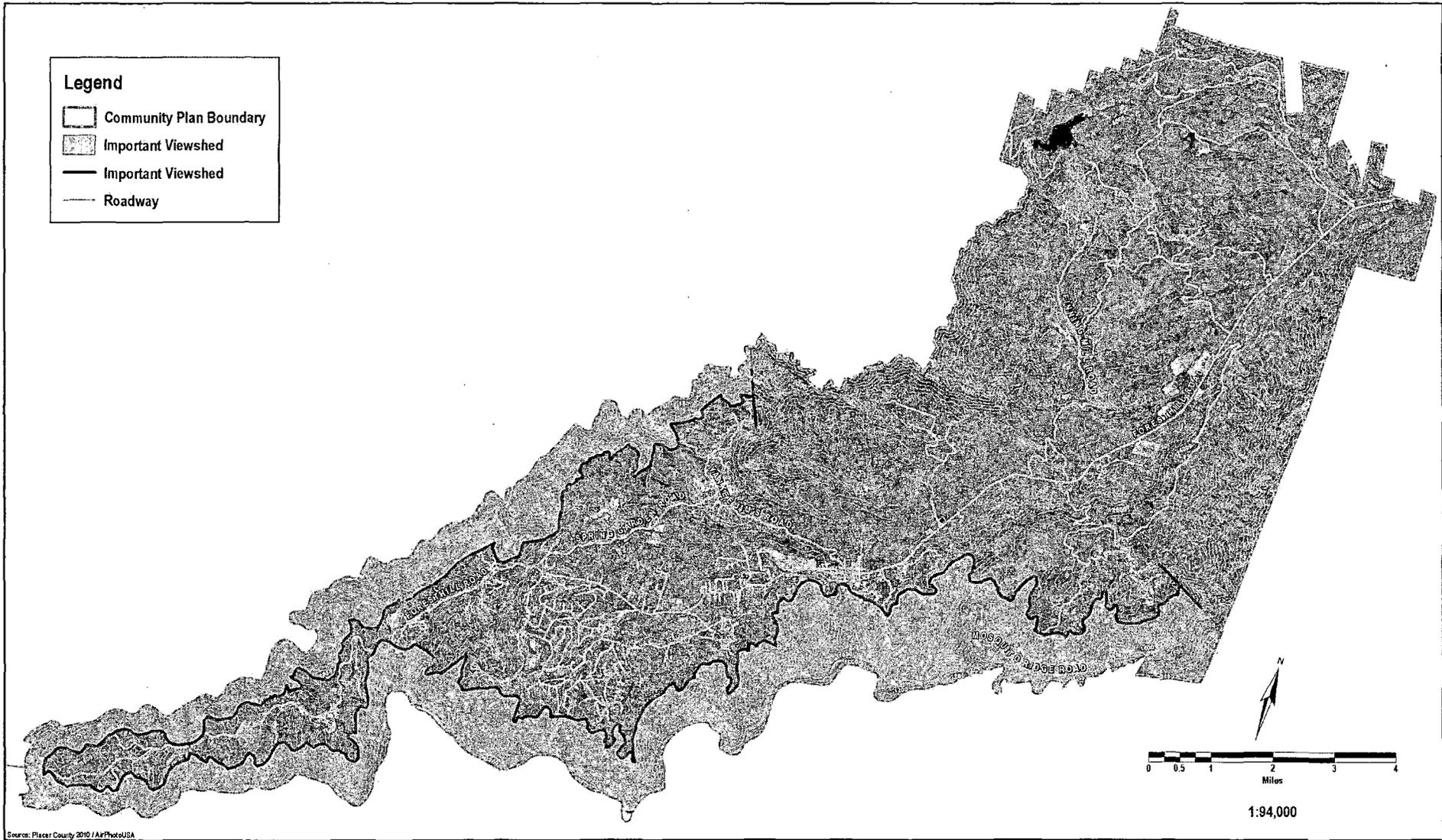
Funding: General Fund, Grant funding as available

9. Policy 4.A.13-2 in Section IV, Resource Management Element, Section A, Natural Resources/Conservation/Open Space shall be amended to read as follows:

Policy 4.A.13-2: The County shall encourage the recreation and open space potential of water features, including reservoirs, natural streams and other waterways, and recognize and minimize to the maximum extent possible, impacts to the economic and recreational value of non-motorized water dependent activities such as white water recreation, swimming, boating, fishing, water accessible campsites and gold panning.

10. The following new policy shall be added to Section IV, Resource Management Element, Section A, Natural Resources/Conservation/Open Space:

Policy 4.A.13-8: The County shall minimize impacts of private development on Federal and State open space and recreation lands.



Source: Placer County 2010 / AirPhotoUSA

FORESTHILL DIVIDE COMMUNITY PLAN  
AERIAL PHOTO & IMPORTANT VIEWSHEDS

Figure IV-6

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## SETTLEMENT AGREEMENT

This Settlement Agreement (the "Agreement") is entered into by and among FORESTHILL RESIDENTS FOR RESPONSIBLE GROWTH, INC. ("FROG"), a non-profit organization; the FRIENDS OF THE NORTH FORK ("Friends"), a California non-profit organization (collectively, "Petitioners"); and PLACER COUNTY and the BOARD OF SUPERVISORS OF PLACER COUNTY (the "County"). The parties hereto are FROG, Friends, and the County and may be collectively referred to as the "Parties" and individually as a "Party." The Agreement is dated and effective as of the date that the last Party signs ("Effective Date").

### RECITALS

Whereas, on December 9, 2008, the County, acting through its Board of Supervisors, took the following actions:

- 1) Adopted Resolution 2008-377 certifying the Final Environmental Impact Report (the "EIR"), Adopting a Statement of Findings, a Statement of Overriding Considerations and a Mitigation Monitoring Plan for the Foresthill Divide Community Plan and Related Approvals;
- 2) Adopted Resolution 2008-378 adopting the Foresthill Divide Community Plan (the "FDCP");
- 3) Adopted Resolution 2008-379 approving certain amendments to the Land Use Diagrams of the Placer County General Plan, the Auburn-Bowman Community Plan, and the Weimar-Applegate-Clipper Gap General Plan; and
- 4) Adopted Ordinance No. 5538-B rezoning certain property within the Foresthill Divide Community Plan.

Whereas, on December 12, 2008, the County filed a Notice of Determination in accordance with the California Environmental Quality Act, Public Resources Code sections 21000 et seq. ("CEQA") with respect to actions 2), 3), and 4), as described above ("County Approvals"), and

Whereas, on January 8, 2009, FROG and Friends filed a CEQA CLAIM; PETITION FOR WRIT OF MANDATE challenging the County Approvals described above, naming FORESTHILL RESIDENTS FOR RESPONSIBLE GROWTH, INC. and FRIENDS OF THE NORTH FORK as Petitioners against PLACER COUNTY, BOARD

OF SUPERVISORS OF PLACER COUNTY and DOES 1-10 as Respondents, and naming certain real parties in interest (the “Petition”—Case No. SCV 24213, Superior Court of the State of California, County of Placer), and

Whereas, the Parties desire to resolve their dispute regarding the adequacy of the environmental analysis of the Foresthill Divide Community Plan by the County for the County Approvals and the legality of the County Approvals, along with any and all other disputes that have been or could have been asserted by FROG and Friends in the Petition against the County.

### **AGREEMENT**

NOW THEREFORE, for valuable consideration, the Parties agree as follows:

A. **Recitals Incorporated in Agreement:** The above recitals are true and are hereby incorporated by reference as part of this Agreement.

B. **Amendments to the Foresthill Divide Community Plan:** Within sixty (60) days of the Effective Date, County will commence work to prepare for submission to the Placer County Board of Supervisors for its consideration amendments to the Foresthill Divide Community Plan as described in this Section (B). County staff shall recommend and Petitioners shall support adoption of such amendments. The Parties agree and understand that the County shall follow its ordinary and customary process for the amendment of a County General Plan, including review under CEQA, public hearings and review of any proposed amendments by the applicable County-established municipal advisory committee and any other group, committee or forum that ordinarily and customarily considers such amendments to allow the public an opportunity to comment on the proposed amendments. The amendments shall be as follows:

1. Add to Section III, Community Development Element, Section A, Population and Housing, the following new Goal and Policies:

Goal 3.A.4: Establish a maximum population for the Foresthill Divide Community Plan area compatible with the infrastructure and the environmental and physical constraints of the Foresthill Divide.

Policy 3.A.4-1: The population of the Foresthill Divide Community Plan area shall not exceed 22,010 persons, assuming a ratio of 2.5 persons per dwelling unit for purposes of calculating population. When the population reaches the level specified in Policy 3.A.4-2, the County may adopt measures to ensure that the maximum population of this policy is not exceeded.

Policy 3.A.4-2: No later than 2028, which is two (2) years before the Foresthill Divide Community Plan horizon year of 2030, or at such time as the population within the Community Plan area exceeds 16,500 persons or 6,600 dwelling units, whichever date or threshold occurs first, the County shall initiate a public process to consider the review and update of the Community Plan and, based upon a totality of the circumstances, determine whether an update of the Community Plan should be undertaken.

2. Add to Section III, Community Development Element, Section D, Public Facilities, Part 6, Fire Protection, the following new Policy:

Policy 3.D.13-17: The County shall require (a) new residential development that is located in high fire risk areas (meaning areas designated by CalFire as being in a High or Very High Fire Hazard Severity Zone) proposing more than ten (10) dwelling units and (b) new non-residential development larger than five (5) acres in area that is located in high fire risk areas to be responsible for the establishment and on-going maintenance of necessary shaded fuel breaks and other defensible space mechanisms, and shall require as a condition of such development the establishment of a funding mechanism for the costs thereof. Funding mechanisms may include, but are not limited to, a zone of benefit under a county service area, an assessment district, a mitigation fee or other funding mechanisms. The County shall coordinate any such fuel break and defensible space requirements with the applicable local fire protection agency and CalFire. County approval for new discretionary development shall include a condition to maintain defensible space consistent with State law.

3. Amend Policy 3.D.4-1 in Section III, Community Development Element, Section D, Public Facilities, Part 4, Water Supply, to read as follows:

Policy 3.D.4-1: All new development shall be required to demonstrate the availability of a long-term, reliable water supply. Prior to the County granting a permit or approval for residential or non-residential development that requires new service from a public service provider, written certification from the service provider shall be required that either existing services are available or needed improvements will be made prior to occupancy. Where the County will approve groundwater as the domestic water source, test wells, appropriate testing, and/or report(s) from qualified professionals will be required substantiating the long-term availability of suitable groundwater.

4. Add to Section III, Community Development Element, Section D, Public Facilities, Part 3, Sewage Disposal, the following new Policies:

Policy 3.D.3-5: The County shall not approve the use of privately owned package wastewater treatment plants to provide service to residential or non-residential development. After full environmental and regulatory review and provided that it remains owned by and subject to oversight by a public agency, a wastewater treatment plant that is financed, constructed and/or operated in accordance with the provisions of Government Code sections 5956 through 5956.10 may be permissible.

Policy 3.D.3-6: The County shall discourage the sharing of a septic system (also known as a “cluster system” or a “community system”) by two (2) parcels, and to protect the public health, safety and welfare, the County shall prohibit, to the extent permitted by law, the sharing of a septic system by more than two (2) parcels when granting a discretionary permit or approval for residential or non-residential development that requires a new septic system; provided, however, this policy does not apply to a cluster or community system which is owned and operated by a public agency.

5. Add to Section III, Community Development Element, Section C, Community Design, Part 3, Goals and Policies, the following new Goal and Policies:

Goal 3.C.10: Promote an environmentally sustainable community that meets the present and future needs of the residents of the Foresthill Divide, enhances a healthy community, and maintains economic vitality.

Policy 3.C.10-1: The County shall promote building and development design that minimizes the emission of greenhouse gases and assists with the mitigation of the impacts of climate change by considering, and incorporating where feasible, the utilization of the following building methods and techniques in the approval of new development: energy efficient design and appliances; passive solar energy; active solar energy; sustainable building materials; reflective roofs; paving that is shaded, reflective, or turfed; third-party green building certification, and other green building practices.

Policy 3.C.10-2: The County shall investigate and promote programs to assist low- and middle-income homeowners to weatherize their homes in an energy-efficient manner.

Policy 3.C.10-3: The County shall promote the reduction of vehicle miles traveled and vehicle emissions by encouraging alternative modes of transportation, including carpooling, bicycling, and walking; promoting lower emission fuels and vehicle models; and promoting economic development in the historic core of Foresthill to build a thriving, walkable downtown.

Policy 3.C.10-4: The County shall encourage and support the development of environmentally sustainable businesses and operations, including but not limited to a biomass utilization facility, that utilize local resources such as forest biomass materials and that provide substantial benefits to the residents of the Foresthill Divide.

6. Amend Policies in Section IV, Resource Management Element, Section A, Natural Resources/Conservation/Open Space to read as follows:

Policy 4.A.14-2: The views of proposed development from other properties shall be considered when making decisions on compatibility of the proposed development, and visual impacts of new discretionary development, including but not limited to parcel maps, shall be minimized to the maximum extent possible.

Policy 4.A-14.3: Ridge-line development, including new discretionary development on the rim of the American River canyons within the Plan area, shall be carefully reviewed to

ensure that proposed structures and lighting are minimized to the maximum extent possible and do not unduly intrude into the viewshed of nearby roadways, public trails and recreation lands, and the public and private viewshed of the American River.

7. Figure IV-6 in the FDCP as adopted on December 9, 2008, shall be replaced with Exhibit A attached to this Agreement.

8. Add the following Implementation Measure to Section IV, the Resource Management Element, Section A, Natural Resources/Conservation/Open Space:

The County shall develop design guidelines that identify measures and standards to be considered during the review and approval of, at a minimum, new discretionary development proposals within the Plan area, including but not limited to parcel maps, in order to protect and maintain visual resources within the Important Viewshed as identified in Figure IV-6. The development of the design guidelines may include a review of the area subject to the design guidelines and boundaries of the Important Viewshed as identified in Figure IV-6. The measures and standards may include, but are not limited to, ridgeline development techniques to minimize visual impacts, setbacks from ridgelines and canyon rims, construction below tree canopy height, slope protection, use of appropriate revegetation materials and methods, definition of a ridgeline and canyon rim, limits on grading, limits on slope development, use of compatible color and mass of structures, use and location of lighting to minimize visual impacts, tree protection, retention of key visual features, appropriate and inappropriate locations for structures and parcels, and clustering techniques. These measures and standards shall be developed as funding becomes available, and may be developed in conjunction with any update of the County Zoning Ordinance or the County's Subdivision Ordinance. County staff shall investigate and actively pursue opportunities for obtaining and utilizing grant funds to defray the costs of developing these standards or guidelines

Responsible Agency/Department: Planning Department

Time Frame: As funding permits, but no later than the adoption of a comprehensive update of the Countywide General Plan in effect on the date of approval of this Plan

Funding: General Fund, Grant funding as available

9. Amend Policy 4.A.13-2 in Section IV, Resource Management Element, Section A, Natural Resources/Conservation/Open Space to read as follows:

Policy 4.A.13-2: The County shall encourage the recreation and open space potential of water features, including reservoirs, natural streams and other waterways, and recognize and minimize to the maximum extent possible, impacts to the economic and recreational value of non-motorized water dependent activities such as white water recreation, swimming, boating, fishing, water accessible campsites and gold panning.

10. Add to Section IV, Resource Management Element, Section A, Natural Resources/Conservation/Open Space, the following new Policy:

Policy 4.A.13-8: The County shall minimize impacts of private development on Federal and State open space and recreation lands.

11. All Parties understand and acknowledge that, in the context of processing the amendments to the Foresthill Divide Community Plan set forth in Section B.1 through B.10 above (“the Project”), the County cannot guarantee the ultimate outcome of any public hearings before the County Planning Commission, Board of Supervisors or other public bodies of the County, nor prevent any opposition thereto by members of the public or other agencies affected by or interested in the Project. The Parties further understand and acknowledge that land use regulations involve the exercise of the County’s police power and, at the time of executing this Agreement, it is settled California law that government may not contract away its right to exercise its police power in the future. (*Avco Community Developers Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 800 (1976); *City of Glendale v. Superior Court* (1993) 18 Cal.App.4th 1768.) The Parties further understand and acknowledge that the approval of the Project may be subject to procedural or substantive obligations under CEQA, the California Code of Regulations, title 14, Section 15000 et seq. (“CEQA Guidelines”), the State Planning and Zoning Law, or other laws potentially applicable to such approvals. Nothing in this Agreement is intended to constrain the County’s consideration of the Project in light of information obtained or developed pursuant to these laws; and the County retains the discretion to approve, modify or deny any of the individual amendments to the FDCP that collectively constitute the Project in light of such information. Subject to the foregoing, the County, to the extent allowed by law, agrees to proceed with due diligence to process and consider for adoption the Project within twelve (12) months of the Effective Date. The County shall send to FROG and Friends all notices and other public documents prepared for or related to the Project, including notices for all public hearings before the Foresthill Forum, County Planning Commission or the Board of Supervisors.

C. **Fire/Emergency Services Review**: The County, utilizing its standard contracting procedures, shall contract with a qualified third party consultant (“consultant”) to review existing fire/emergency service plans, to consult with key emergency services providers within the Foresthill Divide Community Plan area, including CalFire, Placer County Office of Emergency Services, Forest Hill Fire Protection District and the Foresthill Fire Safety Council, to analyze various likely fire scenarios that might affect the existing population and the population projected under FDCP, to evaluate existing evacuation planning and its effectiveness for existing and potential future populations within the FDCP, and based thereon, to provide a report with recommendations on improvements that may be made to existing plans and identify measures to further protect the FDCP residents and community from fire danger and enhance public safety. The tasks described in the preceding sentence are collectively referred to herein as the “Scope of Work.” The County agrees to proceed with due diligence, and to retain the consultant within four (4) months of the Effective Date and to require the consultant to complete the Scope of Work within nine (9) months of the Effective Date. The maximum amount that the County shall be required to expend to contract with such consultant shall be Thirty Thousand Dollars (\$30,000.00). The County shall hold at least two public meetings, with the consultant in attendance, before the Foresthill Forum regarding fire/emergency services, with one such meeting occurring within sixty (60) days after the consultant has been retained and the second

occurring within sixty (60) days of the completion of the report described in the Scope of Work. Petitioners shall have the opportunity to review and comment on the request for proposals (“RFP”) for a consultant to complete the Scope of Work prior to the County’s issuance of the RFP. Petitioners shall submit to the County within thirty (30) days of the Effective Date up to five (5) names of consultants, and the County shall provide the RFP to all such consultants. In the event, no qualified consultant submits a proposal to conduct the Scope of Work for \$30,000 or less, then the Parties shall meet and discuss options for achieving the goals of this Section, including reducing the Scope of Work, increasing the amount of the contract, and/or seeking grant funding to pay for the amount in excess of \$30,000.

D. **Economic Revitalization and Community Amenities:** The Parties recognize that it is important to the long-term welfare of the Foresthill Divide Community Plan area that economic activity continue to occur and to grow in order to provide services and adequate community amenities to the residents so as to enhance their quality of life. To that end, as it implements the Goals and Policies of the FDCP, County shall recognize these important core issues by: (i) working cooperatively with residents to ensure the continued viability of the community pool in Foresthill to serve residents from its current site; (ii) working cooperatively with residents to revitalize local businesses, particularly in the historic downtown area, thereby reducing vehicle miles traveled, creating jobs, promoting tourism (including white water rafting), and protecting and enhancing the small town feel of Foresthill; (iii) making County staff generally available to the extent staff and workload resources permit to (a) provide information to members of the community, including non-profit organizations, regarding potential grant resources, (b) assist with obtaining access to online searchable grant locator websites such as [www.foundationcenter.org](http://www.foundationcenter.org), and (c) assist members of the community with technical grant writing for grants for downtown revitalization, the community pool and other projects that would benefit the Foresthill community; (iv) investigating the possibility of providing the public with on-line access to grant funding resources, and if determined by the County to be technically and economically feasible, establishing a program which provides such access through a computer station located at the Community Development Resources Building in Auburn and/or a program which provides such access through computer stations located at County libraries; (v) printing 2,500 copies of the Foresthill Chamber of Commerce’s “Map of the Foresthill Divide” for distribution at the Placer County Tourist Center and other appropriate venues; (vi) supporting and implementing, to the extent resources are available, improvements in signage within and outside the community to provide notification of issues of interest to the community and to promote and disseminate information to the public, especially to those outside of the FDCP, of the recreational opportunities to the public within the FDCP area; and (vii) recognizing the importance and supporting the use of the Foresthill Memorial Hall by the residents of the FDCP area.

E. **Access to Public Information:** The County recognizes that access to information about development applications and other matters before the County is important to allow an informed public to participate in public meetings, workshops and hearings, and that access can be difficult and costly for residents, especially those that reside outside of the immediate vicinity of Auburn. The County reiterates its goal to make as many public documents available and accessible in an electronic format on the County’s website as

possible consistent with available time and resources. To help achieve this goal, beginning no later than thirty (30) days after the Effective Date, the County shall make available, on a monthly basis in an electronic format on the County's website, a list of the applications for, at a minimum, discretionary entitlements that have been submitted to the County regardless of the status of the completeness of the application, and which includes, at a minimum: the file number, the date of submission of the application, whether the application has been deemed complete, the location of the project, and the type of entitlement(s) being requested. For the purposes of this Section, a "discretionary entitlement" shall mean: a general plan amendment, a community plan amendment, a specific plan, a development agreement, a rezoning, a subdivision map, a parcel map, a minor boundary line adjustment, a conditional use permit, a minor use permit, an administrative review permit, a variance, a grading permit, and a Williamson Act contract or a cancellation of a Williamson Act contract. In addition, the County will consider for implementation as resources permit the following suggestions from Petitioners as it continues to develop and improve its website: (1) scanning and making available on the County's website applications for development entitlements and any associated documents which constitute public records as they are received, (2) developing a query system that provides for searches based on the book and page of a parcel map, specific parcel numbers, the distance from a particular address or parcel number, zip codes, time period, and permit type, and (3) recording all public hearings of development proposals heard by a County hearing body and making either a video or audio recording available at the County's website.

**F. Cooperation and Communication:** The Parties shall cooperate and communicate with regard to the implementation of this Agreement. Beginning thirty (30) days from the Effective Date and ending when the Parties have fully complied with all provisions in this Agreement, the Parties shall provide monthly reports to each other describing the actions each has taken to comply with the terms of this Agreement. Until the County has considered the Project pursuant to Section B herein, the County shall provide Petitioners by electronic mail in digital format copies of all applications submitted to the County for development within the FDCP area.

**G. Dismissal of Action.** Petitioners agree to dismiss the Petition with prejudice within fifteen (15) days of the Effective Date. Notwithstanding the foregoing agreement to dismiss, County and Petitioners agree that if the Board of Supervisors fails to consider the Project pursuant to Section (B)(11), or should the Board of Supervisors, after holding public hearings and giving due consideration to the amendments to the Foresthill Divide Community Plan set forth in Section (B)(1) through (B)(10) above, decide for any reason not to approve any such amendment or not to approve such amendments in substantial conformance with the language set forth in any of Subsections (1) through (10) of Section (B) above, Petitioners have not waived their right to raise claims challenging the adequacy of the analysis in the EIR in any legal action challenging any other subsequent project approval for which the County relies on the EIR to the extent such claims pertain to the subject of the particular amendment(s) the County decided not to approve and to the extent such subject was raised during the approval of the EIR, and the County agrees not to object to Petitioners' ability to raise such claims in any such challenge to that subsequent project approval. For purposes of this paragraph, an adopted amendment to the FDCP is not in

“substantial compliance” if it does not achieve the purpose of the relevant amendment language set forth in Section (B)(1) through (B)(10) of this Agreement.

**H. General Terms and Conditions.**

1. This Agreement contains the entire agreement among the Parties hereto with respect to the matters covered hereby, and supersedes all prior agreements, written or oral, among the Parties.

2. This Agreement may be modified only in a writing signed by authorized representatives of the Parties.

3. The provisions of this Agreement shall be considered severable so that if any provision or part of this Agreement shall at any time be held invalid, the remainder of the Agreement shall remain in full force and effect.

4. This Agreement shall be governed by and interpreted under the laws of the State of California.

5. All notices and other communications required to be provided pursuant to this Agreement shall be by telephonic fax or electronic mail and by first class mail to the following persons at the following addresses:

Foresthill Residents for Responsible Growth

Sherry Wicks

20871 Todd Valley Road

Foresthill, CA 95631

Sherrywicks@saveforesthill.com

Friends of the North Fork

Michael Garabedian

7143 Gardenvine Ave

Citrus Heights, CA 95621

email: mikeg@gvn.net

With a copy to:

Tamara Galanter

Shute, Mihaly & Weinberger LLP

396 Hayes Street

San Francisco, CA 94102

[galanter@smwlaw.com](mailto:galanter@smwlaw.com)

County

Michael Johnson, Agency Director

Community Development Resources Agency

3091 County Center Drive

Auburn, CA 95603

With a copy to:

Anthony J. La Bouff, County Counsel

Office of the County Counsel

175 Fulweiler Drive

Auburn, CA 95603

6. Parties acknowledge that they have consulted with and have been advised by their respective attorneys; and that they have executed this Agreement after independent investigation, and without fraud, duress or undue influence. The Parties further acknowledge and agree that they have had a reasonable period of time for deliberation before executing this Agreement.

7. No waiver by the Parties or by their respective attorneys of any condition, provision, or term of this Agreement shall be deemed a waiver of any other condition, provision, or term of this Agreement at the same or any other time.

8. The County agrees to indemnify and defend Petitioners, their officers, and their agents from any claim, action, or proceeding (“Proceeding”) brought against Petitioners, whether as defendant/respondent, real party in interest, or in any other capacity, to challenge or set aside this Agreement. This indemnification shall include (a) any damages, fees, or costs awarded against Petitioners, and (b) any costs of suit, attorneys’ fees or expenses incurred in connection with the Proceeding, whether incurred by Petitioners, the County, or the parties bringing such Proceeding. If the proceeding is brought against both the County and the Petitioners, the Petitioners agree they may be defended by counsel for the County; provided, however, that the County must select counsel that is acceptable to the Petitioners, and further provided, that such approval may not be unreasonably withheld.

9. Except as set forth in this Section (H)(9), each party shall bear its own attorneys fees and costs. The County shall pay Petitioners’ attorneys’ fees and costs in the amount of \$152,500 to the law firm of Shute, Mihaly & Weinberger LLP within thirty (30) days of the receipt by County of the Notice of Dismissal of Action as required by Section (G), above.

10. This Agreement has been reviewed by the Parties, and by their respective attorneys, and the Parties have had a full opportunity to negotiate the contents of this Agreement. The Parties expressly waive any common law or statutory rule of construction that ambiguity should be construed against the drafter of this Agreement, and agree that the language in all parts of this Agreement shall in all cases be construed as a whole, according to its fair meaning.

11. Any Party claiming a breach of this Agreement, shall provide the other Party or Parties no less than thirty (30) days’ notice before commencing any action to enforce this Agreement and shall first offer to meet and confer and attempt to resolve their differences informally before commencing any such action. In the event of litigation arising out of (i) any alleged breach of the time requirements set forth in Section (B), Section (C), Section (E), or Section (G), or (ii) any alleged breach of Section (H)(8) or Section (H)(9) of this Agreement, the prevailing Party shall be entitled to recover its costs, expenses, and reasonable attorneys fees in addition to any other relief to which it may be entitled.

12. This Agreement may be executed in counterpart, and all executed copies are duplicate originals, equally admissible in evidence. The Parties agree that the transmission of an executed copy of this Agreement by facsimile or as a PDF file shall be valid and binding, and shall have the same full force and effect as if an executed original of this Agreement had been delivered.

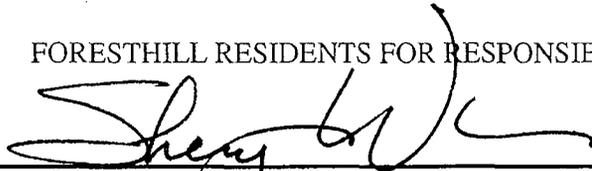
13. Time is of the essence for this Agreement and for the performance by each Party hereto of the obligations on that Party’s part to be performed.

14. Each individual executing this Agreement on behalf of any Party represents that he/she is authorized to execute this Agreement on behalf of the Party or Parties he/she purports to represent and has given all necessary notices and obtained all necessary consent to execute this Agreement.

15. This Agreement is entered into in compromise of disputed claims, the existence of any liability for which is expressly denied. All Parties agree that this Agreement shall not be deemed or construed for any purpose as an admission of liability or responsibility for or participation in any unlawful or wrongful act at any time by any Party hereto or any other person or entity, and shall have no precedential value for any other case or circumstance. The Parties understand and agree that nothing in this Agreement, or in the execution of this Agreement, shall constitute or be construed as an admission by any party of any inadequacy or impropriety in connection with the allegations contained in the pending lawsuit, including but not limited to any violations of State law, County ordinances, CEQA, or other laws, plans or regulations governing the review, and approval of the FDCP. It is agreed that all statements contained herein and the conduct of any Party in connection with this Agreement shall be inadmissible as evidence under California Evidence Code § 1152(a), except that the statements contained herein shall be admissible in any action to enforce or interpret this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement:

FORESTHILL RESIDENTS FOR RESPONSIBLE GROWTH, INC.



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Sherry Wicks, President

Dated: 9-7-10

FRIENDS OF THE NORTH FORK

---

Michael Garabedian, President

Dated: \_\_\_\_\_

15. This Agreement is entered into in compromise of disputed claims, the existence of any liability for which is expressly denied. All Parties agree that this Agreement shall not be deemed or construed for any purpose as an admission of liability or responsibility for or participation in any unlawful or wrongful act at any time by any Party hereto or any other person or entity, and shall have no precedential value for any other case or circumstance. The Parties understand and agree that nothing in this Agreement, or in the execution of this Agreement, shall constitute or be construed as an admission by any party of any inadequacy or impropriety in connection with the allegations contained in the pending lawsuit, including but not limited to any violations of State law, County ordinances, CEQA, or other laws, plans or regulations governing the review, and approval of the FDCP. It is agreed that all statements contained herein and the conduct of any Party in connection with this Agreement shall be inadmissible as evidence under California Evidence Code § 1152(a), except that the statements contained herein shall be admissible in any action to enforce or interpret this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement:

FORESTHILL RESIDENTS FOR RESPONSIBLE GROWTH, INC.

---

Sherry Wicks, President

Dated: \_\_\_\_\_

FRIENDS OF THE NORTH FORK

*Michael Garabedian*

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Michael Garabedian, President

Dated: 9/8/10

PLACER COUNTY and BOARD OF SUPERVISORS OF PLACER COUNTY

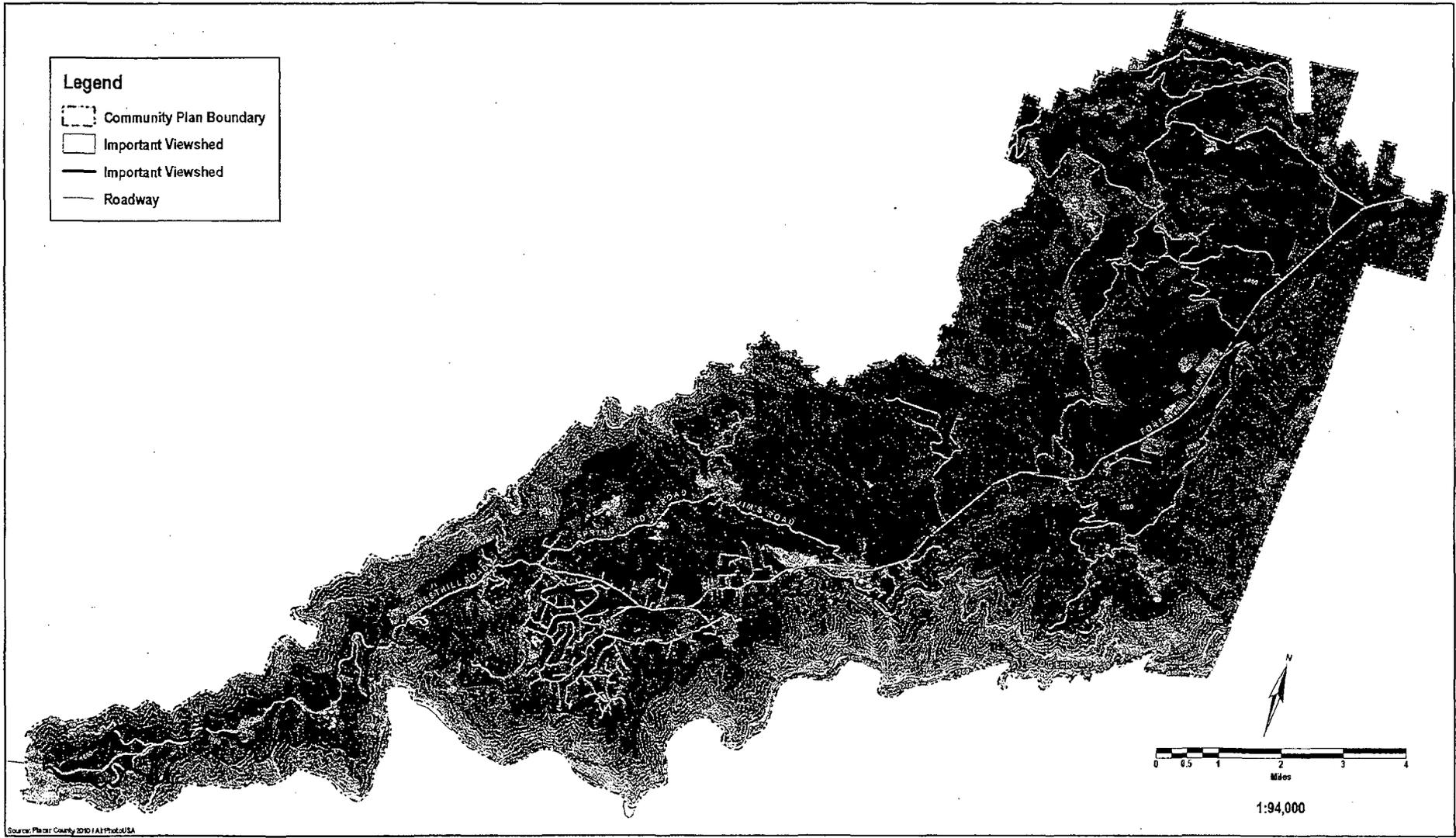
  
\_\_\_\_\_  
Kirk Uhler, Chair

Dated: 9/14/08

Approved as to Form:

  
\_\_\_\_\_  
Scott H. Finley, Supervising Deputy County Counsel

Dated: 9/14/10



Source: Placer County 2010 / A17Photo/SA

**FORESTHILL DIVIDE COMMUNITY PLAN  
AERIAL PHOTO & IMPORTANT VIEWSHEDS**

Figure IV-6

Exhibit A

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## Proposed Amended Text

Modifications to the existing Foresthill Divide Community Plan language are in **boldface type** and **underlined** and are identified by a boxed notation and arrow to the side of the modified language. The language and Amendments are shown in the order found (or would be found) in the Foresthill Divide Community Plan.

### III. **Community Development Element**

#### A. **Population and Housing**

##### **Goals and Policies**

##### **Goal 3.A.1. Enhance the quality of residential development on the Foresthill Divide.**

###### **Policies**

3.A.1-1 The County shall encourage residential development in Foresthill of high architectural and physical quality, compatible with neighboring land uses.

3.A.1-2 The County shall encourage the replacement or renovation of all substandard housing and improve deteriorating residential areas through continued enforcement of building, zoning, health, and safety codes.

##### **Goal 3.A.2. Provide a continuing supply of affordable housing to meet the needs of existing and future Placer County residents in all income categories.**

###### **Policies**

3.A.2-1 The County shall adopt policies, programs and procedures with the intent of achieving its fair share regional housing allocation, including the numbers of units for each income classification.

3.A.2-2 The County shall encourage the construction of second residential units on properties that meet the development standards (e.g., adequate water supply, adequate septic system, etc.) as a means of increasing the supply of affordable housing.

3.A.2-3 The County shall encourage the development of a commercial/residential Mixed-Use area in the Core Area to augment the supply of housing and increase affordable housing opportunities on the Foresthill Divide for properties that meet the development standards (e.g., adequate water supply, adequate septic system, etc.).

##### **Goal 3.A.3. Conserve the current stock of affordable housing on the Foresthill Divide.**

###### **Policies**

3.A.3-1 The County shall continue to make rehabilitation loans to low income households from its Community Development Block Grant (CDBG) program revolving loan funds.

- 3.A.3-2 The County shall continue to apply for CDBG, HOME and other similar State and Federal funding for the purpose of rehabilitating low cost, owner-occupied, and rental housing.
- 3.A.3-3 The County shall encourage private financing of the rehabilitation of housing.
- 3.A.3-4 The County shall discourage the conversion of mobile home parks to other types of housing and to other land uses.
- 3.A.3-5 The County shall require the abatement of unsafe structures, while giving property owners ample time to correct deficiencies. Residents displaced by such abatement should be provided relocation assistance.
- 3.A.3-6 The County will support efforts to convert mobile home parks where residents lease their spaces to parks where residents own their spaces.

**BEGIN:** The following **bold and underlined language** represents proposed additions to the Community Plan as set forth in Amendment 1.

**Goal 3.A.4** **Establish a maximum population for the Foresthill Divide Community Plan area compatible with the infrastructure and the environmental and physical constraints of the Foresthill Divide.**

**Policies**

**3.A.4-1** **The population of the Foresthill Divide Community Plan area shall not exceed 22,010 persons, assuming a ratio of 2.5 persons per dwelling unit for purposes of calculating population. When the population reaches the level specified in Policy 3.A.4-2, the County may adopt measures to ensure that the maximum population of this policy is not exceeded.**

**3.A.4-2** **No later than 2028, which is two (2) years before the Foresthill Divide Community Plan horizon year of 2030, or at such time as the population within the Community Plan area exceeds 16,500 persons or 6,600 dwelling units, whichever date or threshold occurs first, the County shall initiate a public process to consider the review and update of the Community Plan and, based upon a totality of the circumstances, determine whether an update of the Community Plan should be undertaken.**

**END:** End of this section of proposed additions as set forth in Amendment 1.

**BEGIN:** The following **bold and underlined language** represents proposed additions to the Community Plan as set forth in Amendment 5.

C. Community Design

Goals and Policies

Goal 3.C.10 **Promote an environmentally sustainable community that meets the present and future needs of the residents of the Foresthill Divide, enhances a healthy community, and maintains economic vitality.**

Policies

3.C.10-1 **The County shall promote building and development design that minimizes the emission of greenhouse gases and assists with the mitigation of the impacts of climate change by considering, and incorporating where feasible, the utilization of the following building methods and techniques in the approval of new development: energy efficient design and appliances; passive solar energy; active solar energy; sustainable building materials; reflective roofs; paving that is shaded, reflective, or turfed; third-party green building certification, and other green building practices.**

3.C.10-2 **The County shall investigate and promote programs to assist low- and middle-income homeowners to weatherize their homes in an energy efficient manner.**

3.C.10-3 **The County shall promote the reduction of vehicle miles traveled and vehicle emissions by encouraging alternative modes of transportation, including carpooling, bicycling, and walking; promoting lower emission fuels and vehicle models; and promoting economic development in the historic core of Foresthill to build a thriving, walkable downtown.**

3.C.10-4 **The County shall encourage and support the development of environmentally sustainable businesses and operations, including but not limited to a biomass utilization facility, that utilizes local resources such as forest biomass materials and that provide substantial benefits to the residents of the Foresthill Divide.**

**END:** End of this section of proposed additions as set forth in Amendment 5.

D. Public Facilities

3. Sewage Disposal

Goals and Policies

Goal 3.D.3. Ensure adequate wastewater collection and treatment and the safe disposal of liquid and solid waste.

Policies

3.D.3-1 The County shall permit on-site sewage treatment and disposal on parcels where all current regulations can be met and where parcels have the area, soils, and other characteristics that permit such disposal facilities without threatening surface or groundwater quality or posing any other health hazards, based on project-specific wastewater studies.

3.D.3-2 The County shall be creative and innovative to the extent allowed by ordinance in reviewing onsite and alternative offsite sewage disposal systems to encourage higher density and mixed uses in the historic downtown core area.

3.D.3-3 The County shall continue to use current technically-based criteria in their review and approval of septic tank/leachfield systems and other systems for rural development.

3.D.3-4 The County shall promote technologies that permit water reuse for irrigation, when public health is not endangered.

**BEGIN:** The following **bold and underlined language** represents proposed additions to the Community Plan as set forth in Amendment 4.

3.D.3-5 The County shall not approve the use of privately owned package wastewater treatment plants to provide service to residential or non-residential development. After full environmental and regulatory review and provided that it remains owned by and subject to oversight by a public agency, a wastewater treatment plant that is financed, constructed and/or operated in accordance with the provisions of Government Code sections 5956 through 5956.10 may be permissible.

3.D.3-6 The County shall discourage the sharing of a septic system (also known as a “cluster system” or a “community system”) by two (2) parcels, and to protect the public health safety and welfare, the County shall prohibit, to the extent permitted by law, the sharing of a septic system by more than two (2) parcels when granting a discretionary permit or approval for residential or non-residential development that requires a new septic system; provided, however, this policy does not apply to a cluster or community system which is owned and operated by a public agency.

**END:** End of this section of proposed additions as set forth in Amendment 4.

4. Water Supply

Goals and Policies

Goal 3.D.4. Ensure the availability of an adequate and safe water supply (potable and "fire flow") and the maintenance of high quality water in water bodies and aquifers used as sources of domestic supply.

**BEGIN:** The following bold and underlined language represents proposed amendment to the Community Plan as set forth in Amendment 3

**Policies**

3.D.4-1 All new development shall be required to demonstrate the availability of a long-term, reliable water supply. Prior to the County granting a permit or approval for residential or non-residential development that requires new service from a public service provider, written certification from the service provider shall be required that either existing services are available or needed improvements will be made prior to occupancy. Where the County will approve groundwater as the domestic water source, test wells, appropriate testing, and/or report(s) from qualified professionals will be required substantiating the long-term availability of suitable groundwater.

**END:** End of this section of the proposed amendment as set forth in Amendment 3

3.D.4-2 The County shall only approve new development based on the following guidelines for water supply:

- a. Higher density development should rely on public water systems.
- b. Developments containing parcel sizes of one acre or less shall be required to connect to a treated water supply. In cases where parcels are larger than one acre and no public water system exists or can be extended to the property, individual wells may be permitted.

3.D.4-3 Agricultural areas should rely on public water systems where available, otherwise individual water wells are acceptable.

3.D.4-4 The County shall require that any new development adjacent to bodies of water that are used as domestic water sources be appropriately set back from the water source and adequately mitigate potential water quality impacts on these water bodies.

3.D.4-5 The watersheds of all bodies of water associated with the storage and delivery of domestic water shall be protected by limiting grading, construction of impervious surfaces, application of known toxic/hazardous substances and/or fertilizers and development of septic systems within these watersheds.

- 3.D.4-6 The County shall promote efficient water use and reduced water demand by:
- a. Requiring water-conserving design and equipment in new construction;
  - b. Encouraging water-conserving landscaping and other conservation measures;
  - c. Encouraging retrofitting existing development with water-conserving devices; and
  - d. Encouraging water-conserving agricultural irrigation practices.

3.D.4-7 The County shall support opportunities for groundwater users that are located in problem areas to convert to surface water supplies.

## 6. Fire Protection

### Goals and Policies

**Goal 3.D.13. Protect residents of and visitors to Foresthill from injury, suffering, and loss of life and protect property and watershed resources from fires.**

### **Policies**

3.D.13-1 The County shall encourage the Foresthill Fire District to maintain the current *minimum* fire protection standard (expressed as Insurance Service Organization (ISO) ratings) of ISO 6 in areas serviced by hydrants.

3.D.13-2 The County shall encourage the Foresthill Fire Protection District to maintain the following standard (expressed as average response time to emergency calls):

- a. The arrival of the first fire apparatus at the point of need within 8 minutes “run time” within “developed” areas
  - i. Developed area would encompass development currently serviced by municipal water supply or within 1 mile on either side of the Foresthill Road corridor East of the Monte Verde Subdivision and to the West of Black Hawk Road.
- b. The arrival of the first fire apparatus at the point of need within 12 minutes “run time” within “rural” areas.
  - ii. Rural area would be defined as areas not serviced by existing municipal water supply which exceed the 1 mile either side of Foresthill Road corridor and/or West of the Monte Verde subdivision and East of Black Hawk Road.
- c. The arrival of the first fire apparatus at the point of need “ASAP” to “remote rural” areas.
  - iii. Remote Rural areas would be defined as area to the East of the intersection of Michigan Bluff Road and Foresthill Road, area to the West of the intersection of Drivers Flat Road and Foresthill Road and any lands within the Tahoe National Forest or California State Parks system.

- 3.D.13-3 The County shall require new development to develop or fund fire protection and medical aid facilities, personnel, and operations and maintenance that, at a minimum, maintain the above service level standards.
- 3.D.13-4 The County shall work with the Foresthill Fire District (Foresthill/Iowa Hill Fire Safe Council) to identify key fire loss problems and design appropriate fire safety education programs to reduce fire incidents and losses.
- 3.D.13-5 The County shall work with the Foresthill Fire District (Foresthill/Iowa Hill Fire Safe Council) to implement ordinances to control fire losses and fire protection costs through fuel reduction management, use of automatic fire detection, control and suppression systems.
- 3.D.13-6 The County shall maintain and strengthen automatic aid agreements to maximize efficient use of available resources.
- 3.D.13-7 The County shall work with the Foresthill Fire District to maintain a pre-fire planning program with selected high-risk occupancies reviewed at least annually.
- 3.D.13-8 The County shall ensure that all proposed developments are reviewed for compliance with fire safety standards by responsible local fire agencies per the *California Fire Code* and other County and local ordinances.
- 3.D.13-9 The County shall work with local fire protection agencies to inventory and eliminate structurally unsafe and fire-hazardous housing units that are beyond repair or rehabilitation.
- 3.D.13-10 The County shall encourage the modification of vegetation around structures and developments to reduce radiant heat along fire escape routes providing for the safety of residents and fire fighting personnel. Fuel modification will reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation. These areas shall provide (1) increased safety for emergency fire equipment and evacuating civilians; (2) a point of attack or defense from a wildfire; and (3) strategic siting of fuel breaks, fire breaks, and greenbelts.
- 3.D.13-11 The County shall require that discretionary permits for new development in fire hazard areas be conditioned to include requirements for a fire safe community, defensible space fire-resistant vegetation, cleared fire breaks and fuel breaks, and a long-term comprehensive fuel management program. Fire hazard reduction measures shall be incorporated into the design of development projects in fire hazard areas of Foresthill.
- 3.D.13-12 The County shall require that new development meet State, County, and local fire district standards for fire protection, including the Foresthill/Iowa Hill Fire Safe Council standards.
- 3.D.13-13 The County shall encourage fire protection agencies, including the Foresthill/Iowa Hill Fire Safe Council, to continue education programs in schools, service clubs, organized groups, industry, utility companies, government agencies, press, radio, and television in order to increase public awareness of fire hazards within the county, and to develop high-visibility fire prevention programs, including those offering voluntary home inspections and promoting awareness of home fire prevention measures.

- 3.D.13-14 The County shall work with local fire protection agencies, including the Foresthill/Iowa Hill Fire Protection Council, the Foresthill Fire Protection District, the California Department of Forestry and Fire Protection, and the U.S. Forest Service to promote the maintenance of existing fuel breaks and emergency access routes for effective fire suppression.
- 3.D.13-15 The County shall encourage and promote installation and maintenance of smoke detectors in existing residences and commercial facilities that were constructed prior to the requirement for their installation.
- 3.D.13-16 The County shall continue to work cooperatively with the California Department of Forestry and Fire Protection and local fire protection agencies in managing wildland fire hazards.

**BEGIN:** The following **bold and underlined language** represents proposed addition to the Community Plan as set forth in Amendment 2.

3.D.13-17 The County shall require (a) new residential development that is located high fire risk areas (meaning areas designated by CalFire as being in a High or Very High Fire Hazard Severity Zone) proposing more than ten (10) dwelling units and (b) new non-residential development larger than five (5) acres in area that is located in high fire risk areas to be responsible for the establishment and on-going maintenance of necessary shaded fuel breaks and other defensible space mechanisms, and shall require as a condition of such development the establishment of a funding mechanism for the costs thereof. Funding mechanisms may include, but are not limited to, a zone of benefit under a county service area, an assessment district, a mitigation fee or other funding mechanisms. The County shall coordinate any such fuel break and defensible space requirements with the applicable local fire protection agency and CalFire. County approval for new discretionary development shall include a condition to maintain defensible space consistent with State law.

**END:** End of this section of the proposed addition as set forth in Amendment 2.

- IV. Resource Management Element
  - A. Natural Resources/Conservation/Open Space

Goals and Policies  
Visual Resources

Goal 4.A.14. Protect and maintain identified viewsheds and natural areas of special aesthetic quality along Foresthill roadways, public recreation areas and, specifically, the viewshed of the American River canyons.

**Policies**

4.A.14-1 The well-recognized views of surrounding lands, ridges and canyons from public rights-of-way or lands shall be retained.

**BEGIN:** The following **bold and underlined language** represents proposed amendment to the Community Plan as set forth in Amendment 6.

4.A.14-2 The views of proposed development from other properties shall be considered when making decisions on compatibility of the proposed development, **And visual impacts of new discretionary development, including but not limited to parcel maps, shall be minimized to the maximum extent possible.**

4.A.14-3 Ridge-line development, **including new discretionary development on the rim of the American River canyons within the Plan area,** shall be carefully reviewed to ensure that proposed structures and lighting **are minimized to the maximum extent possible** and do not unduly intrude into the viewshed of nearby roadways, **public trails and recreation lands, and the public and private viewshed of properties** or the American River canyon.

**END:** End of this section of the proposed amendment as set forth in Amendment 6.

4.A.14-4 The undergrounding of existing and new utility lines shall be encouraged.

4.A.14-5 Although not entirely within the Community Plan area, the following road segments shall be designated as scenic highways:

- a. Foresthill Road within the Plan area and to Robinson Flat;
- b. Mosquito Ridge Road to Robinson Flat Road; and,
- c. Robinson Flat Road from Mosquito Ridge Road to Foresthill Road.

**Open Space**

**Goal 4.A.13. Preserve and enhance open space for outdoor recreation, resource production and health and safety purposes.**

**Policies**

4.A.13-1 Identify and encourage the development of recreation facilities compatible with the Plan area's rural lifestyle and environment.

**BEGIN:** The following **bold and underlined language** represents proposed addition to the Community Plan as set forth in Amendment 8.  
Amendment 9

4.A.13-2 The County shall encourage the recreation and open space potential of water features, including reservoirs, natural streams and other waterways, and recognize and minimize to the maximum extent possible, impacts to the economic and recreational value of non-motorized water dependent activities such as white water recreation, swimming, boating, fishing, water accessible campsites and gold panning.

**END:** End of this section of the proposed amendment as set forth in Amendment 9.

4.A.13-3 The County shall encourage open spaces to be linked visually and physically as much as possible to form a system of open spaces and recreational uses. Where appropriate, trails shall connect open space areas. Dedication of easements shall be encouraged or required as lands are developed and built.

4.A.13-4 The County shall encourage the preservation of agricultural lands as regional open space and protect these areas from the encroachment of development.

4.A.13-5 The County shall assure that removal of economic mineral resources does not conflict with surrounding land uses or the stated desire for maintaining the natural environment.

4.A.13-6 The County shall assure the removal of biomass and other commercial forest products is done under resource management planning.

4.A.13-7 The County shall require that areas hazardous to public safety and welfare be open or predominantly open. This category includes:  
a. Areas subject to landslide or with severe slope stability problems.  
b. Streams and other areas subject to flooding from a 100-year storm.  
c. Areas with extreme and high fire risk.  
d. Areas of active or past mining activities.

**BEGIN:** The following **bold and underlined language** represents proposed addition to the Community Plan as set forth in Amendment 10.

4.A.13-8 The County shall minimize impacts of private development on Federal and State open space and recreation lands.

**END:** End of this section of the proposed addition as set forth in Amendment 10.

**BEGIN:** The following **bold and underlined language** represents proposed addition to the Community Plan as set forth in Amendment 8.

#### 4. IMPLEMENTATION

29. The County shall develop design guidelines that identify measures and standards to be considered during the review and approval of, at minimum, new discretionary development proposals within the Plan area, including but not limited to parcel maps, in order to protect and maintain visual resources within the Important Viewshed as identified in Figure IV-6. The development of the design guidelines may include a review of the area subject to the design guidelines and boundaries of the Important Viewshed as identified in Figure IV-6. The measures and standards may include, but are not limited to, ridgeline development techniques to minimize visual impacts, setbacks from ridgelines and canyon rims, construction below tree canopy height, slope protection, use of appropriate revegetation materials and methods, definition of a ridgeline and canyon rim, limits on grading, limits on slope development, use of compatible color and mass of structures, use and location of lighting to minimize visual impacts, tree protection, retention of key visual features, appropriate and inappropriate locations for structures and parcels, and clustering techniques. These measures and standards shall be developed as funding becomes available, and may be developed in conjunction with any update of the County Zoning Ordinance or the County's Subdivision Ordinance. County staff shall investigate and actively pursue opportunities for obtaining and utilizing grant funds to defray the costs of developing these standards or guidelines.

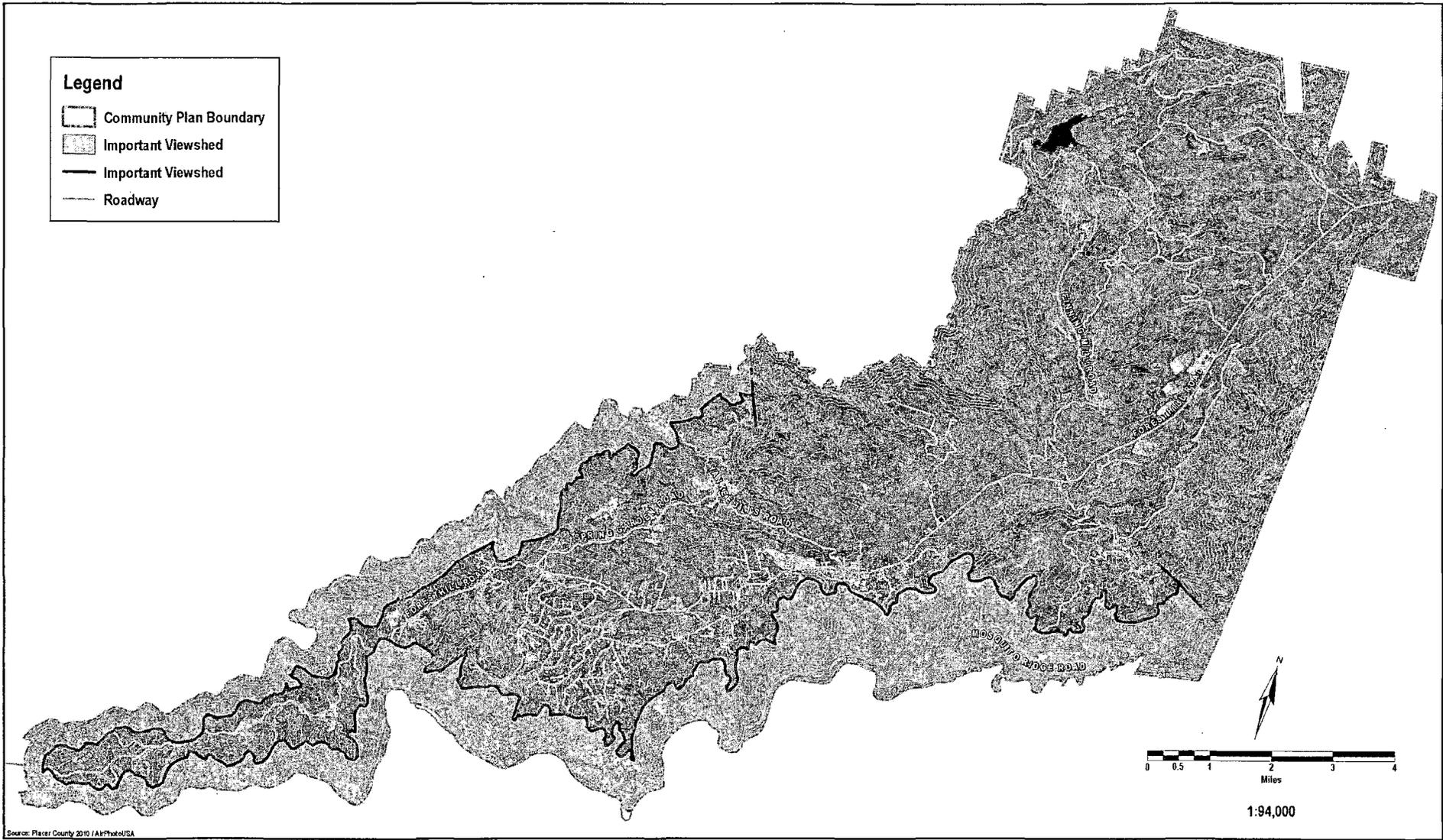
Responsible Agency/Department: Planning Department

Time Frame: As funding permits, but no later than the adoption of a comprehensive update of the Countywide General Plan in effect on the date of approval of this Plan.

Funding: General Fund, Grant funding as

**END:** End of this section of the proposed addition as set forth in Amendment 8.

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FORESTHILL DIVIDE COMMUNITY PLAN  
AERIAL PHOTO & IMPORTANT VIEWSHEDS

Figure IV-6

## Attachment E - Recommendations from the Foresthill Forum

Modifications proposed by the Foresthill Forum are in *italics* and double underlined and are identified by a boxed notation and arrow to the side of the modified language.



### Amendment 1

Recommendation: 4-2 for approval.

Goal 3.A.4     Establish a maximum population for the Foresthill Divide Community Plan area compatible with the infrastructure and the environmental and physical constraints of the Foresthill Divide.

### Policies

3.A.4-1     The population of the Foresthill Divide Community Plan area shall not exceed 22,010 persons, assuming a ratio of 2.5 persons per dwelling unit for purposes of calculating population. When the population reaches the level specified in Policy 3.A.4-2, the County may adopt measures to ensure that the maximum population of this policy is not exceeded.

3.A.4-2     No later than 2028, which is two (2) years before the Foresthill Divide Community Plan horizon year of 2030, or at such time as the population within the Community Plan area exceeds 16,500 persons or 6,600 dwelling units, whichever date or threshold occurs first, the County shall initiate a public process to consider the review and update of the Community Plan and, based upon a totality of the circumstances, determine whether an update of the Community Plan should be undertaken.

### Amendment 2

Recommendation: Unanimous, approve with modifications.

3.D.13-17     The County shall require (a) new residential development that is located high fire risk areas (meaning areas designated by CalFire as being in a High or Very High Fire Hazard Severity Zone) proposing more than ten (10) dwelling units and (b) new non-residential development larger than five (5) acres in area that is located in high fire risk areas to be responsible for the establishment and on-going maintenance of necessary shaded fuel breaks and other defensible space mechanisms, and shall require as a condition of such development the establishment of a funding mechanism for the costs thereof. Funding mechanisms may include, but are not limited to, a zone of benefit under a county service area, an assessment district, a mitigation fee or other funding mechanisms. The County shall coordinate any such fuel break and defensible space requirements with the applicable local fire protection agency and CalFire. County approval for new discretionary development

Foresthill  
Forum  
Proposed  
Modification

shall include a condition to maintain defensible space consistent with State law. For projects with fewer than 10 dwelling units, irrespective of size, the County proponent shall coordinate with the local Fire Agencies to determine the feasibility and practicality of appropriate ongoing fuel treatment.

Planning  
Commission  
Proposed  
Modification

### Amendment 3

Recommendation: Unanimous, approve as written.

- 3.D.4-1 All new development shall be required to demonstrate the availability of a long-term, reliable water supply. Prior to the County granting a permit or approval for residential or non-residential development that requires new service from a public service provider, written certification from the service provider shall be required that either existing services are available or needed improvements will be made prior to occupancy. Where the County will approve groundwater as the domestic water source, test wells, appropriate testing, and/or report(s) from qualified professionals will be required substantiating the long-term availability of suitable groundwater.

### Amendment 4

Recommendation: 5-1 approve as written.

- 3.D.3-5 The County shall not approve the use of privately owned package wastewater treatment plants to provide service to residential or non-residential development. After full environmental and regulatory review and provided that it remains owned by and subject to oversight by a public agency, a wastewater treatment plant that is financed, constructed and/or operated in accordance with the provisions of Government Code sections 5956 through 5956.10 may be permissible.

- 3.D.3-6 The County shall discourage the sharing of a septic system (also known as a “cluster system” or a “community system”) by two (2) parcels, and to protect the public health safety and welfare, the County shall prohibit, to the extent permitted by law, the sharing of a septic system by more than two (2) parcels when granting a discretionary permit or approval for residential or non-residential development that requires a new septic system; provided, however, this policy does not apply to a cluster or community system which is owned and operated by a public agency.

### Amendment 5

Recommendation: Unanimous, approve with modifications.

- Goal 3.C.10 Promote an environmentally sustainable community that meets the present and future needs of the residents of the Foresthill Divide, enhances a healthy community, and maintains economic vitality.

Policies

3.C.10-1     The County shall promote building and development design that minimizes the emission of greenhouse gases and assists with the mitigation of the impacts of climate change by considering, and incorporating where feasible, the utilization of the following building methods and techniques in the approval of new development: energy efficient design and appliances; passive solar energy; active solar energy; sustainable building materials; reflective roofs; paving that is shaded, reflective, or turfed; third-party green building certification, and other green building practices.

3.C.10-2     The County shall investigate and promote programs to assist low- and middle-income homeowners to weatherize their homes in an energy efficient manner.

3.C.10-3     The County shall promote the reduction of vehicle miles traveled and vehicle emissions by encouraging alternative modes of transportation, including carpooling, bicycling, and walking; promoting lower emission fuels and vehicle models; and promoting economic development in the historic core of Foresthill to build a thriving, *pedestrian-safe*, walkable downtown.



3.C.10-4     The County shall encourage and support the development of environmentally sustainable businesses and operations, including but not limited to a biomass utilization facility, that utilizes local resources such as forest biomass materials and that provide substantial benefits to the residents of the Foresthill Divide.

Amendment 6

Recommendation: 4-2 approve with modifications.

4.A.14-2 The views of proposed development from other properties shall be considered when making decisions on compatibility of the proposed development., And visual impacts of new discretionary development, including but not limited to parcel maps, shall be minimized to the maximum extent possible.

4.A.14-3 Ridge-line development, including new discretionary development on the rim of the American River canyons within the Plan area, shall be carefully reviewed to ensure that proposed structures and lighting are minimized to the maximum extent possible and do not unduly intrude into the viewshed of nearby roadways, properties, public trails and recreation lands, and the public and private viewshed of properties of the American River canyon.



Amendment 7

Recommendation: 5-0 Approval (Jordan abstain).

Figure IV-6.

Amendment 8

Recommendation: 5-0 Approval (Jordan abstain).

4. IMPLEMENTATION

29. The County shall develop design guidelines that identify measures and standards to be considered during the review and approval of, at minimum, new discretionary development proposals within the Plan area, including but not limited to parcel maps, in order to protect and maintain visual resources within the Important Viewshed as identified in Figure IV-6. The development of the design guidelines may include a review of the area subject to the design guidelines and boundaries of the Important Viewshed as identified in Figure IV-6. The measures and standards may include, but are not limited to, ridgeline development techniques to minimize visual impacts, setbacks from ridgelines and canyon rims, construction below tree canopy height, slope protection, use of appropriate revegetation materials and methods, definition of a ridgeline and canyon rim, limits on grading, limits on slope development, use of compatible color and mass of structures, use and location of lighting to minimize visual impacts, tree protection, retention of key visual features, appropriate and inappropriate locations for structures and parcels, and clustering

techniques. These measures and standards shall be developed as funding becomes available, and may be developed in conjunction with any update of the County Zoning Ordinance or the County's Subdivision Ordinance. County staff shall investigate and actively pursue opportunities for obtaining and utilizing grant funds to defray the costs of developing these standards or guidelines.

Responsible Agency/Department: Planning Department

Time Frame: As funding permits, but no later than the adoption of a comprehensive update of the Countywide General Plan in effect on the date of approval of this Plan.

Funding: General Fund, Grant funding as available.

Amendment 9

Recommendation: 6-0 Approve.

4.A.13-2 The County shall encourage the recreation and open space potential of water features, including reservoirs, natural streams and other waterways, and recognize and minimize to the maximum extent possible, impacts to the economic and recreational value of non-motorized water dependent activities such as white water recreation, swimming, boating, fishing, water accessible campsites and gold panning.

Amendment 9

Recommendation: 5-1 Approve.

4.A.13-8 The County shall minimize impacts of private development on Federal and State open space and recreation lands.