



## **ORDINANCE No. \_\_\_\_\_**

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

**AN ORDINANCE APPROVING A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT (MIS20-0001) BETWEEN THE COUNTY OF NEVADA AND YOUNG ENTERPRISES, L.P., FOR THE MODIFIED RINCON DEL RIO CONTINUING CARE RETIREMENT COMMUNITY PROJECT, LOCATED ¼ MILE EAST OF HIGHWAY 49, AT THE TERMINUS OF RINCON WAY / HIDDEN RANCH ROAD ON FOUR PARCELS KNOWN AS ASSESSOR'S PARCEL NUMBERS 057-130-013; 057-240-017; 057-240-018; 057-240-019; 10412, 10420 RINCON WAY AND 24885 CONNIE COURT, WITHIN UNINCORPORATED SOUTHERN NEVADA COUNTY.**

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

#### SECTION I:

The Second Amendment to the Development Agreement submitted by Young Enterprises, L.P., for Assessor's Parcel Numbers 057-130-013; 057-240-017; 057-240-018; and 057-240-019-003, which are located at 10420 Rincon Way and 24885 Connie Court, in unincorporated Southern Nevada County, be approved, based on the following findings A-E:

- A. That the proposed project is consistent with the goals, objectives, policies and applicable land use designations of the Nevada County General Plan, including policies encouraging efficient, orderly development; and,
- B. That the proposed project complies with all of the provisions of the Nevada County Land Use and Development Code; and,
- C. That the proposed project is consistent with the public convenience, general welfare, and good land use practice, making it in the public interest to enter into the development agreement with the applicant; and,
- D. That the Second Amendment to the Development Agreement is consistent with the requirements of California Government Code Section 65864 et seq., allowing for a Development Agreement between the developer and the County.

- E. That the Board finds that the information presented or obtained at the public hearing substantiates all of the facts necessary for approval of the Second Amendment to the Development Agreement and that the Second Amendment to the Development Agreement:
1. Is consistent with the goals, objectives, policies and applicable land use designations of the Nevada County General Plan; and
  2. Complies with all of the provisions of the Nevada County Land Use and Development Code; and
  3. Is consistent with the public convenience, general welfare and good land use practice, making it in the public interest to enter into the development agreement with the applicant; and
  4. Will not:
    - a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; and
    - b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; and
    - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
    - d. Adversely affect the orderly development of property or the preservation of property values.

## SECTION II:

Pursuant to Government Code Section 65865.2 and Nevada County Land Use Development Code Section L-II 5.18,G, and Article 5.1(c) of the Approved Development Agreement, the Second Amendment to the Development Agreement is approved, and the Chair of the Board of Supervisors is hereby authorized upon the effective date of this Ordinance to execute, on behalf of the County of Nevada, the Second Amendment to the Development Agreement by and between the County of Nevada and Young Enterprises L.P., in the form attached hereto as "Attachment A", with authorized changes, if any, approved by the Board prior to adoption of this Ordinance and subject to such minor and clarifying changes consistent with the terms thereof as may be necessary and approved by County Counsel prior to execution thereof. Within ten (10) days after execution of the Development Agreement on behalf of the County, the Clerk of the Board of Supervisors shall record the Second Amendment to the Development Agreement and this Ordinance with the Recorder of the County of Nevada.

SECTION III:

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION IV:

This Ordinance shall take effect and be in full force thirty (30) days from and after introduction and adoption, and it shall become operative on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.