



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

**950 MAIDU AVENUE, SUITE 170, PO BOX 599002, NEVADA CITY,
CA 95959-7902 (530) 265-1222 <http://mynevadacounty.com>**

Mali LaGoe
Acting Community Development Agency Director

Brian Foss
Planning Director

**NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memorandum**

MEETING DATE: May 11, 2021

TO: Board of Supervisors

FROM: **Brian Foss, Planning Director**

SUBJECT: Public Hearing to consider the Nevada County Planning Commission's March, 25, 2021 (5-0 Vote) recommendation for a combined application for a Use Permit to amend the approved Comprehensive Master Plan to allow for a revision and relocation of some of the previously approved campus uses and to allow for individual fee title ownership of the proposed independent living single-family residential attached and detached units that would be located within the project site. As proposed, the modified project would also be a Continuing Care Retirement Community (CCRC), known as Rincon del Rio, offering services and housing in an "age restricted campus setting" designed to serve adults 55 years and older, who are seeking to downsize their living environment, but are still physically and socially active. Housing types would include Independent Living detached Single-Family Residential Cottages and Bungalows, Independent Living attached 5-plex and 14-plex Condominium Units, Independent Living Village Center Loft Condominium Units and a Group Home Memory Care / Assisted Living Facility. As proposed, the revised Rincon del Rio project would be similarly designed to serve a senior population of 415 people within 345 living units.

The modified project as proposed would propose the approval of a Tentative Final Map (TFM19-0008) to subdivide the parcel from four parcels into 102 Single-Family Residential Parcels ranging in size from 4,699 square feet to 8,391 square feet. 221 Single Ownership Condominium parcels ranging in size from 1,300 square feet to 1,500 square feet. 23 common area parcels

ranging in size from 11,807 square feet to 130.42 acres for parking, landscaping, open space, Village Center, Group House/Memory Care and other common facilities.

The modified project as proposed would include a Management Plan (MGT20-0001) component for proposed encroachment into identified sensitive resources including; Steep Slopes, Landmark Oak Trees, Landmark Oak Groves, and Water Resources. The modified project as proposed would also include a Petition for Exception (PFX19-0003) to Road Standards on Rodeo Flat Road and Rincon Way as well as for the interior primary access roads. The modified project as proposed would also include a revised Development Agreement (MIS20-0001) for operational aspects of the proposed Continuing Care Retirement Community.

RECOMMENDATION:

The Planning Commission, on March 25, 2021, voted 5-0 to recommend that the Board of Supervisors take the following actions:

- I. Environmental Action: After reviewing and considering the proposed Addendum to the Certified Final Rincon del Rio Environmental Impact Report (EIS19-0010, SCH# 2011052030), and Mitigation and Monitoring and Reporting Program adopt the attached Resolution approving the Addendum to the Certified Final Rincon del Rio Environmental Impact Report (EIS19-0010, SCH# 2011052030) to the Certified Final Rincon del Rio Environmental Impact Report (EIR10-001, SCH#2011052030) pursuant to Section 15164 of the California Environmental Quality Act Guidelines and making the findings contained within the attached Resolution (Attachment 1)

- II. Project Action: Adopt the attached Resolution approving the Petition for Exceptions (PFX19-0003) pursuant to Nevada County Land Use and Development Code Sections L-IV 2.4 and 2.6 and L-XVII 3.12 and California Government Code Section 66474, and Management Plan (MGT20-0001) pursuant to Nevada County Land Use and Development Code Section 4.3.3, and Tentative Final Map (TFM19-0008) pursuant to Nevada County Land Use and Development Code Section L-IV 2.4 and California Government Code Section 66474, and Use Permit (CUP19-0010) to establish a Comprehensive Master Plan for the project site pursuant to Nevada County Land Use and Development Code Sections L-II 5.6.G and 5.5.2.C, subject to the Mitigation Measures and Conditions of Approval making the findings contained within the attached Resolution (Attachment 2)

- III. Project Action: Introduce, waive further reading and adopt the attached Ordinance approving the Second Amendment to the Development Agreement (MIS20-0001) between the County of Nevada and Young Enterprises, L.P., making findings A

through E contained within the attached Ordinance, pursuant to Nevada County Land Use and Development Code Section L-II 5.18.E (Attachment 3)

FUNDING: No budget amendments are required.

ATTACHMENTS:

1. Resolution: Addendum to the Certified Final Rincon del Rio Environmental Impact Report
Exhibit A: December 8, 2020 Addendum to the Certified Final Rincon del Rio EIR
2. Resolution: Petition for Exceptions (PFX19-0003), Management Plan (MGT20-0001), Tentative Final Map (TFM19-0008), Use Permit (CUP19-0010)
Exhibit A: Recommended Conditions of Approval with Integrated MMRP
Exhibit B: Site Plan, Tentative Final Map, Grading / Infrastructure Plan, Circulation Plan
Exhibit C: Subdivision Plot Plans
Exhibit D: Architectural Summary, Floor Plans, Elevations
Exhibit E: Comprehensive Master Plan
3. Ordinance: Second Amendment to the Development Agreement
4. Vicinity, Zoning & Public Notice Map
5. March 25, 2021 Planning Commission Staff Report (without attachments)
6. March 25, 2021 Staff Memorandums with Public Comments
7. March 25, 2021 Draft Planning Commission Meeting Minutes
8. Full Size Project Plans including Tentative Map (Board of Supervisors)
9. Final Environmental Impact Report (Available: mynevadacounty.com/1144/Rincon-Del-Rio)
10. Draft Environmental Impact Report (Available: mynevadacounty.com/1144/Rincon-Del-Rio)

BACKGROUND:

As Lead Agency, Nevada County prepared an Environmental Impact Report (EIR) for the Rincon del Rio Continuing Care Retirement Community (CCRC) project (referred to herein as the “approved project”). The Nevada County Board of Supervisors certified the Rincon del Rio Continuing Care Retirement Community EIR (referred to herein as the

“EIR”) (State Clearinghouse No. 2011052030) and approved the Rincon del Rio project on April 9, 2013, which included the following:

1. Certification of a Final Environmental Impact Report (EIR10-001) (State Clearinghouse No. 2011052030);
2. General Plan Amendment to add a new Land Use Designation and supportive descriptive text and land use development standards for the Continuing Care Retirement Community (CCRC) designation;
3. An amendment to the Nevada County Land Use Map to re-designate the proposed project site from the Planned Development, Estate (PD-EST) land use designation to the Planned Development, Continuing Care Community (PD-CCRC) designation;
4. Zoning Ordinance Text Amendment to Chapter II of the Nevada County Land Use and Development Code to establish a new zoning combining district definition and development standards entitled Continuing Care Retirement Community Combining District (CCRC);
5. Rezoning of the project site from the Residential Agricultural, 3-acre, Planned Development Zone District to the Planned Development, Continuing Care Retirement Community Combining District (PD-CCRC);
6. Adoption of a Management Plan to address and manage the natural resources areas on the site including encroachments into Steep Slopes, Oak Woodlands, Watercourses and Important Farmlands;
7. A Petition for Exceptions from the Local Class 1 Road Standards on portions of Rincon Way to allow for a 30-foot easement on Rincon Way and for use of Rodeo Flat Road as an emergency access route having grades in excess of 16-percent;
8. A Tentative Final Subdivision Map to subdivide the project site from the existing four (4) lots into fourteen (14) lots ranging in size from 2.33 to 130.74 acres;
9. A Use Permit to establish a Comprehensive Master Plan (CMP) for the entire site to facilitate the development of the site as a 345-unit Continuing Care Retirement Community as proposed on the project Site Plan; and
10. Development Agreement between Nevada County and the project applicant to address issues associated with project phasing; provision of project infrastructure, service responsibilities; financial assurances and project operations.

Subsequent to the action by the Board of Supervisors a lawsuit was filed challenging the adequacy of the Environmental Impact Report and the approval of the project entitlements. A Settlement Agreement was reached (finalized and signed on November 21, 2013) between the Petitioners and the applicant that included minor amendments to the approved Conditions of Approval and Development Agreement. The amendments to the Conditions of Approval were considered minor clarifications and were made administratively, pursuant to Nevada County Land Use and Development Code, Section L-II 5.8 and the terms of the Settlement Agreement. The amendment to the Development Agreement was considered a minor clarification and was made administratively with the provisions of the approved Development Agreement and the terms of the Settlement Agreement.

EXISTING CONDITIONS AND SURROUNDING LAND USES:

The approximately 215-acre project site encompasses four parcels (APN's: 057-130-013, 057-240-017, 057-240-018, 057-240-019) and is located at the end of Rincon Way,

which is located approximately 1/2-mile east of Highway 49, and south of the Lake of the Pines community within unincorporated southern Nevada County. The project site is primarily undeveloped, with the exception of an existing approximately 14,000-square-foot single-family residence constructed in 2001 and located on a bluff in the site's southwestern corner overlooking the Bear River.

The subject parcel also contains an approximately 2,300-square-foot wooden patio cover with an outdoor kitchen, unpaved access roads, and garden area with raised planting beds along with existing landscaping and fencing. In addition, there is a former golf driving range located at the northwestern corner of the site near its primary access point at Rincon Way that has been converted into a relatively large vegetable garden. Various types of fencing and gates, including livestock corrals, and unpaved access roads are also located throughout the site.

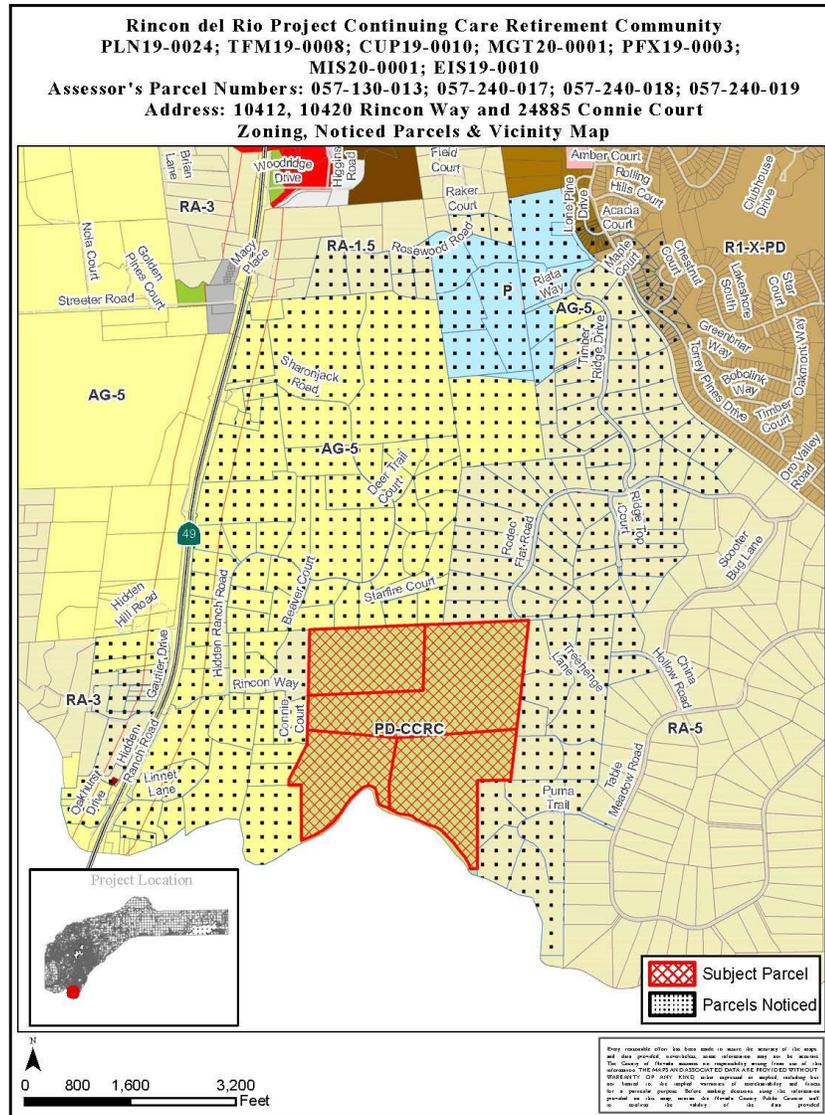


Figure 1 – Zoning, Noticed Parcels & Vicinity Map

At elevations ranging in height from approximately 1,300 above mean sea level along the Bear River to approximately 1,700 feet above mean sea level in the eastern portion of the site, the project site is relatively flat near the center with rolling hills to steep slopes. Site vegetation consists of moderately dense annual grasses and deciduous trees including

black, live, and blue oaks. North-facing slopes support moderate to heavy underbrush and some evergreen trees such as ponderosa pine. Riparian vegetation such as tall green grasses, reeds, blackberries, trees, and other bushes delineate the unnamed tributary and pond. There are also small numerous rock outcrops located throughout the site. Depending on location and elevation, certain areas of the site feature expansive, unobstructed views of the surrounding rural area (Matuzak 2017; Acacia CE 2011; Lumos 2007).

Surface water features on the project site include an unnamed tributary that flows southwest from the site's northeastern corner and drains into an approximately 3.25-acre pond located near the center of the site. In addition, segments of two Nevada Irrigation District (NID) irrigation canals traverse the site: the Weeks Canal crosses the northwestern portion of the site and the Magnolia Ditch crosses the eastern portion of the site. Portions of these canals are open and unlined while other segments are lined with gunite or are encased entirely and feature concrete and metal gates. Located south of the project site is the Bear River, which is free flowing and in a relatively natural state.

Primary access to the Project Site is provided via Rincon Way, a 2-lane privately owned and maintained local road. Secondary emergency access would be provided by Rodeo Flat Road, a 2-lane rural residential roadway that terminates at the northeast corner of the Project Site. Various private dirt roads traverse the site along with the private driveway affording access to the existing single family residence and accessory buildings.

The area surrounding the project site is characterized by rural residential development and agricultural (grazing) land as well as undeveloped open space and the Bear River. Immediately west of the project site, south of Rincon Way, are three existing residences along Connie Court. West of the site, north of Rincon Way, are numerous more closely spaced residences along Rincon Way and Hidden Ranch Road. Beyond these immediate uses to the west is SR 49, a four-lane, north-south-oriented regional highway. Immediately south of the site is the Bear River. North of the site is also characterized as rural with numerous residences off of Hidden Ranch Road, Beaver Court, Pleasant Court, Starfire Court, and Rodeo Flat Road. East of the site is more rural open space and grazing land with scattered residences.

The nearest residences are three single-family residential dwelling units located approximately 100 feet from the western property line of the project site along Connie Court Road, with additional nearby single family residential dwellings located approximately 100-200 feet of the north and east property lines.

EXISTING ZONING AND GENERAL PLAN LAND USE DESIGNATION:

The subject project site is General Plan Land Use designation is Planned Development (PD) with Continuing Care Retirement Community (CCRC), which was amended from Planned Development, Estate (PD-EST) as part of the previously approved project as approved by the Nevada County Board of Supervisors on April 9, 2013.

The PD Land Use designation is intended to designate Planned Development locations where a mix of uses is desirable. The PD designation may allow a variety of land uses, including single-family and multi-family residential Continuing Care Retirement Communities, commercial, open space, and other land uses consistent with the capability and constraints of the land. The CCRC Land Use Designation is to provide for housing and care services in an age restricted setting that includes independent living, assisted living, nursing care, physical rehabilitation, and memory-impairment housing. The concept of CCRC's is to support "aging in place" communities that promote and encourage a wide range of living arrangements for senior citizens that includes physical and programmed social connectivity, and supportive health-related and similar services.

The subject project site is zoned Planned Development (PD) with the Continuing Care Retirement Community Combining District (CCRC). The PD Base Zoning District is intended to provide for development where mixed uses are desirable. The district provides for the comprehensive planning of a site in advance of development, taking into consideration clustering of intensive land uses and maximizing conservation of open space in a manner sensitive to site capabilities and constraints. The intent of this PD Base Zoning District is to encourage innovative and creative design in the provision of a variety of mixed uses. This district is consistent with all General Plan designations provided the proposed land uses are consistent with those designations within which the project is located. The Continuing Care Retirement Community Combining District (CCRC) is intended to provide for housing and care services in an age-restricted setting that includes independent living, assisted living, nursing care, physical rehabilitation, and memory-impairment housing. The concept of CCRCs is to support "aging in place" communities that promote and encourage a wide range of living arrangements for senior citizens that includes physical and programmed social connectivity, and supportive health-related and similar services. The location and site planning characteristics of CCRCs shall be carefully considered pursuant to policy provisions contained within the General Plan and will emphasize clustering of development, preservation of open space, and minimizing adverse impacts to the character and lifestyles associated with neighborhoods near the project site. As required by Nevada County Land Use and Development Code, Section L-II 2.7.12, CCRCs shall be combined with a PD Base Zoning District.

PREVIOUSLY APPROVED PROJECT:

The certified Rincon del Rio EIR analyzed a project consisting of the development of a Continuing Care Retirement Community (CCRC) featuring a variety of independent and supportive living arrangements including independent living, assisted living, nursing care, physical rehabilitation, and memory impairment housing in a campus-like setting, featuring commercial and recreational uses and transportation and a variety of other services that would provide housing for a maximum of 415 residents in 345 attached and detached housing units and would require a total of 43 employees. The approved project included two General Plan Amendments, two Zoning Ordinance Amendments, a Tentative Final Map, a Use Permit to establish a Comprehensive Master Plan for the

entire project site to facilitate the development of the site as a 345 unit Continuing Care Retirement Community, designed to serve adults 55 years of age and older, a Management Plan to address and manage natural resource areas on the site, a Petition for Exceptions and a Development Agreement.

As approved, the Rincon del Rio project consisted of two General Plan Amendments, with the first amending the text of the General Plan Land Use and Public Facilities and Services Elements to establish a new land use designation for the CCRC designation to establish land use density and intensity standards and make structural amendments to various policies and descriptive text to integrate the new land use designation and standards into the Plan. The second amendment to the Nevada County General Plan, was a map amendment to amend the General Plan Land Use map to re-designate the project site from Planned Development, Estate (PD-EST) land use designation to the Planned Development, Continuing Care Community (PD-CCRC) land use designation. The previously approved project also included two amendments of the Nevada County Land Use and Development Code. The first zoning text amendment, amended Chapter II of the Nevada County Land Use and Development Code to establish a new zoning combining district definition and development standards entitled Continuing Care Retirement Community Combining District (CCRC). The second zoning amendment, amended the Nevada County Zoning Map (Map#: ZDM 047) to rezone the full project site from Residential Agricultural - 3-acre (RA-3) with Planned Development Combining District (PD) to Planned Development (PD) base zone with the Continuing Care Retirement Community Combining District (PD-CCRC).

As part of the approved project, there were four Management Plan components that were included to allow for encroachment into identified sensitive resources, including; a *Steep Slope Management Plan*, an *Agricultural Management Plan*, an *Oak Woodland / Landmark Oak Grove Management Plan* and a *Water Resources / Riparian Area Management Plan*. The intent of the Management Plans was to provide definition and required Mitigation Measures of how the approved project intended to protect sensitive natural areas of the site and mitigate encroachments into these resource areas, as required by Nevada County Land Use and Development Code, Article 4 – Comprehensive Site Development Standards, Division 4.3 – Resource Standards.

In addition, as part of the approved project, a Petition for Exception from the Nevada County Road Standards for the secondary emergency access road, via Rodeo Flat Road, an existing public road was approved. Due to the development of the project resulting in a dead-end roadway exceeding the maximum allowable cumulative length of an access drive pursuant to Nevada County Land Use and Development Code, Section L-XVII 3.4, a secondary access roadway was required. As required, pursuant to Table II, Section L-XVII 3.4 of the Nevada County Land Use and Development Code, an overall width 18 feet plus 1-foot shoulders and a maximum grade of 16-percent is required. It was determined as part of the approval of the project, that Rodeo Flat Road meets the required roadway width standards, however, a portion of Rodeo Flat may exceed the maximum

grade requirements in a least one location (up to 16.5% for approximately 50 – 100 feet). Thus, the Petition for Exception, sought an exception for an emergency access roadway exceeding the maximum grade requirements. Furthermore, as part of the approved project the Petition for Exception also sought an exception from the road right-of-way widths on Rincon Way from a 50-foot width to a 30-foot width. All of the road improvements for a Class 1 roadway as required by Table II of Section L-XVII 3.4 were approved to be contained within and existing 30-foot right-of-way along Rincon Way. As approved, the Petition for Exception, would allow for the elimination of vegetation management on either side of the roadway.

The project also approved a Tentative Final Map to establish 14 lots on the project site ranging in size from 2.33 acres to 130.74 acres. The Tentative Final Map included, the road way dedication and easements and lot configurations, establishment of an easement for rights-of-way for Public Utility and Emergency Access purposes. Establishment of a road maintenance agreement to provide legal descriptions and to outline road maintenance obligations for Rincon Way.

The project as previously approved and analyzed by the EIR, included a Use Permit and a Comprehensive Master Plan for the project site, pursuant to the requirements of the PD Zoning District and the CCRC Combining District. The project as a CCRC would be a campus designed to serve adults 55 years and older, who are seeking to downsize their living environment, but are still physically and socially active. As approved, the project would provide a self-contained Village environment with a variety of amenities and services including: Transportation, Dining, Laundry, Nursing Care, Indoor & Outdoor Recreation, Daily Services and EMT Services. Furthermore, as approved the campus would offer seniors a variety of housing options, all of which would be constructed with Universal Design principals aimed at ensuring an age-in-place option with living units consisting of the following types:

- Independent Living (Detached) Cottages
- Independent Living Duplex Units
- Independent Living 4-plex Units
- Independent Living Co-Housing Units (4-Plexes & Duplexes)
- Independent Living Village Center Units
- 3 Lodge buildings
- 2 Group Homes

As approved and as shown below in Table 1 and described above and in the certified EIR, the Rincon del Rio project proposed the construction of 345 residential units consisting of five primary types of residential buildings including independent living detached Cottages, Duplexes, Group Homes, Lodges, and Village Center Residential.

Table 1
RINCON DEL RIO
PROPOSED DEVELOPMENT SUMMARY

Building Type	Number of Buildings	Number of Units	Unit Size	Building Size (sf)	Parking
Residential Independent Living					
Cottages	78	78	1,160–2,000 sf	Varies	78 resident; 26 guest
Duplex	23	46	1,142 sf	2,285	46 resident; 16 guest
4-Plexes	10	40	1,142 sf	4,570	40 resident; 14 guest
Cohousing Duplex	6	12	900 sf	1,800	12 resident; 4 guest
Cohousing 4-Plex	2	8	900 sf	3,600	8 resident; 3 guest
Group House (2 Story)	2	4	(6) 424 sf suites/unit	7,430	6 resident; 2 guest
Lodge	2	28	1,460 sf	30,100	70 (garage)
Subtotals	123	216	–	–	325
Residential Nursing Care					
Hospice	1	4	16 beds	4,570	4
Group House Memory Care	2	6	24 beds	5,226 per building (10,452 total)	6
Lodge Nursing Care	1	21	900	33,000	35 (garage)
Subtotals	4	31	–	–	45
Village Center					
Village Center	5	Total of 98 units for all 5 buildings	Varies	Varies by building type but results in total square footage of 218,000	98 resident; 54 employee/guest
Subtotals	5	98	–	–	152
Common Area Support Services					
Clubhouse (Existing Building)	1	–	–	14,000	8
Pool Building	1	–	–	4,700	4
Community Barn	2	–	–	3,600 per building (7,200 total)	6
Cohousing Common House	1	–	–	2,165	–
Neighborhood Centers	5	–	–	800 per building (4,000 total)	–

Building Type	Number of Buildings	Number of Units	Unit Size	Building Size (sf)	Parking
(optional)					
Gatehouse	1	–	–	935	–
Subtotals	11	–	–	–	18
Totals	143	345	–	–	540

Source: SCO 2011

Notes: 1 – Approximate. Actual cottage total square footage would depend on the proportion of larger units in the final buildout.
 2 – Village Center is five buildings total. In addition to residential uses, VC Buildings 1, 2 & 4 include community support services (dining, café, medical, exercise space, etc.) on the ground floor.

Residential Units

As shown on Table 1 above, the project as previously approved would allow for the construction of 345 residential units consisting of five primary types of residential buildings: cottages, duplexes, group homes, lodges, and village center residential and was approved to be developed as outlined below:

- **Cottages** – Single-story, detached, single household unit with one-car garage and additional tandem parking space (open) between garage and road.
- **Duplexes** – Single-story, two household units, with exterior (open) or garage parking.
- **Group Homes** – Group living with private rooms or suites and shared common areas.
- **Lodges** – Two-story multi-unit buildings with common facilities and garage-level parking below.
 - Independent Living Lodges (2) have 14 independent living units per building.
 - Assisted Living Lodge (1) has 21 assisted living units (nursing care).
- **Village Center Residential Units** – Multi-unit buildings with independent living units and community services (mixed use at ground floor; see below):

Village Center

As shown above on Table 1, the Village Center as previously approved would consist of five buildings that include various types of residential units as well as community and support services and would be developed as below:

- **Building One** would consist of 12 residential units and support services and would be approximately 43,000 square feet in size. Support services would include café, exercise, post office, recycling center, bakery, theater, ice cream parlor, six guest rooms, pub, spa, pharmacy, public restroom, market/deli, beauty shop, bank, and dry cleaning.
- **Building Two** would consist of 18 residential units and support services and would be approximately 45,000 square feet in size. Support services would include restaurant, chapel, administration, medical, computer room, and library.
- **Buildings Three and Five** would each consist of 23 residential units and support services totaling approximately 43,000 square feet in size. Support services would include lounge/common areas and parking.

- **Building Four** would consist of 22 residential units and support services and would be approximately 45,000 square feet in size. Support services would include conference/meeting, dining, private dining, sitting room, kitchen, administration, laundry and cleaning, restrooms, and dishwashing area.

In addition to the above residential buildings and Village Center Buildings the approved project would also consist of Common Facilities and Accessory Buildings including an approximately 2,165-square-foot Cohousing Common House, five (5) approximately 800-square-foot Neighborhood Centers, two (2) approximately 3,600-square-foot Community Barns, an approximately 4,700-square-foot Pool House, an approximately 935-square-foot Gatehouse, and conversion of the existing approximately 14,000-square-foot main residence on the project site to serve as a clubhouse. The project also included several minor accessory buildings or structures including a garden shed, gazebo, bandstand, boat dock, covered bridge, and restrooms.

As previously approved, the project would be constructed in eight phases, however, phases may be combined and/or modified based on on-site demands and market conditions. Phase One would consist of the construction of the infrastructure improvements including water and sewer, primary and emergency access roads, event law area and approximately 77 initial dwelling units, Phase Two would include construction of Building 1 of the Village, roadways and utility infrastructure for the 4-plex, Duplex and Cottage units and construction of the 4-plex, Duplex and Cottage units as well as the assisted living units. Phases Three through Eight would continue build out of the project to the outer areas surrounding the Village Center, including additional project amenities, cottage-style homes for independent living, duplexes, four-plexes, cohousing affordable units, and assisted living and nursing care units.

As approved, the project also included a Development Agreement between the County and the applicant that established a 25-year timeline for the life of the Development Agreement. The Development Agreement addressed project phasing and occupancy thresholds, population caps that established a maximum population of 415 residents, issues related to the potential conversion of the project from a senior-living age restricted unit to an un-restricted rental or ownership units. Furthermore, the Development Agreement established an annual review process for the project for population surveying and remedies in the event of default.

PROPOSED MODIFIED PROJECT DESCRIPTION:

The project as proposed is a combined application for a Use Permit to amend the Comprehensive Master Plan and revise the Tentative Final Subdivision Map, which was approved to facilitate the development of the subject parcels as a 345 Unit Continuing Care Retirement Community known as the Rincon del Rio project, which was approved on April 9, 2013 by the Nevada County Board of Supervisors (EIR10-001, ORD09-002, GP11-001, GP11-002, Z10-003, FM09-001, U09-007, MGT09-008, MI10-010).

The proposed changes to the approved project are referred to herein as the “proposed modified project.” The certified Rincon del Rio EIR analyzed a project consisting of the development of a Continuing Care Retirement Community featuring a variety of independent and supportive living arrangements.

As proposed, the project is a combined application for a Use Permit to amend the approved Comprehensive Master Plan to allow for a revision and relocation of some of the previously approved campus uses and to revise the Tentative Final Subdivision Map to allow for individual fee title ownership of the proposed independent living single-family residential attached and detached units that would be located within the project site. As proposed, the modified project would also be a Continuing Care Retirement Community (CCRC), known as Rincon del Rio, offering services and housing in an “age restricted campus setting” designed to serve adults 55 years and older, who are seeking to downsize their living environment, but are still physically and socially active. Housing types would include Independent Living detached Single-Family Residential Cottages and Bungalows, Independent Living attached 5-plex and 14-plex Condominium Units, Independent Living Village Center Loft Condominium Units and a Group Home Memory Care / Assisted Living Facility. In addition to housing, the Rincon del Rio CCRC project would provide services that would include physical rehabilitation, food service, social and recreational activities, and cleaning and home maintenance services. Seniors who are independent may live in a single-family Cottage or a Bungalow home, attached Condominium Unit, or an attached Village Loft Condominium Unit within a campus setting where the residents can rely on security and services designed to allow one to “age in place” and receive lifelong care.

The campus would offer seniors a variety of housing options, all of which would be constructed with Universal Design principals aimed at ensuring an age-in-place option, no matter how challenging the circumstance. As proposed, the revised Rincon del Rio project would be similarly designed to serve a senior population of 415 people within 345 living units consisting of the following revised elements as shown below and on Table 2:

- Independent Living (Detached) Single-Family Residential Cottages and Bungalows.
- Independent Living 5-Plex and 14-Plex multi-tenant condominium single-ownership units.
- Independent Living Residential Loft multi-tenant condominium single-ownership units.
- Group Home Memory/Assisted Living Facility.

Table 2
RINCON DEL RIO
PROPOSED MODIFIED DEVELOPMENT SUMMARY

Building Type	Number of Buildings	Number of Units	Unit Size	Building Size (sf)	Parking
Residential Independent Living					
Cottages	78	78	1,785–2,600 sf	Varies	78 Resident; 78 Guest
Bungalows	24	24	1,750 sf	Varies	24 Resident; 24 Guest
5-Plex Condominium (Two-Story)	29	145	1,473 – 1,481 sf	7,357	150 Resident; 94 Guest
14-Plex Condominium (Three-Story)	4	56	1,300 sf	28,000	56 Resident; 24 Guest
Subtotals	135	303	–	–	528
Residential Nursing Care					
Group House Memory Care	1	22	88 Beds	46,000 sf	44
Subtotals	4	22	–	–	44
Village Center					
Support Retail	4	–	–	Varies by building type but results in total square footage 30,000 sf	100
Residential Village Loft Condominiums		20	1,500 sf	–	20 Residential; 7 Guest
Subtotals	5	98	–	–	127
Common Area Support Services					
Clubhouse (Existing Building)	1	–	–	14,000	8
Pool Building/Classroom/ Gathering	1	–	–	10,000	18
Community Barn	2	–	2,800	2,800 sf per building (5,600 total)	6
Gatehouse	1	–	–	935	–
Subtotals	5	–	–	–	32
Totals	145	345	–	–	731

Source: SCO 2019

As proposed, the modified project would maintain the same basic campus design that is clustered within the western approximately 48-acre portion of the approximately 215-acre project site. As proposed, primary access would be provided via Rincon Way, which is located off of Highway 49. Emergency access would be provided via Rodeo Flat Road at the northeast corner of the project site through the construction of an emergency access road that would extend a fire standard access road to Rodeo Flat Road, thus connecting Rodeo Flat Road with Rincon Way.

The project site is located within the boundaries of the Nevada Irrigation District (NID) and treated water is available to serve the project site. Public sewer is also available to serve the site, as the project site was annexed into the Lake of the Pines Zone of the County Sanitation District on July 18, 2013 by the Local Agency Formation Commission as approved by Resolution No. 13-07.

As proposed, the modified project would also include the same recreational elements as those that were included with the approved project such as walking trails with a river over look, group barbecue and picnic areas, pond side fishing area, raised bed community gardens, indoor pool, event lawn, horseshoe pits, outdoor kitchen, and courts for pickle ball, volleyball, and bocce ball. Proposed development associated with the project would be limited to 48 acres total, with all development except the proposed emergency access road, trails, barbecue areas, water tank, and sewer lift station to be clustered within the northwest portion of the site. Approximately 4 acres of the site would be used for agricultural uses (row crops and an orchard), with 163 acres remaining as undeveloped open space.

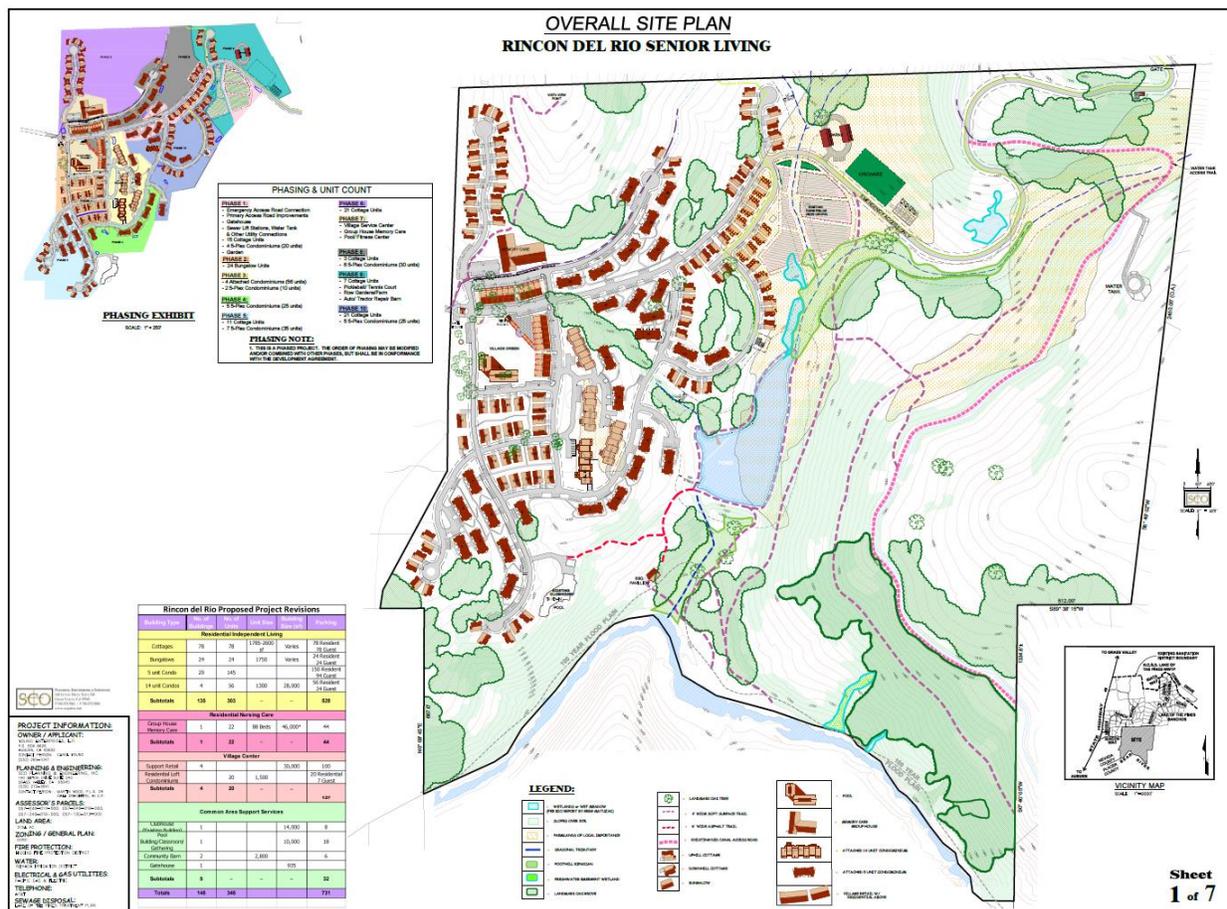
Use Permit:

As proposed, a Use Permit (CUP19-0010) would establish a revised Comprehensive Master Plan (Figure 1, below) for the project site, pursuant to the requirements of the Planned Development Base Zoning District and the Community Care Retirement Community Combining District similar to the previously approved project as discussed above and as shown on the submitted revised site plans and within the proposed revised Comprehensive Master Plan. As proposed, the revised Comprehensive Master Plan for the modified Rincon del Rio project would include the following components:

- A description of the proposed project and existing environmental setting;
- Existing and proposed infrastructure, including roadway and circulation improvements, proposed sewer and water system descriptions, conceptual drainage plan, site grading and erosion control plans, fire safety, and landscaping;
- A description of project phasing and improvements associated with each phase;
- Open space management provisions, which include the creation of CC&R's to address property maintenance and open space and common area management;

- Relocate the 22-unit approximately 46,000-square-foot Group Home Memory Care / Assisted Living Facility from south of the Village Center to north of the Village Center.
- Reduce the size of the five apartment buildings and the 98 Independent Living Apartment units to allow for 56 attached Independent Living two-bedroom single-ownership condominium units in four 14-unit buildings and 145 two-bedroom single-ownership condominium units in twenty-nine (29) 5-unit buildings. As proposed the 14-Plex and 5-Plex condominium buildings would be on common ownership parcels with the 201 condominium units being single-ownership airspace units. In addition, up to 24 condominium units would be retained by the applicant as rental units that would remain under the ownership of the applicant.

Figure 3 – Overall Site Plan



- Change the type of the residential independent living units from 216 Cottages, Duplex's, 4-Plexe's, Cohousing and lodges to 78 Independent Living one and two-bedroom single and two-story Cottage Units and 24 Independent Living one-bedroom Bungalow units for a total of 102 units. The 102 Cottage and Bungalow units would be located on individually owned residential parcels.

- Relocate the tennis and pickleball courts from near the gate house to the farm area, further located east of the orchard.

Residential Units:

As shown above on Table 2, the modified project proposes the construction of 345 residential units, however, the residential building types have been revised as follows: **Cottages:** Seventy-Eight (78) Independent Living one and two-bedroom Single-Story and Two-Story, downhill and uphill detached single-family units with one-car garage and additional tandem parking space (open) between garage and road. As proposed, the Cottages would range in size from approximately 1,785–2,600 square feet depending on the model chosen and would be up to 30 feet in height. Depending on the individual lot slope, there would be some models that would contain basements or living space on the downhill side. As proposed, the Cottages would be contained on individually owned residential parcels.

- **Bungalows:** Twenty-Four (24) Independent Living Single-Story detached one-bedroom single-family units with one-car garage and additional tandem parking space (open) between garage and road. As proposed, the Bungalows would be approximately 1,750-square-feet in size and would be oriented with the garage facing the street and the entryway and front porch facing an interior landscaped paseo. As proposed, the Bungalows would be contained on individually owned residential parcels.
- **5-Plex Condominium:** A two-story 5-unit, approximately 7,357-square-foot two-story multi-tenant condominium building consisting of five (5) two-bedroom Independent Living single-ownership units. The single-ownership units would range in size from approximately 1,473 to 1,418 square feet. As proposed, there would be twenty-nine (29) buildings located within the proposed 48-acre development area of the project which would contain 145 single-ownership condominium units.
- **14-Plex Condominium:** A Three-Story 14-unit, approximately 28,000-square-foot multi-tenant condominium building consisting of fourteen (14) Independent Living two-bedroom single-ownership units. The single-ownership units would be approximately 1,300 square feet. The single-ownership units would be accessed via two exterior stairwells or an exterior elevator and would contain common ownership garage-level parking and storage below (entered at the downhill side). As proposed, there would be four (4) 14-unit condominium buildings located on common ownership parcels.
- **Group Home Memory Care/Assisted Living Facility:** A Two-Story 22 Unit, approximately 46,000-square-foot assisted living facility. The Assisted Living facility would contain 22 assisted living units (nursing care) and contain 88 beds. The final

interior design would be completed as future tenant improvement to be designed by operators of the Group Home Memory Care / Assisted Living Facility.

- **Village Center Residential Loft Condominiums:** Multi-Unit Buildings with twenty (20) single-ownership Independent Living units and community services (mixed use at ground floor, see below).
- **Condominium Rental Units:** A total of twenty-four (24) Condominium Units would be retained by the applicant as rental units that would be utilized as Independent Living Units whose ownership would remain with the applicant.

Village Center:

As shown on the revised site plan (Attachment 2) and above on Table 2, the proposed modified project Village Center would consist of four two-story buildings that include various types of community support services with twenty (20) single-ownership Independent Living two-bedroom single-ownership residential units as well as community and support services. The Village Center would provide a total of 94 parking spaces.

- **Building One** would consist of six (6) approximately 1,500-square-foot two-bedroom single-ownership Independent Living, residential units located on the second floor and approximately 9,000 square feet of service support uses on the first floor. Support services would include a café bistro, bakery, ice cream, restaurant, computer room, and sundry store.
- **Building Two** would consist of four (4) approximately 1,500-square-foot two-bedroom single-ownership Independent Living, residential units located on the second floor and approximately 6,000 square feet of service support uses on the first floor. Support services would include a doctor's office, post office/mailbox room, game/club room, and flexible space.
- **Building Three** would consist of six (6) approximately 1,500-square-foot two-bedroom single-ownership Independent Living, residential units located on the second floor and approximately 9,000 square feet of service support uses on the first floor. Support services would include a exercise room, spa/massage, pharmacy, grocery, barber, deli, art gallery/studio and beauty parlor.
- **Building Four** would consist of four (4) approximately 1,500-square-foot two-bedroom single-ownership Independent Living, residential units located on the second floor and approximately 6,000 square feet of service support uses on the first floor. Support services would include a recycling center, business-concierge, appointment bank, dry cleaner, and laundromat.



Figure 4 – Village Center

Common Facilities and Accessory Buildings:

As shown on the revised site plan and above on Table 2, the proposed modified project would contain the following of 4 large common facilities and accessory buildings totaling approximately 30,535 square feet and providing 32 parking spaces:

- **Gatehouse** – An approximately 935-square-foot gatehouse would be constructed at the western entry to the project site where Rincon Way leads into the site. The gatehouse would single story and contain an office and storage space, an attendant area, and restroom. The design would be consistent with the overall architectural theme of the project.
- **Community Barns** – Two community barns totaling approximately 5,600 square feet (2,800 square feet each) would provide a shop, farm and gardening supplies, farm stands, animal housing, farm equipment storage, an auto/tractor shop, a farmer’s office, and a restroom. They would be located north of the Emergency Access Road and to the west of the orchard. A parking area would also be provided south of the proposed barns.
- **Pool House** – An approximately 10,000-square-foot pool house would be constructed within the eastern portion of the Village Center and would contain an indoor swimming pool, gym, spa, men’s and women’s locker rooms with saunas, pool equipment, and storage area.

- **Clubhouse** – The existing main residence on the project site, at 14,000 square feet, would be modified to serve as a clubhouse. The clubhouse would be used by residents and prospective residents as a place to gather, socialize, relax, and party. The clubhouse would include common areas, pool, terrace, pool bar, exercise room, library, wine cellar, kitchen, theater, and bathrooms. In addition, the clubhouse would include a staff suite and a guest suite that would serve as lodging for prospective residents.

In addition, the proposed modified project would also contain several minor accessory structures including an existing approximately 2,300-square foot wooden patio covered barbeque area located east of the Clubhouse and an approximately 594-square-foot restroom that would be located west of proposed Village Lofts Building C and D within the Village Center.

Transportation – As with the previously approved project, the proposed modified project would provide a minimum of two para-transit vehicles, ADA equipped for the purposes of transporting residents within the facility to various business appointments, grocery and service needs, recreation and special events. Transportation will be provided on a daily basis with project access coming from Rincon Way. Rincon Way will be widened to two 10-foot lanes and resurfaced within the existing 30-foot deeded easement. A 20-foot emergency access road will be constructed from the project development area east to connect with Rodeo Flat Road. This road will be for emergency purposes only and gated to restrict public access. In addition, the project will provide common use electric golf carts and on-call shuttle service for internal campus uses.

Dining – Dining facilities will be available for breakfast, lunch and dinner for each phase of build out. In addition, food service venues such as lunch café/bistro, ice cream parlor, a coffee shop/book store, and light eating areas will be provided in the Village. Meals prepared in the facility can be delivered to individual residences or residents can dine in the main dining or the café/bistro facility.

Laundry - Washers and dryers will available for each independent unit. In addition, contract laundry services will be available.

Care - The project will provide on-site EMT personnel and contract medical care may be provided from contract doctors providing geriatrics care for the residents.

Indoor & Outdoor Recreation - The project provides over 4 miles of improved walking trails, and soft surface trails throughout the property, general picnic areas and social gathering areas along the Bear River, raised-bed community gardens, aquatic center, fitness center, bocce ball courts, tennis courts and pickleball area. Fitness and wellness classes will be provided. These amenities are dispersed throughout the project development area. A 1.7-acre Village Park will contain the Aquatic Center building along

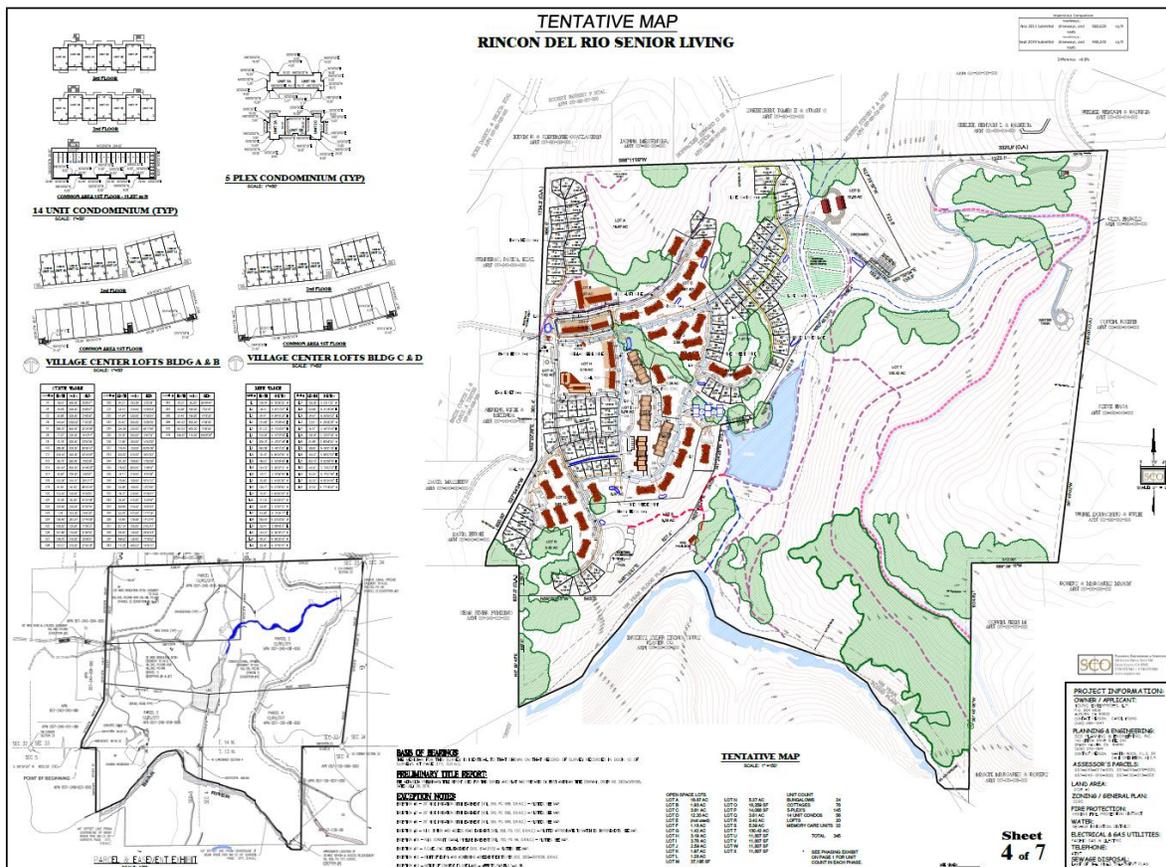
with several miles of soft surface trails meandering through the open space area and along the Bear River will be included.

Daily Services - Daily services for all residents will include a grocery & sundry store, beauty shop/hair salon, barber shop, post office/mailbox room, personal business/computer center, appointment banking, theater, library, retail gift shop, and arts/crafts studio.

Tentative Final Map:

The modified project as proposed would propose the approval of a Tentative Final Map (TFM19-0008) to subdivide the parcel from four parcels into 102 Single-Family Residential Parcels ranging in size from 4,699 square feet to 8,391 square feet. 221 Single Ownership Condominium parcels ranging in size from 1,300 square feet to 1,500 square feet. 23 common area parcels ranging in size from 11,807 square feet to 130.42 acres for parking, landscaping, open space, Village Center, Group House/Memory Care and other common facilities.

Figure 5 – Tentative Final Map



The Tentative Final Map would also include Road Way dedication and easements / lots configurations; Establishment of an easement for rights-of-way for Public Utility and Emergency Access purposes; Establishment of a Road Maintenance Agreement to

provide legal descriptions and to outline road maintenance obligations for Rincon Way and internal roadways; and provisions for domestic and fire water supply as required by Nevada County Land Use and Development Code, Chapter XVI – Fire Safety Regulations

Management Plan:

The modified project as proposed would include a revised Management Plan Component (MGT20-0001) for three Management Plans for proposed encroachment into identified sensitive resources including; *Steep Slopes, Landmark Oak Trees, Landmark Oak Groves, and Water Resources* similar to that of the previously approved project, as required by Nevada County Land Use and Development Code, Division 4.3 – Resource Standards of Article 4 – Comprehensive Site Development Standards. The intent of the Management Plans are to provide definition to how the modified project intends to protect sensitive natural areas of the subject project site and mitigate encroachments into these resource areas.

Petition for Exception:

Similar to the original approved project, the proposed modified project also proposes a Petition for Exceptions (PFX19-0003) from the Nevada County Road Standards for secondary emergency access via Rodeo Flat Road, an existing public road similar to that of the approved project. Pursuant to Nevada County Land Use and Development Code, Section L-XVII 3.4 – Design Geometrics, development of the proposed modified project would result in a dead-end roadway exceeding the maximum allowable cumulative length of an access drive, thus a secondary emergency access road is required. Standard specifications for secondary emergency access are outlined in Table II, Section L-XVII 3.4 of the LUDC and provide for an overall width of 20-feet plus 2-foot shoulders and a maximum grade of 16%. As was included in the certified EIR and as reflected in the proposed modified project, Rodeo Flat Road meets the required standards for roadway width, however may exceed the maximum grade specifications in at least one location (up to 16.5% for approximately 50 – 100 feet). The roadway exception petition seeks an exception for an emergency access roadway exceeding the maximum allowable roadway grade for a portion of the roadway location off of the project site similar to the original approved project.

Similar to the original approved project, the proposed modified project, also proposes a Petition for Exception from the road right-of-way widths on Rincon Way from a 50-foot width to a 30-foot width similar to that of the approved project. All of the road improvements would be required to meet Class 2 roadway standards and would be contained within the existing 30-foot road right-of-way along Rincon Way, including the required vegetation management within the existing right-of-way along Rincon Way.

In addition, the proposed modified project also seeks a Petition for Exception for the interior primary access roads, and includes that they shall be constructed to Local Class 2 Standards, with an exception of allowing a reduction of the right-of-way width from 50

feet to 40 feet, and shoulder width from 4 feet to 2 feet when AC dike is used. The Petition for Exception would allow for a reduced shoulder width and would reduce overall sight grading throughout the subject project site and allow for the proposed units and associated front porches to have a closer presence to the roadway and not require additional driveway length.

Water Service and Wastewater:

As previously approved, domestic water service would be provided by the Nevada Irrigation District (NID) and wastewater service would be provided by the Nevada County Sanitation District #1 and the Lake of the Pines wastewater treatment plant. As analyzed by the certified Rincon del Rio EIR, the project site is located within the boundaries of the NID service area, and a will-serve letter for the project has been issued. The project site would be serviced by potable water from the Lake of the Pines Water Treatment Plant. As proposed as Alternative A, the approved project would construct a mainline extension (of an existing 8-inch waterline) as well as an upgrading of a section of the existing off-site NID water service line from the northeast corner of the site at Rodeo Flat Road and would be constructed as part of the project. The project will also be required to install new water pumps in the existing Timber Ridge tank/pump building to supply the project.

Furthermore, as previously approved as Alternative A the wastewater service collection system would consist of one on-site sewer lift station at the northeast corner of the site, as well as a potential intermediate lift station at the eastern edge of the proposed development area if it is determined that the additional pump capacity is needed. The project would extend an existing 6-inch force main from the project site to Rodeo Flat Road. From the high point near the intersection of Rodeo Flat and Timber Ridge, the line would then gravity flow down Timber Ridge Road and eventually terminate at an existing manhole located on Riata Way near the Lake of the Pines Sewer Treatment Facility. All off-site construction of the sewer main would be located within existing public utility easements (PUEs).

As proposed the modified project would include a proposed Alternative B as identified within the proposed Comprehensive Masterplan and as shown on the submitted optional infrastructure alignment site plan and as evaluated within the Rincon del Rio Final Environmental Impact Report (October 2012), that would extend an approximate 12-inch water supply pipeline and a sewer force main from the Lake of the Pines Wastewater Treatment Plant along Riata Way, through public utility easements along private parcels along Hidden Ranch Road and Pleasant Court to the subject project site. The project would be conditioned to require the obtaining of all necessary easements, rights-of-way, permits, and permissions to install the infrastructure to facilitate capture and conveyance of water and sewage from the contributing structures to the Lake of the Pines Wastewater Treatment Facility. The County will not be held responsible for the implementation of Alternative B in any way given that Alternative A is feasible. As with Alternative A

above, the placement of the new infrastructure and extending existing pipelines would require trenching, earthmoving and other construction activities.

Fire Suppression:

As proposed as part of the modified project and similar to the original approved project an approximately 300,000-gallon on-site water storage tank would be constructed to augment the required storage for fire flow. The tank similarly to the original approved project would be approximately 32 feet high and 40 feet in diameter and would be accessed from the existing Combie Canal maintenance road to the proposed water tank. A new 10- or 12-inch mainline would be extended from the new tank to the developed area of the project site and new pumps would be required at the existing Timber Ridge tank/pump building. The water tank and transmission lines have been sized to provide a water volume 1,500-gallon-per-minute fire flow for up to four hours or as approved by the Higgins Fire Protection District and the Nevada County Office of the Fire Marshal; this storage is calculated to ensure adequate water volume at the site and ensure that fire flows meet minimum California Fire Code requirements. If Alternative B, is pursued and constructed, the onsite water tank and Timber Ridge pump upgrades would not be required, or necessary.

CCRC Operation:

As proposed, and similar to the original approved project, the modified project as proposed would be an age-restricted Continuing Care Retirement Community (CCRC) campus that would allow for individually owned residential parcels and condominiums and would be an Equity Model CCRC and would be limited to a maximum population of 415 age-restricted residents within 345 residential units. The Department of Social Services and the Department of Real Estate allow for the operation of an Equity Model CCRC, where there is no entry fee. The Model allows consumers to purchase a home and pay monthly fees. If long-term care is ever needed, in-home care is provided, when possible. Otherwise, the resident is moved to assisted living or memory care provided on-site. Residents pay only for services they need personally, as opposed to a sizeable entry-fee required.

Homeowners will receive, as part of their service package, a continuing care contract giving them priority access to care at the community's assisted living and memory care facilities. The applicant would apply for a Certificate of Authority to offer continuing care contracts from the California Department of Social Services, pursuant to California Health and Safety Code, Section 1770 et seq. As proposed, each member of the community would receive a continuing care contract in conjunction with the purchase of a single-family residence or condominium. Homeowners' purchase of a residence includes a membership in the Rincon del Rio Home Owners Association.

The applicant would also impose a declaration of covenants, conditions, and restrictions ("CC&Rs") prior to the issuance of a certificate of occupancy for the first residence, and with respect to occupancy, the CC&Rs would provide for the following:

1. Formation of a homeowners association which shall be responsible for enforcing all property use restrictions and maintenance obligations;
2. Age and occupancy restrictions that are feasible under all Federal and California laws and regulations, subject to approval by the California Department of Real Estate;
3. The homeowners association shall provide the County with a copy of each verification of occupancy report prepared pursuant to 24 CFR § 100.307.

Proposed Phasing Plan:

The modified project is proposed as a phased development to be constructed in ten (10) phases, however, phases may be combined and/or modified based on site demands and market conditions. Phase 1 of the proposed modified project would include core infrastructure improvements (water, sewer, roads, sewer lift stations and the water tank), primary and emergency access roads, ingress/egress control elements (Gatehouse and Emergency Access Road control gate) primary access road improvements, fourteen residential (14) Cottage Units and four (4) 5-Plex Condominiums (20 units). The project will initiate construction of Phase 2 upon the verification that Phase 1 of the project is occupied at a minimum of 70%. Phase 2 will include construction of twenty-four (24) residential Bungalow Units. A temporary gravel construction roadway to allow large trucks and construction equipment traffic to utilize this roadway primarily during grading operations to minimize the impacts to project residents of construction traffic and sediment tracking onto Phase 1 roadways shall also be constructed. Phases 3 through 10 would continue build-out of the project to the outer areas and construction of the Village Service Center including residential Cottages, Bungalows and the Group House Memory / Assisted Living Facility proposed in Phase 7 in order to allow for base campus population to be established.

The proposed phasing plan is detailed below on Table 3 and graphically in Attachment 2 and Figure 6 below.

**Table 3
 PROJECT PHASING**

Project Phasing and Unit Count ⁽¹⁾	
PHASE 1: - Emergency Access Road Connection - Primary Access Road Improvements - Gatehouse - Sewer Lift Stations, Water Tank & Other Utility Connections - 14 Cottage Units - 4 5-Plex Condominiums (20 Units) - Garden	PHASE 6: •21 Cottage Units
PHASE 2: - 24 Bungalow Units	PHASE 7: - Village Service Center - Group House Memory Care - Pool / Fitness Center
PHASE 3: - 4 Attached Condominiums (56 Units)	PHASE 8: - 3 Cottage Units

- (2) 5-Plex Condominiums (10 Units)	- (6) 5-Plex Condominiums (30 Units)
PHASE 4: - (5) 5-Plex Condominiums (25 Units)	PHASE 9: - 9 Cottage Units - Pickle Ball / Tennis Court - Row Gardens / Farm - Auto / Tractor Repair Barn
PHASE 5: - 11 Cottage Units - (7) 5-Plex Condominiums (35 Units)	PHASE 10: - 20 Cottage Units - (5) 5-Plex Condominiums (25 Units)

(1): The proposed Phasing Plan is necessary flexible to accommodate changing on-site demands and market trends. The Planning Director may approve minor variations to the overall project phasing however all required infrastructure elements shall be installed prior to any occupancy occurs and a 70% occupancy rate within each phase shall be reached prior to the initiation of the next phase.

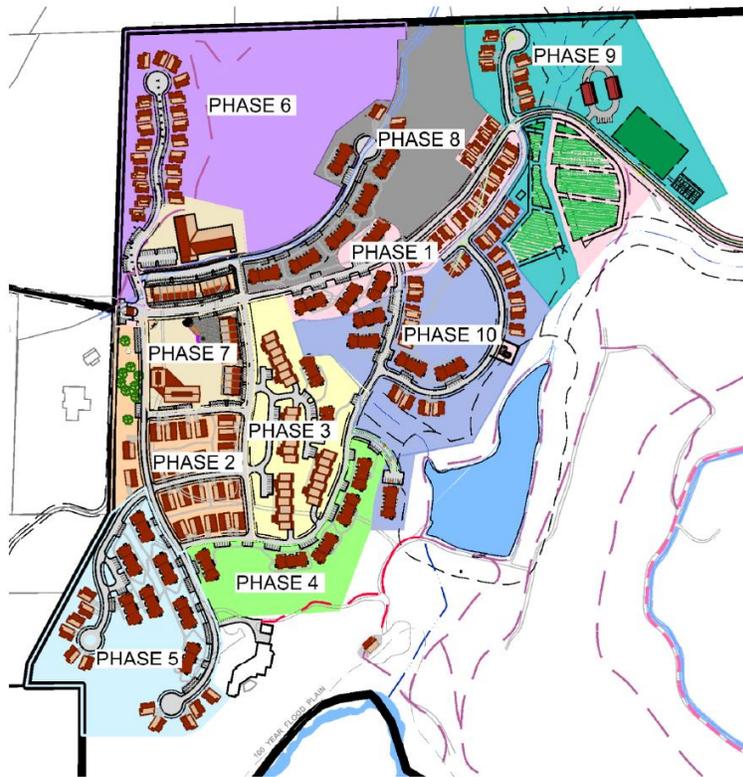


Figure 6 – Phasing Plan

Development Agreement:

The proposed modified project would include an Amendment No. 2 to the approved Development Agreement between the applicant and the County that would amend the existing Development Agreement which established a 25-year timeline for the life of the Development Agreement. The revised Development Agreement would address the following major topic areas:

- Amend the term of the agreement such that the established 25-year timeline for the life of the Development Agreement shall become effective upon the execution of Amendment No. 2 and it's enacting Ordinance.
- Project Phasing and Occupancy Thresholds-requires at least a 70% occupancy of a phase before the next phase can begin construction;
- Population Caps-establishes a maximum population of 415 residents;
- Payment and timing of wastewater treatment and capacity fees; and,
- That in all other respects, the Development Agreement and all terms and conditions shall remain in full force and effect

In addition to the primary topical subject addressed above, the revised Development Agreement would also establish provisions and agreements on the following procedural matters:

- The effect of changes to applicable laws and regulations;
- An annual review of the Development Agreement;
- An amendment process for the Development Agreement;
- Remedies in the event of default of the Development Agreement; and,
- Transfer and assignment of rights and interests in the property.

STAFF COMMENT:

SITE PLANNING / DESIGN:

Aesthetics/Building Design/Site Layout:

The site planning of the project would create a pedestrian-friendly, mixed-use and mixed-density project that seeks to protect large pieces of the physical environment by clustering uses, provides for a design that serve the needs of both able-bodied and movement-assisted residents, uses energy efficient and ecologically sensitive materials and design principles, and which incorporates physical design aspects providing for aesthetic interest and variety. Circulation and mobility options ranging from unimproved recreation trails to improved surface paths are proposed, transit services will be available to residents and the Village Center would be improved with hardscape features allowing opportunities for non-motorized circulation. All physical structures are proposed to be clustered in the northwest portion of the site similarly to the previously approved project to minimize site disturbance activities while creating a vibrant project core area that reduces or eliminates the need for residents to drive and provides for aesthetic interest and diversity.

As further analyzed in this staff report; the Addendum to the certified Environmental Impact Report; and the various pieces of information provided by the applicant in support of the project (Comprehensive Master Plan; Architectural Summary), the proposed modified Rincon Del Rio project has been designed and organized to provide a campus

setting for residents 55-years and older located in a rural setting offering a range of living options design to facilitate an “aging-in-place” option for residents. In addition to offering a range of residential-living opportunities, the project offers a host of on-site services to include minor commercial services, medical and personal care services, recreation and social programs, and lifestyle support services (maintenance services, security, on-site management, etc.).

As proposed, and as shown in the submitted Comprehensive Master Plan (Attachment 2) the modified project would allow for the construction of age restricted senior housing consisting of detached cottages, bungalow units on individually owned parcels and single-ownership condominium units to allow for fee title to the unit and lot area. As proposed, these lots would be designed to provide a 20-foot front yard setback, a 5-foot side yard setback, and a 10-foot rear yard setback. The 20-foot front yard would allow for a 20-foot long driveway in the front of the garage door that would allow for tandem guest parking stall in front of each unit. The 5-foot side yard setback for each lot, would allow for the buildings within clusters to have a 10-foot separation between buildings while also maintaining the required 30-foot setback from property lines for residential structures and 50 feet for administrative, dining hall and related ancillary uses. While the lots and units would be privately owned, they would be governed by the Rincon del Rio Homeowners Association (HOA). Exterior building and front and side yard landscaping would be managed and maintained by the HOA. The project as modified, would provide a common site planning and design theme and high-quality maintenance and building presentation.

The design, layout and support elements of the project meet with the intent of the County’s various plans and programs addressing design related issues. The presentation of a mixed-use, mixed-density project incorporating circulation features which minimize the use of motor vehicles and encourage pedestrian activity; the use of cluster development principles to minimize site disturbances, the incorporation of building massing, design and placement principles as outlined in the Western Nevada County Design Guidelines; the proposed use of energy efficient lighting and plumbing features; and, the incorporation of differing colors, materials and design elements all conform to the County’s adopted design guidelines applicable to the project. A detailed description and analysis of the modified projects design aspects can be found on pages 28 – 30 of the March 25, 2021 Planning Commission Staff Report, presented as Attachment 5 to this Board of Supervisors Staff Report.

Management Plans:

As proposed, the modified project includes a revised Management Plan Component (MGT20-0001) of three Management Plans for proposed encroachment into identified sensitive resources including; *Steep Slopes, Landmark Oak Trees, Landmark Oak Groves, and Water Resources*, similar to that of the previously approved original project, as required by Nevada County Land Use and Development Code, Division 4.3 – Resource Standards of Article 4 – Comprehensive Site Development Standards.

The intent of the revised Management Plans for the proposed modified project are similar to the approved project and provide analysis regarding how the modified project intends to protect sensitive natural areas of the subject project site and mitigate encroachments into these resource areas as required by Nevada County Land Use and Development Code.

The Overall Site Plan for the project proposes to cluster development on the site which will result in the ability to minimize impacts to steep slope areas, designated farmland areas, a large majority of landmark oak groves and tributary and wetland areas on the site. Using on-site development clustering, implementing mitigation measures identified in the various project Management Plans, incorporation of an active on-site agriculture program, re-vegetation of project-disturbed areas and adherence to the content of the Project Management Plans will help to ensure that impacts to sensitive habitats and ecological areas are minimized.

Steep Slopes Management Plan

As required by Nevada County Land Use and Development Code, Section L-II 4.3.13 – Steep Slopes / High Erosion Potential, the updated Steep Slope Management Plan for the revised project proposes to limit development on steep slopes of the project site to the following two proposed uses only:

- Emergency access roadway; and,
- Existing soft surface trails (improved and/or unimproved).

Oak Woodland / Landmark Oak Grove Management Plan

As required by Nevada County Land Use and Development Code, Section L-II 4.3.15 – Trees, an updated Habitat Management Plan for encroachment into Oak Woodlands / Landmark Oak Groves has been prepared for the modified project. The Plan inventories the existing oak woodland and landmark oak groves on the site, address probable direct and in-direct impacts resulting from the construction of the project and establishes mitigation measures and monitoring requirements to address construction related impacts. The Plan as presented provides for preservation of all of the individual landmark oak trees (>36 inches dbh) on the site and establishes guidelines for smaller individuals and groves.

Water Resources/ Riparian Area Management Plan

Similar to the Management Plans described above, an updated Tributary, Wetland and Riparian Area Management Plan has been prepared for the modified project. The inventory included with the Management Plan identified various unnamed tributaries that cross the project site from the northern and eastern boundaries to the southern boundary (Bear River). The Plan indicates that there is no feasible way to avoid impacts to the existing tributaries due to the need for the emergency access roadway. As a result, some

direct and in-direct impacts will occur. Section 4.3.17 – Watercourses, Wetlands and Riparian Areas of the Nevada County LUDC allows for minor project impacts to stream tributary, wetland and riparian areas subject to the approval of a Habitat Management Plan.

A detailed description of the content of each of the three Management Plans described above, can be found on pages 30 – 33 of the March 25, 2021, Planning Commission Staff Report, presented as Attachment 5 to this Board of Supervisors Staff Report.

Water Service and Wastewater:

As proposed, the modified project would be required to provide a full-service municipal system which provides both domestic water service for the provision of potable water and water for emergency fire suppression, which meets the requirements of the Nevada Irrigation District (NID) for flow volume, water pressure and duration. The project as proposed would provide both required systems with one system being a public water system (potable water) and one being a private system (fire suppression). Furthermore, the proposed modified project will be served by the Nevada County Sanitation District #1 and the Lake of the Pines Wastewater Treatment Plant.

Domestic Water Service and Wastewater Options:

Water service would be provided by the Nevada Irrigation District, with the project site being serviced with potable water from the Lake of the Pines Water Treatment Plant, as outlined in the original approved project. As proposed, as shown on the submitted site plan (Attachment 2), two water service options (Alternative A & B) for the proposed modified project were considered and analyzed in both the Addendum to the certified Environmental Impact Report and in the Final Environmental Impact Report.

Alternative A:

As previously approved, and as analyzed in the certified Environmental Impact Report and in the Addendum to the Final Environmental Impact Report, the proposed modified project would be served by domestic water service through construction of a mainline extension of an existing 8-inch waterline of the existing off-site NID water service line from the northeast corner of the site at Rodeo Flat Road. The project will also be required to install new water pumps in the existing Timber Ridge tank/pump building to supply the project.

Proposed water lines within the project site are shown on the submitted preliminary Infrastructure Plan (Attachment 4); however final location and alignment of the water lines would be subject to NID review and approval as recommended by Condition of Approval H.1. Any off-site construction will be located within the existing Rodeo Flat Road Public Utility Easement (PUE) and all new on-site potable water service shall be located in Public Utility Easements recorded for this purpose. As evaluated as part of the original approved project and as further evaluated as part of the proposed modified

project NID has indicated, that adequate capacity exists to serve the project with potable water.

Furthermore, as previously approved as part of the original project the wastewater service collection system would consist of one on-site sewer lift station at the northeast corner of the site, as well as a potential intermediate lift station at the eastern edge of the proposed development area if it is determined that the additional pump capacity is needed. The project would extend an existing 6-inch force main from the project site to Rodeo Flat Road. From the high point near the intersection of Rodeo Flat and Timber Ridge, the line would then gravity flow down Timber Ridge Road and eventually terminate at an existing manhole located on Riata Way near the Lake of the Pines Sewer Treatment Facility. All off-site construction of the sewer main would be located within existing public utility easements (PUEs).

For wastewater services, as discussed above the project would be provided with wastewater service provided by the Nevada County Sanitation District #1 and the Lake of the Pines wastewater treatment plant. The Lake of the Pines wastewater treatment plant is a membrane bioreactor system (MBR) which involves a series of tanks, filters, and small-pore membranes. As required as part of the previously approved project and as further required by the proposed modified project, and as recommended by Condition of Approval C.4, the project will need to acquire future sewer capacity from the Nevada County Sanitation District No. 1, within the Lake of the Pines wastewater treatment plant, given that the plant is currently near capacity (considering both existing and already approved projects), with a calculated 68 EDU's available for new proposed projects, available on a first come first serve basis. As such, the project may pay for up to 68 EDU's in advance, based on availability of EDU's at the time of payment. As outlined in the Number 2 Amendment to the Development Agreement and as recommended by Condition of Approval C.4, under the current EDU charge and after the existing 68 EDU's are either paid for and/or use, any additional EDU's from the proposed modified project will require the construction / installation of an additional two cassette pairs for two basins at the wastewater treatment plant. Thus, the project shall be required to pay the Sanitation District the actual cost determined as a result of competitive bid (estimated at \$700,000) to be utilized for the purposes of expanding the capacity of the existing treatment plant's MBR one year prior to the issuance of any building permit for any structure approved after available EDU's (currently 68) are connected in order to allow time for the work to occur.

With the payment of fees necessary to cover costs associated with the upgrading of the Lake of the Pine waste treatment plant and installation of on-site collection and pumping infrastructure, treated wastewater services would be available to the project and the project will meet all requirements for waste treatment and collection.

Alternative B:

As previously approved, and as analyzed in the certified Environmental Impact Report and in the Addendum to the Final Environmental Impact Report, the proposed modified project could also be served by both domestic potable water and wastewater through the extension of 12-inch water supply pipeline and sewer force main south a distance of approximately 8,300 feet from the Lake of the Pines Wastewater Treatment Plant along Riata Way through public utility easements along private parcels along Hidden Ranch Road and Pleasant Court to the subject project site. Extension would require obtaining all necessary easements, right-of-way, permits, and permissions to install the infrastructure to facilitate capture and conveyance of water and sewage from the contributing structures to the Lake of the Pines Wastewater Treatment Facility. As analyzed in the Addendum to the Final Environmental Impact Report and as discussed above, Condition of Approval C.2 is recommended to require that if this water and wastewater alignment is selected by the applicant, the County will not be held responsible for its implementation in any way given that Alternative A, as outlined above and identified as the preferred alternative as part of the original approved project is feasible.

Additionally, if Alternative B is selected, as further recommended by Condition of Approval C.4, and as discussed in the Second Amendment to the Development Agreement, the applicant would be required to acquire future sewer capacity within the Lake of the Pines wastewater treatment plant.

Fire Suppression:

As proposed, the modified project would include the same Fire Suppression elements as the previously approved project including an approximately 300,000-gallon on-site water storage tank. A new 10 or 12-inch water mainline would be extended from the water storage tank to the developed area of the project site and new pumps would be required at the existing Timber Ridge tank/pump building. With the construction of the new on-site storage tank, installation of new pumps at the Timber Ridge storage tank site and construction of the on-site infrastructure, the project will meet all fire flow requirements of the County, State and Higgins Fire Protection District. If Alternative B, is pursued and constructed, the onsite water tank and Timber Ridge pump upgrades would not be required, or necessary.

Circulation & Traffic:

Public access to the project site would be along Rincon Way from Highway 49. The 2011 traffic impact analysis for the original approved project estimated 969 daily trips with 62 AM peak hour trips and 100 PM peak hour trips would be generated by the project. Typical trips to and from the project site would be expected to include, but not be limited to, employees of the site, including the acute care facilities and facilities maintenance, and mail and delivery services, medical appointments and shopping. Comparing the 2011 trips to the updated average trip rate data, the project as proposed is expected to generate 863 daily trips with 52 AM peak hour trips and 69 PM peak hour trips. Thus, this would be a net decline of 106 daily trips, 10 AM peak hour trips and 31 PM peak hour trips.

As compared with the certified EIR and as evaluated in the Addendum to the Final EIR, the proposed modified project would increase traffic on Rincon Way by an estimated 863 trips per day. The current estimated volume of traffic on Rincon Way is 370 trips per day, as disclosed by the EIR. The total traffic on Rincon Way after implementation of the proposed modified project would be approximately 1,233 Average Daily Trips (863 ADT + 370 ADT = 1,233 ADT). The increase in traffic of 863 trips per day would represent an increase of approximately 233 percent over existing conditions. However, pursuant to the Nevada County General Plan, Rincon Way is a privately owned and maintained Local Road and that it provides access for areas with traffic volumes between 101 ADT and 2,000 ADT. Based upon the adopted traffic volume thresholds of the County, implementation of the project as modified would not exceed the capacity of Rincon Way.

As noted in the proposed modified Project Description and as discussed in the FEIR (Page 4.0-20) the project would improve Rincon Way to meet the Nevada County Local Class II roadway standards, which is an increase from Local Class I roadway standards from the original approved project, which allows for traffic volumes between 101 ADT and 400 ADT. As required, the project would provide two 10-foot vehicle travel lanes with 4-foot wide shoulders within the existing 30-foot wide public roadway and utility easement. As shown on the submitted Overall Circulation Plan (Attachment 4), minor portions of the existing roadway alignment that lie outside the existing 30-foot easement would be realigned to fall within the existing easement. These improvements would ensure that the roadway could accommodate up to 2,000 ADT as required by the Nevada County General Plan and Land Use and Development Code Section, L-XVII 3.4 – Design Geometrics. Therefore, implementation of the modified proposed project would not exceed the capacity of Rincon Way.

Furthermore, Condition of Approval B.1.D the applicant would be required to establish a Road Maintenance Agreement or PRD between the applicant and the County for the maintenance of Rincon Way between the subject project site and Highway 49 during construction and ongoing operation of the modified CCRC.

Thus, while a change in the traffic flow would be noticeable to the surrounding properties in terms of cars per day, the roadway conditions would be improved to accommodate the increased volumes and total traffic, thus ensuring that the design expectations of the roadways would be consistent the requirements of the Nevada County Land Use and Development Code.

Emergency Access / Petition for Roadway Exception:

The certified EIR established that consistent with the Nevada County General Plan and Emergency Operations Plan, primary emergency access to the project site would be provided from Highway 49, accessed by Rincon Way. As noted in the certified EIR and as evaluated in the EIR Addendum the original approved project includes a Petition for Exception for Rincon Way as the existing 30-foot wide easement and road width does not

meet the County's 50-foot easement standard and that the exception would not affect the ability of emergency vehicles to access the project site in the event of an emergency. In addition, the certified EIR established that the original approved project would include a secondary emergency access road that would be connected to Rodeo Flat Road, located at the northeast corner of the project site. The approved project would also extend a fire standard access road to Rodeo Flat Road, thus connecting Rodeo Flat Road with Rincon Way. As proposed, the modified project would include these same facilities as shown on the submitted overall circulation plan (Attachment 4), including a Petition for Exception for Rincon Way for the minimum roadway width of 50 feet to allow the construction of a Local Class II Roadway with two 10-foot travel lanes with 4-foot shoulders within the existing 30-foot road and public utility easement, which would also include the required vegetation management with the Rincon Way Right of Way. Furthermore, as modified, the project would also include the construction of secondary emergency access road that would be constructed to Fire Standard Access Road standards, with the exceptions provided in the Petition for Exceptions for grade.

Nevada County Land Use and Development Code Chapter XVI (Fire Safety Regulations) and Chapter XVII (Road Standards) include standards for roads and private driveways to facilitate emergency access for evacuation and service response to structural and wildland fires. The on-site fire standard access road would be constructed consistent with County standards. However, the proposed modified project, similar to the previous approved project includes a Petition for Exception to the 16 percent grade requirement because approximately 97.7 feet of Rodeo Flat Road has been surveyed at a 16.3 percent grade. Given that the roadway standard would be exceeded by less than half of a percentage point and that the portion of roadway exceeding the standard is relatively short in length (less than 100 feet), the use of Rodeo Flat Road as a secondary emergency access would be considered adequate to serve the proposed modified project. Furthermore, both the Nevada County Office of the Fire Marshal and the Higgins Fire Protection District have reviewed the proposed modified project and does not oppose the proposed emergency vehicle access/requested exception because the roadway grade is an existing condition, the length of roadway exceeding the standard is limited, and the project design includes a number of fire safe features, including site design, the use of sprinklers and alarms, on-site water storage, and hydrants (Cal Fire, Higgins Fire, 2019).

Furthermore, it should be noted that the project as modified would require that the gate installed on the emergency access road at Rodeo Flat Road would be locked and will be controlled by Cal Fire and the Higgins Fire Protection District (Condition of Approval A.35). The gate would be installed as soon as the emergency access road was constructed and would be constructed of heavy gauge steel. It would be accessible only by emergency and maintenance personnel through a redundant electronic power system and would contain a battery backup. It would be positioned so as to be visible from Rodeo Flat Road and would also be subject to Mitigation Measure MM 3.14.5 that would require the installation of visually prominent signage indicating that it is to be used for emergency vehicle access only. Thus, Mitigation Measure MM 3.14.5 would be obligatory for the

proposed modified project. Thus, for these reasons, the proposed modifications would not result in greater impacts than those identified in the relevant sections of the certified EIR and would be mitigated to the maximum extent practicable by the incorporation of all relevant sections of the certified EIR and as evaluated in the Addendum. Because the proposed modified project, as with the approved project would provide two options for emergency access and would generally improve emergency access to the project site as well as the surrounding neighborhood, the proposed modifications to the project would not result in a change of the finding in the certified EIR of less than significant impact. Furthermore, with the implementation of Mitigation Measure MM 3.14.5 these impacts would be less than significant, as concluded by the EIR, relative to impacts associated with emergency access.

CCRC Operation:

As proposed, the modified project would be an age-restricted Continuing Care Retirement Community campus similar to the original approved project that would allow for individually owned residential parcels and condominiums and would operate as an Equity Model CCRC, limited to a maximum population of 415 residents within 345 residential units. The Department of Social Services and the Department of Real Estate allow for the operation of an Equity Model CCRC, where there is no entry fee. Residents pay only for services they need personally, as opposed to a sizeable entry-fee. As proposed, each member of the community would receive a continuing care contract in conjunction with the purchase of a single-family residence or condominium. Homeowners' purchase of a residence includes a membership in the Rincon del Rio Home Owners Association which would govern the operation of the CCRC.

Also as proposed, the modified project (similar to the original approved project), would further be required to limit the population to 415 age-restricted residents within 345 residential units, through the implementation of five tools including: 1.) Conditions Covenants and Restrictions (CC&Rs), 2.) Membership Services Agreement, 3.) Department of Real Estate Regulations regarding reasonable burden on common areas, 4.) Occupancy Verification Annual Report and 5.) Limitation of twenty-four (24) Condominium Units to be retained as rental units. Using these tools, the applicant will be able to limit the maximum population to 415 age-restricted residents, as required by the proposed modified project and Condition of Approval A.9, A.18 and A.19.

Regarding the CC&Rs, the applicant would be required to impose a declaration of covenants, conditions, and restrictions prior to the issuance of a certificate of occupancy for the first residence, which would provide for the following as recommended by Condition of Approval (A.9):

1. Formation of a homeowners association which shall be responsible for enforcing all property use restrictions and maintenance obligations;

2. Age and occupancy restrictions that are feasible under all Federal and California laws and regulations, subject to approval by the California Department of Real Estate;

In addition, as proposed, the CC&Rs would also be required to recognize the population limitation along with complying with the requirements of the Settlement Agreement which was reached and finalized on November 21, 2013. Furthermore, as required by the Department of Real Estate, the CC&Rs would be required to comply with the Department of Real Estate Regulations addressing reasonable use of common areas which limits the opening of project phases if the common ownership areas / amenities would be overburdened. In addition, as proposed by the applicant and further required, recommended Condition of Approval A.38 would require the retention of twenty-four (24) condominium units as rental units that would not be subject to the commencement of homeowner's association regular assessments until such time as the homeowners association is able to demonstrate to the County that the individual sale of the units will not result in the proposed project population exceeding 415 residents.

Regarding the Membership Services Agreement, each homeowner would agree in writing to comply with its requirements as required, through the purchase of their home and membership within the Rincon del Rio community. The Membership Services Agreement would limit the actual occupancy of the Cottage, Bungalow or Condominium and further outlines the limitations regarding roommates and length of stay for visitors and further restricts residency to age-qualified members entering into the agreement for services and long-term care as part of the Equity Model CCRC.

To further limit population of the proposed project, the Development Agreement locks in this restriction and requires an annual report to the Nevada County Planning Department by January 31st of each year, certifying the number of residents living at the facility to ensure that the project is operating as it was analyzed and conditioned to not overburden infrastructure and the environmental setting.

Development Agreement:

As proposed the project also includes a second amendment to the Development Agreement between the applicant and the County to ensure that various operational aspects of the project are clearly understood by all parties and that key elements and features of the project (phasing, infrastructure, fees, approval timelines, etc.) are clearly outlined for all parties involved in the project. As approved by the Nevada County Board of Supervisors, the intent of the Agreement is to protect the County, service providers and County residents, to the extent possible, from un-desired and un-intended consequences associated with the development of the project that may not be otherwise addressed as part of the environmental analysis or project consideration process. The Agreement also provides a necessary degree of assurance to the project applicant that they may be able to undertake the completion of the project as otherwise contemplated and presented without undue interference or complications resulting from uncertainty about project components

or a risk of having entitlements revoked or regulations modified during the course of the project's completion.

In addition to the legal issues involving terms of the Development Agreement, amendments to the Agreement, implementation and structure of the Agreement the document provides additional assurances for a number of issues associated with project including phasing, population cap, the restriction preventing conversion of the project to non-senior apartments or condominiums, fire service fee payment and sewer capacity assurance.

- Term: Amend the term of the agreement such that the established 25-year timeline for the life of the Development Agreement shall become effective upon the execution of Amendment No. 2 and its enacting Ordinance.
- Project Phasing and Occupancy Thresholds: The Development Agreement requires at least a 70% occupancy of a phase before the next phase can begin construction. This will help ensure that the project is constructed overtime only to a level that is can support itself and be successful. It will also allow some housing product to be on the ground for sales purposes and to provide immediate housing opportunities for new residents to the facility. The requirement will help protect against over developing the site and creating a pressure to convert the facility to market rate apartments or condominiums if there is not a demand for senior "age in place" housing. The Conditions of approval also address this issue and require the phasing to occur as outlined.
- Population Cap: The analysis of the project including environmental impacts, infrastructure capacity and policy consistency was based on a maximum occupancy of 415 residents on the site. The amendments to the Development Agreement further locks in this restriction and requires that the development shall include in the CC&R's for the project that 24 Condominium Units shall be retained by the applicant until such time as the homeowners association is able to demonstrate to the County that the individual sale of the units would not result in the Project total population exceeding 415 residents.
- Wastewater treatment capacity fees: Since the Lake of the Pines Wastewater Treatment plant is currently at capacity (considering both existing and already approved projects), the amendments to Development Agreement requires that the Project/Developer pay the County actual cost determined as a result of competitive bid (estimated at an amount of \$700,000 to be utilized for the purposes of expanding the capacity of the existing treatment plant and shall concurrently provide a Service Commitment Agreement. This payment must be made pursuant to the following terms and/or schedule:

- One year prior to the issuance of any Building Permits for any structure approved after available EDU's (currently 68) are connected in order to allow time for the work to occur; and,
- Should the EDU Charge for the Lake of the Pines WWTP be revised to include the cost of additional cassettes in the MBR, the separate cost for the construction / installation of an additional two cassette pairs described above would not be required.

GENERAL PLAN AND ZONING CONSISTENCY:

The proposed modified Rincon del Rio project is consistent with the with the intent of the property's underlying Planned Development (PD) with Continuing Care Retirement Community (CCRC) Zoning and General Plan Land Use designations which allows Continuing Care Retirement Communities.

As proposed, the modified project would allow for the development of a Continuing Care Retirement Community on the project site, while allow for flexibility in design, including the clustering of uses to minimize adverse effects to the natural resources on the site. Pursuant to the requirements of Nevada County Land Use and Development Code, Section L-II 2.6.B.3, the subject project site is zoned PD (Planned Development Base District) and CCRC (Continuing Care Retirement Community), which implements General Plan Land Use Policy 1.2.4.t, that provides for development where mixed uses are desirable. The District provides for the comprehensive planning of a site in advance of any development, taking into consideration clustering of intensive land uses and maximizing conservation of open space in a manner sensitive to site capabilities and constraints. The intent of this District is to encourage innovative and creative design in the provision of a variety of mixed uses through a Comprehensive Master Plan, which allow for flexibility in site design including front yard, side yard and rear yard building setbacks and minimum parcel size. This district is consistent with all General Plan designations provided the proposed land uses are consistent with those designations within which the project is located.

PLANNING COMMISSION ACTION:

The Planning Commission considered the proposed modified project and the Addendum to the Certified Final Rincon del Rio Environmental Impact Report at their regular public hearing on March 25, 2021. After taking public testimony and deliberating on the project, the Planning Commission, in considering the entire record before them, recommended that the Board of Supervisors: 1) approve the Addendum to the Certified Final Rincon del Rio Environmental Impact Report (EIS19-0010, SCH# 2011052030) to the Certified Final Rincon del Rio Environmental Impact Report (EIR10-001, SCH# 2011052030), pursuant to Section 15164 of the California Environmental Quality Act Guidelines; 2) Approve the Petition for Exceptions (PFX19-0003), Management Plan (MGT20-0001), Tentative Final Map (TFM19-0008), Use Permit (CUP19-0010) and 3) approve the

Second Amendment to the Development Agreement (MIS20-0001) between the property owner and the County. All three recommendations were on a 5-0 affirmative vote.

ENVIRONMENTAL REVIEW (EIS19-0010):

An agency may prepare an Addendum to a prior EIR pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15164 that states, in pertinent part, that “The lead agency [...] shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred.” Section 15162 states that a subsequent EIR would be required if any of the following conditions exist:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) The availability of 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 previous EIR was certified as complete or the negative declaration was adopted, shows that the project will have one or more significant effects not discussed in the previous EIR, significant effects previously examined will be substantially more severe than shown in the previous EIR, or mitigation measures or alternatives that were previously found not to be feasible or that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measure or alternative.

If any of the triggers set forth above occurs, the County would be required to prepare a Subsequent EIR, unless “only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation” in which case a “Supplement to an EIR” would suffice (see CEQA Guidelines Section 15163. If there are no grounds for either a Subsequent EIR or a Supplemental to an EIR, then the County would be required to prepare only an Addendum pursuant to CEQA Guidelines Section 15164, explaining why “some changes or additions” to the 2013 Final EIR “are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent EIR have occurred.”

The County, as lead agency, prepared an Addendum pursuant to CEQA Guidelines Section 15164 (Attachment 2) to evaluate the environmental resource categories within Appendix G – Environmental Checklist Form, that may result in environmental impact significance conclusions different from those found in the previously certified EIR. Appendix G is a convenient vehicle for disclosing the County’s evidence and reasoning for determining the project’s consistency with the previously certified Final EIR. Through the preparation of the Addendum, staff concluded that no new significant impacts would occur as a result of the proposed modified project, nor would there be any substantial increases in the severity of any previously-identified adverse environmental impacts. In addition, no new information of substantial importance shows that mitigation measures or alternatives that were previously found not to be feasible or that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment alternative. Therefore, none of the conditions described in Section 15162 of the CEQA Guidelines has occurred and that the proposed modified project meets the criteria in Public Resources Code Section 21166 and the CEQA Guidelines Section 15162 through 15164.

SUMMARY:

The proposed modified Rincon del Rio CCRC project represents a similar type of age-restricted senior housing project as the designed to serve adults 55 years of age and older as the original approved project that would offer a similar self-contained Village environment that includes a similar variety of amenities and services as previously analyzed in the certified Rincon del Rio EIR. As proposed, the modified project would maintain the same Campus design use and service amenities and would allow for relocation of some of the uses as previously approved and allow for individual fee title ownership of the residential attached and detached units. The modified project proposes to combine active living residences with extended care service into a single project incorporating on-site amenities for both. In addition to housing, the modified Rincon del Rio CCRC project would provide services that include physical rehabilitation, food service, social and recreational activities, and cleaning and home maintenance services. Seniors who are independent may live in a single-family Cottage or Bungalow home, attached Condominium Unit, or and attached Village Loft Condominium Unit within a campus setting where the residents can rely on security and services designed to allow one to “age in place” and receive lifelong care.

The benefits of the type of living options available to residents through a CCRC are very high and a more rural location adds value to retirement living. While all of these modifications are analyzed in the Addendum and the certified Final EIR and accompanying studies, the policy question remains whether this type of development is appropriate in the rural areas of the County. Staff believes that the policies and zoning ordinance standards created to address CCRCs within the County along with the proposed modified project are well designed to allow “aging in place facilities” in rural areas while maintaining the integrity of the existing General Plan’s themes, policies and intentions. The proposed modified Rincon del Rio project meets both the intent of the

Nevada County General Plan, Housing Element of the General Plan and the Nevada County Land Use and Development Code. Therefore, based on the project's consistency with the Nevada County General Plan and Zoning Ordinance, Staff recommends the Nevada County Board of Supervisors take the project actions described below and as further recommended by the Nevada County Planning Commission.

RECOMMENDATION: The Planning Commission has recommended that the Board of Supervisors take the following actions:

- II. **Environmental Action:** After reviewing and considering the proposed Addendum to the Certified Final Rincon del Rio Environmental Impact Report (EIS19-0010, SCH# 2011052030), and Mitigation and Monitoring and Reporting Program adopt the attached Resolution approving the Addendum to the Certified Final Rincon del Rio Environmental Impact Report (EIS19-0010, SCH# 2011052030) to the Certified Final Rincon del Rio Environmental Impact Report (EIR10-001, SCH#2011052030) pursuant to Section 15164 of the California Environmental Quality Act Guidelines and making the findings contained within the attached Resolution (Attachment 1)

- II. **Project Action:** Adopt the attached Resolution approving the Petition for Exceptions (PFX19-0003) pursuant to Nevada County Land Use and Development Code Sections L-IV 2.4 and 2.6 and L-XVII 3.12 and California Government Code Section 66474, and Management Plan (MGT20-0001) pursuant to Nevada County Land Use and Development Code Section 4.3.3, and Tentative Final Map (TFM19-0008) pursuant to Nevada County Land Use and Development Code Section L-IV 2.4 and California Government Code Section 66474, and Use Permit (CUP19-0010) to establish a Comprehensive Master Plan for the project site pursuant to Nevada County Land Use and Development Code Sections L-II 5.6.G and 5.5.2.C, subject to the Mitigation Measures and Conditions of Approval making the findings contained within the attached Resolution (Attachment 2)

- III. **Project Action:** Introduce, waive further reading and adopt the attached Ordinance approving the Second Amendment to the Development Agreement (MIS20-0001) between the County of Nevada and Young Enterprises, L.P., making findings A through E contained within the attached Ordinance, pursuant to Nevada County Land Use and Development Code Section L-II 5.18.E (Attachment 3)

Item Initiated by: Matt Kelley, Senior Planner

Approved by: Brian Foss, Planning Director