

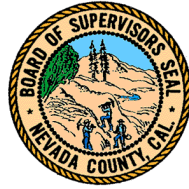
# COUNTY OF NEVADA

## STATE OF CALIFORNIA

Supervisor Heidi Hall, District I  
Supervisor Ed Scofield, District II  
Chair Dan Miller, District III  
Vice Chair Susan Hoek, District IV  
Supervisor Hardy Bullock, District V

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Julie Patterson Hunter, Clerk of the Board  
Alison Lehman, County Executive Officer  
Katharine L. Elliott, County Counsel



## BOARD OF SUPERVISORS

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## SUMMARY MINUTES

| <u>Date</u>           | <u>Time</u> | <u>Location</u>   |
|-----------------------|-------------|---|
| Tuesday, May 11, 2021 | 9:00 AM     | Morning Session:<br>Nevada County Fairgrounds<br>Afternoon Session:<br>Board Chambers,<br>Eric Rood Administrative Center |

### REGULAR MEETING: MORNING SESSION 9:00 AM (Nevada County Fairgrounds)

Rollcall

The following Supervisors present:

Heidi Hall, 1st District  
Ed Scofield, 2nd District  
Dan Miller, 3rd District  
Sue Hoek, 4th District  
Hardy Bullock, 5th District

### STANDING ORDERS:

Chair Miller called the meeting to order at 9:00 a.m.

Pledge of Allegiance was held.

No corrections and/or deletions to agenda were noted.

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1. [SR 21-0341](#) Nevada County Fair Recognition.  
**Recognized.**

ACTION TAKEN: Chair Miller and the Board members recognized and thanked the Nevada County Fairgrounds for its contributions to the County. Patrick Eidman, Chief Executive Officer, and Wendy Oaks, Deputy Manager, thanked the Board for the recognition and partnership with the County.

The Board presented CEO Eidman with a Nevada County Challenge Coin, as a token of Nevada County's recognition and appreciation of the Fairgrounds.

Chair Miller provided an opportunity for members of the public to share memories of the Fairgrounds.

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**PUBLIC COMMENT:**

[SR 21-0337](#) Chair Miller introduced public comment and the following members of the public spoke: Ken Paige, District II; Danny Midham(?); Weldon Travis, District IV; Lorraine Webb, District I; Kathy Fish(?), District IV; Maryann Coleman, District 1; Lydia Watson, District II; Reinetta Senum, District I; Denny Dax, District I; Brenda English, District III; Carrie Taylor, County resident; Jenna Vaughn, County resident; David Porrier(?), County resident; Holly Beardsley, District I; Shandpra Roloff(?), County resident; Robin Buckman, District III; Joy Brann, District I; Chris Hamilton, District III; Sarah Lindblom, District I; Sophia Tracey(?), County resident; Denise Billberg, District III; Lena Montagna, District III; Eric Christen, District IV; Matt Trillia(?), District V; Erin Regan, District V; William Robinson, District II; Susan Frisbie, District I; Cottie Branaghan(?), District I; Gary Uhler, District III; Yaro Linlove(?), County resident; County resident; County resident; County resident; Penelope Sullivan, District III; Bethany Eisinger, District V; and Sarah Hooley, District II.

Chair Miller closed public comment.

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**CONSENT CALENDAR:**

Public Health Director: Jill Blake

2. [SR 21-0158](#) Resolution approving Amendment A02 to Agreement 19-10166 between the County of Nevada and the California Department of Public Health for funding the County's Women, Infants, and Children (WIC) Supplemental Nutrition Program (Res. 19-517), increasing the maximum amount from \$2,030,525 to \$2,065,035, for the period October 1, 2019 through September 30, 2022, authorizing the Chair of the Board of Supervisors to execute the Amendment, and directing the Auditor-Controller to amend the Fiscal Year 2020/21 Public Health Department budget. (4/5 affirmative vote required)

**Adopted.**

Enactment No: RES 21-143

Director of Social Services: Rachel Roos

3. [SR 21-0218](#) Resolution proclaiming May 2021 as Older Americans Month in Nevada County.

**Adopted.**

Enactment No: RES 21-144

Sheriff-Coroner/Public Administrator: Shannan Moon

4. [SR 21-0315](#) Resolution approving the Boating Safety and Enforcement Financial Aid Program Agreement between the County of Nevada and the California Department of Parks and Recreation, Division of Boating and Waterways, for reimbursement of boating safety enforcement costs, in the amount of \$96,674, for the period July 1m 2021 through June 30, 2022, and authorizing the Chair of the Board of Supervisors to execute the Agreement.

**Adopted.**

Enactment No: RES 21-145

Clerk-Recorder/Registrar of Voters: Gregory Diaz

5. [SR 21-0306](#) Resolution authorizing and directing the Nevada County Clerk-Recorder/Registrar of Voters to conduct the August 31, 2021 special election called by the Truckee Fire Protection District, regarding voter approval of a special fire tax. (Dist. V)

**Adopted.**

Enactment No: RES 21-146

Director of Public Works: Trisha Tillotson

6. [SR 21-0308](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Bennett Engineering Services, Inc., for on-call engineering design services for various projects (Res. 21-101), to include previously omitted indemnification language, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

**Adopted.**

Enactment No: RES 21-147

7. [SR 21-0309](#) Resolution approving Agreement 6982AF-21-K-500018 between the County of Nevada and the Federal Highway Administration, Central Federal Lands Highway Division, pertaining to utility conflicts on the Donner Pass Road Project, with costs in the anticipated amount of \$491,970.62 paid by AT&T, Lumen, ATT-California, and Zayo to relocate their facilities, authorizing the Chair of the Board of Supervisors to execute the Agreement, and directing the Auditor-Controller to execute a budget amendment. (4/5 affirmative vote required) (Dist. V)

**Adopted.**

Enactment No: RES 21-148

Chief Information Officer: Stephen Monaghan

8. [SR 21-0301](#) Resolution appointing Brandley Engineering, Inc. as the Nevada County Airport Engineer and Consultant through February 25, 2025 (Res. 20-050), approving a contract between Brandley Engineering Inc. to provide Airport Engineering, Environmental and Planning Services, in the maximum contract amount of \$300,000, for the period April 1, 2021 through February 25, 2025, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2020/21 Airport budget. (4/5 affirmative vote required) (Airport)

**Adopted.**

Enactment No: RES 21-149

*Approval of the Consent Agenda*

**Adopted.**

**MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Hoek, to approve the consent calendar. On a roll call vote the motion passed unanimously.**

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ACTION TAKEN: Chair Miller recessed as the Board of Supervisors and convened as the Board of Directors of the Nevada County Sanitation District No. 1.

**Regular meeting of the Board of Directors of the Nevada County Sanitation District No. 1.**

ACTION TAKEN: Chair Miller called the meeting to order.

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**Consent Calendar:**

Director of Public Works: Trisha Tillotson

**9a.** [SR 21-0310](#) Resolution approving Amendment 1 to the contract between the Nevada County Sanitation District No. 1 (District) and HF&H Consultants, LLC pertaining to the Wastewater Fee Study for all District Zones (Res. SD20-001), extending the contract termination date to June 30, 2021, and authorizing the Chair of the Board of Directors to execute the Amendment.

**Adopted.**

Enactment No: SD21-002

Clerk of the Board: Julie Patterson Hunter

**9b.** [SR 21-0333](#) Acceptance of the Nevada County Sanitation District No. 1 Summary Minutes for February 23, 2021.

**Accepted.**

*Approval of the Consent Agenda*

**Adopted.**

**MOTION: Motion made by Director Bullock, and seconded by Director Hall, to adopt the consent calendar. On a roll call vote the motion passed unanimously.**

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**Public comment:**

**No public comment received.**

ACTION TAKEN: No public comment was made.

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**Adjournment:**

Chair Miller adjourned the meeting of the Nevada County Sanitation District No. 1 Board of Directors and reconvened as the Nevada County Board of Supervisors.

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**\*DEPARTMENT HEAD MATTER:****County Executive Officer: Alison Lehman**

10. [SR 21-0316](#) Resolution approving a Loan Agreement between the County of Nevada and the Oak Tree Park and Recreation District for an essential park and recreation capital improvement project, for the period from May 11, 2021 through June 30, 2022, and authorizing the County Executive Officer to enter into and execute this and additional similar Loan Agreements with Bear River Park and Recreation District and Western Gateway Park and Recreation District, with allocated amounts not to exceed \$177,952 for each District.

**Adopted.**

Enactment No: RES 21-150

ACTION TAKEN: Joshua White, Administrative Analyst, reviewed the staff report regarding the proposed loan agreement between the County of Nevada and the Oak Tree Park and Recreation District. The funding for this loan agreement is made available under the Proposition 68 Per Capita Grant Program, which provides non-competitive grant funding to support the rehabilitation, creation and improvement of local parks and to address deficiencies in neighborhoods lacking access to outdoor recreation facilities. Due to a limited resources some of the Recreation Districts will need some assistance with cash flow to fund project costs while waiting for reimbursement from the State. The Oak Tree Park and Recreation District has requested a loan in the amount of \$91,000 to support their Playground Equipment Project. Similar requests are expected from Bear River Parks and Recreation District and Western Gateway Park and Recreation District who also have limited cash flow.

To make each district's project successful and meet their cash flow needs, the County will consider entering into a Loan Agreement with the following conditions: Each district will submit a letter of request to the Nevada County Executive Office for an advance stating amount of funds needed, identifying a project manager, and outlining their proposed project; The Loan Agreement will be executed only upon proof of a fully executed State Per Capita grant contract and completed application for advance funding from the State; If approved, the loan will be required to be repaid out of the district's Per Capita grant revenue on or before the closing of the project and receipt of final grant funds from the State; The district will pay interest on the balance until the loan is paid in full.

Support for the improvement of recreation open space infrastructure within Nevada County was discussed in the January 2021 Board Workshop as a key strategy related to the Board of Supervisors Economic Development Objective for 2021.

Michael Travers, Chair of the Board, Oak Tree Park and Recreation District, reviewed their project, and spoke in support of the Loan Agreement.

Board discussion and questioning ensued.

Written testimony provided by Jake Jacobson, Recreation Ad Hoc Subcommittee member, was read into the record.

**MOTION: Motion made by Supervisor Hoek, seconded by Supervisor Scofield, to adopt Resolution 21-150. On a roll call vote the motion passed unanimously.**

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**\*ANNOUNCEMENTS:**

*Not held.*

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**Recess for lunch:**

Chair Miller recessed the meeting for lunch, and reported that the Board would reconvene the afternoon session at 1:30 p.m. in the Board of Supervisors Chambers.

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**AFTERNOON SESSION: 1:30 P.M. (Board Chambers)**

**Planning Director: Brian Foss**

11. [SR 21-0313](#) Public hearing to consider the Nevada County Planning Commission's March 25, 2021, 5-0 vote, recommending that the Nevada County Board of Supervisors approve a combined application for a Use Permit (CUP19-0010) to amend the Comprehensive Master Plan and revise the Tentative Final Map Subdivision Map (TFM19-0008), which was approved to facilitate the development of the subject parcels as a 345 Unit, Continuing Care Retirement Community know as Rincon del Rio, originally 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).

Following the lunch recess, Chair Miller called the meeting back into order and introduced the public hearing.

Brian Foss, Planning Director, introduced Matt Kelley, Senior Planner. Senior Planner Kelley reviewed the staff report and provided a PowerPoint presentation regarding the proposed Continuing Care Retirement Community (CCRC), which is approximately 215 acres in size and located in unincorporated Southern Nevada county at the terminus of Rincon Way, 1/2 mile east of Highway 49, and south of the Lake of the Pines community. Noting that the Project was first approved in April 2013, Senior Planner Kelley reviewed the original Project, and reported on the lawsuit filed after certification of the Environmental Impact Report (EIR) and subsequent Settlement Agreement between the County, Project Proponents, and Plaintiffs.

The modified Project proposes a Use Permit to amend the Comprehensive Master Plan, a revision to the Tentative Subdivision Map, and development of a CCRC, with a maximum of 415 residents, ages 55 and older, and a total of 345 attached and detached housing units. The Project offers a self-contained Village environment that maintains the same Campus design use and service amenities. There is a proposed relocation of five of the buildings in the Support Village Center to four smaller buildings, with support uses located on the first floor and a total of 20 single-family units on the second floor.

The proposed Project reduces the size of the five apartment buildings and the 98 Independent Living Apartment Units for a total of 56 units in four 14-unit buildings; 145 units in twenty-nine 5-unit buildings; 14-Plex and 5-Plex condominium buildings, on common ownership parcels; Condominium units single-ownership airspace units; and 24 condominium units to be used as rental units, with ownership remaining with the applicant.

The residential independent living units will be changed from 216 Cottages, Duplex's, 4-Plex's, Co-housing and lodges, resulting in 78 Independent Living one and two-bedroom single and two-story Cottage Units, and 24 Independent Living one-bedroom Bungalow units. The Cottage and Bungalow units on individually owned residential parcels. The tennis and pickle ball courts would be relocated east of the orchard.

Project Elements include: a Use Permit revising the Comprehensive Master Plan; a Tentative Final Map; a Management Plan to address steep slopes, landmark oak trees, and water resources; and a Petition for Exceptions for emergency access and reduction of the right-of-way.

An Amendment to the Development Agreement proposes to amend the terms of the Agreement; project phasing and occupancy thresholds; population caps for a maximum population of 415 residents; and payment and timing of wastewater treatment and capacity fees.



Senior Planner Kelley reported that water service is provided by the Nevada Irrigation District (NID), from the Lake of the Pines Water Treatment Plant. Senior Planner Kelley concluded his report, recommending the Board of Supervisors take the following actions as further recommended by the Planning Commission: 1) adopt the Resolution approving the Addendum to the Certified Final Rincon del Rio Environmental Impact Report to the Certified Final Rincon del Rio Environmental Impact Report and making the findings contained within the Resolution; 2) adopt the Resolution approving the Petition for Exceptions, Management Plan, Tentative Final Map, and Use Permit to establish a Comprehensive Master Plan for the project site, subject to the Mitigation Measures and Conditions of Approval making the findings contained within the Resolution; and 3) introduce, waive further reading, and adopt the Ordinance approving the Second Amendment to the Development Agreement between the County of Nevada and Young Enterprises, L.P., making findings A through E contained within the Ordinance.

Board questioning and discussion ensued.

Martin Wood, SCO Planning & Engineering, Inc., and Marcia Burch, Attorney, provided a PowerPoint presentation regarding the proposed Project on behalf of the Applicant, provided a PowerPoint presentation regarding the proposed Project. The presentation stressed that the Amendment does not reinvent the Project; it is meant to improve it. There will be less rooftops and more open space, all located on the same site.

Mr. Wood responded to additional Board questioning.

Chair Miller opened the public hearing for public comment, and the following members of the public spoke: Bill Abbott, Keep Nevada County Rural representative; Ryan Bilanca, Registered Forrester for Rincon del Rio; Peter Gilbert, retired Division Chief, California Department of Forestry; Teresa Dietrich, Nevada County Association of Realtors; Vanessa Laidley-Tennies, Executive Director, Sierra View Manor; Bill Fortier, District II; Benton Seeley, District II; Robin Galvan Davies, Greater Grass Valley Chamber of Commerce; Virginia Ackers, District II; Jon Katis, Greater Grass Valley Chamber of Commerce; Margaret Mason, District II; Dan Rossovich, District III; Kim Thompson, District II; Karen Abbott, Keep Nevada County Rural representative; and Kristina Vance Fortier, District II. Written correspondence in support of the proposed Project was referenced, and correspondence received from Joseph Coppin, District II, and John Marlow, District II, were read into the record. All other written correspondence was received earlier, and read by the Board members. There being no further public comment, Chair Miller closed the public comment portion of the public hearing.

Scott Eckman, Nevada County Fire Marshall, responded to questions regarding vegetation management of the Open Space and evacuation planning. Brian Foss, Planning Director, provided additional clarification, explaining that the Developer would create the vegetation management plan with the Fire Marshall providing direction.

Staff and the Applicant's representatives responded to the Board's final questions.

- 11a.** [SR 21-0334](#) Resolution of the County of Nevada adopting an Addendum to the Certified Final Rincon del Rio Environmental Impact Report (EIS19-0010, State Clearinghouse No. 2011052030) for the 215-acre Modified Rincon del Rio Continuing Care Retirement Community Project, located 1/4 mile east of Highway 49, at the terminus of Rincon Way / Hidden Ranch Road on four parcels know as Assessor's Parcel Numbers 057-130-013; 057-240-017; 057-240-018; 057-240-019; 10412, 10420 Rincon Way and 24885 Connie Court, within unincorporated southern Nevada County. (Dist. II)

**Adopted.**

Enactment No: RES 21-151

**MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Bullock, to adopt Resolution 21-151. On a roll call vote the motion passed unanimously.**

- 11b.** [SR 21-0335](#) Resolution approving a Petition for Exceptions (PRX19-0003) and a Management Plan (MGT20-0001) and a Tentative Final Map (TFM19-0008) and a Conditional Use Permit (CUP19-0010) to establish a Comprehensive Mater Plan for the Project Site, for the 215-acre Modified Rincon del Rio Continuing Care Retirement Community Project located 1/4 mile east of Highway 49, at the terminus of Rincon Way / Hidden Ranch Road on four parcels known as Assessor's Parcel Numbers 057-130-013; 057-240-017; 057-240-018; 057-240-019; 10412, 10420 Rincon Way and 24885 Connie Court, within unincorporated southern Nevada County. (Dist II)

**Adopted.**

Enactment No: RES 21-152

**MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Hoek, to adopt Resolution 21-152. On a roll call vote the motion passed unanimously.**

**11c. SR 21-0336** (Introduce/Waive further reading/Adopt) An Ordinance approving a Second Amendment to the Development Agreement (MIS20-0001) between the County of Nevada and Young Enterprises, L.P., for the Modified Rincon del Rio Continuing Care Retirement Community Project, located 1/4 mile east of Highway 49, at the terminus of Rincon Way / Hidden Ranch Road on four parcels know as Assessor's Parcel Numbers 057-130-013; 057-240-017; 057-240-018; 057-40-019; 10412, 10420 Rincon Way and 24885 Connie Court, within unincorporated Southern Nevada County. (Dist II)

**Waived further reading and adopted.**

Enactment No: ORD-2492

**MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Hoek, to introduce, waive further reading, and adopt Ordinance 2492. On a roll call vote the motion passed unanimously.**

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**ADJOURNMENT:**

ACTON TAKEN: Chair Miller adjourned the meeting adjourned at 4:29 P.M.

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Signature and Attestation



Dan Miller, Chair

ATTEST:

By:



Julie Patterson Hunter, Clerk of the Board