



RESOLUTION NO. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

A RESOLUTION APPROVING A PETITION FOR EXCEPTIONS (PFX19-0003) AND A MANAGEMENT PLAN (MGT20-0001) AND A TENTATIVE FINAL MAP (TFM19-0008) AND A CONDITIONAL USE PERMIT (CUP19-0010) TO ESTABLISH A COMPREHENSIVE MASTER PLAN FOR THE PROJECT SITE, FOR THE 215-ACRE MODIFIED RINCON DEL RIO CONTINUING CARE RETIREMENT COMMUNITY PROJECT LOCATED ¼ MILE EAST OF HIGHWAY 49, AT THE TERMINUS OF RINCON WAY / HIDDEN RANCH ROAD ON FOUR PARCELS KNOWN AS ASSESSOR'S PARCEL NUMBERS 057-130-013; 057-240-017; 057-240-018; 057-240-019; 10412, 10420 RINCON WAY AND 24885 CONNIE COURT, WITHIN UNINCORPORATED SOUTHERN NEVADA COUNTY

WHEREAS, on April 9, 2013, the Nevada County Board of Supervisors approved the Rincon del Rio Continuing Care Retirement Community Project ("Approved Project"), including certifying the Rincon del Rio Final Environmental Impact Report (EIR10-001, State Clearing Housing No. 2011052030) as adequate and complete; and

WHEREAS, on April 9, 2013, pursuant to Resolution No. 13-123 the Nevada County Board of Supervisors adopted the Mitigation and Monitoring and Reporting Program for the Rincon Del Rio Continuing Care Retirement Community Project; and

WHEREAS, Young Enterprises, LP., ("Applicant") has requested modifications to the Approved Project to allow for revision and relocation of some of the previously approved Rincon del Rio Continuing Care Retirement Community campus uses and to allow for individual fee title ownership of the proposed independent living single-family residential attached and detached housing units that would be located within the project site; and

WHEREAS, the County has prepared an environmental analysis of the proposed modifications to the Approved Project and it was concluded that an Addendum to the certified Final Rincon del Rio Environmental Impact Report (EIS19-0010) was appropriate pursuant to California Environmental Quality Act Section 21166 and Guidelines Sections 15162, 15163 and 15164 and circulated it for a 45-day public comment period from December 8, 2020 to January 21, 2021 to solicit comments from agencies and the public; and

WHEREAS, on March 25, 2021, the Nevada County Planning Commission held a duly noticed Public Hearing on the proposed Petition for Exceptions (PFX19-0003) and a Management Plan (MGT20-0001) and a Tentative Final Map (TFM19-0008) and a Conditional Use Permit (CUP19-0010) (collectively "Proposed Project Entitlements"), and also the Nevada County Planning Commission reviewed the proposed Addendum to the Certified Final Rincon del Rio Environmental Impact Report (EIS19-0010), together with all comments received during the public review period and recommended approval by a 5-0 vote of these same Proposed Project Entitlements to the Board of Supervisors; and

WHEREAS, the Nevada County Board of Supervisors on May 11, 2021, held a duly noticed public hearing on the Proposed Project Entitlements to consider the recommendations of the Nevada County Planning Commission, staffs' report and all supporting studies and documents, including written and oral testimony, related to the proposed Addendum to the Certified Final Rincon del Rio Environmental Impact Report and to the Proposed Project Entitlements; and

WHEREAS, a separate Resolution of the Nevada County Board of Supervisors approved the Project's Addendum to the Certified Final Rincon del Rio Environmental Impact Report (EIS19-0010) and Mitigation and Monitoring and Reporting Program, and a separate Ordinance of the Nevada County Board of Supervisors adopting a project specific Second Amendment to the approved Development Agreement (MIS20-0001); and

WHEREAS, after reviewing and considering the Proposed Project Entitlements, the Nevada County Planning Commission recommended that the Nevada County Board of Supervisors adopt the proposed Resolution to conditionally approve 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

WHEREAS, after reviewing and considering the Proposed Project Entitlements, the Nevada County Planning Commission recommended that the Nevada County Board of Supervisors adopt the proposed Resolution to conditionally approve the Management Plan (MGT20-0001), pursuant to Nevada County Land Use and Development Code, Section L-II 4.3.3; and

WHEREAS, after reviewing and considering the Proposed Project Entitlements, the Nevada County Planning Commission recommended that the Nevada County Board of Supervisors adopt the proposed Resolution to conditionally approve the Tentative Final Map (TFM19-0008) to subdivide the project site from the existing four (4) lots 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, pursuant to Nevada County Land Use and Development Code Section L-IV 2.4 and California Government Code Section 66474; and

WHEREAS, after reviewing and considering the Proposed Project Entitlements, the Nevada County Planning Commission recommended that the Nevada County Board of Supervisors adopt the proposed Resolution to conditionally approve the Conditional 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; and

WHEREAS, said proposed Comprehensive Master Plan is part of the application associated with the proposed modified Rincon del Rio Project, the environmental effects of which were analyzed in the Addendum to the Certified Final Rincon del Rio Environmental Impact Report (EIS19-0010), which was presented to the Nevada County Board of Supervisors and the Nevada County Board of Supervisors has reviewed and adopted that document for this Project; included as Exhibit 'E' attached hereto and made a part of this Resolution; and

RELATIVE to the above described Petition for Exceptions (PFX19-0003), and 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, said approval is based on the following findings:

- A. That there are special circumstances or conditions affecting said property; and
- B. That the Petition for Exceptions to road standards is necessary for the preservation of a substantial property right of the petitioner; and

- C. That the granting of the Petition for Exceptions to road standards will not be detrimental or injurious to other property in the territory in which said property is located; and
- D. That the granting of the Petition for Exceptions to road standards will not constitute a grant of special privileges inconsistent with the limitations upon similar properties.

RELATIVE to the above described Management Plan (MGT20-0001), and pursuant to Nevada County Land Use and Development Code Section L-II 4.3.3, said approval is based on the following findings:

- A. That the issuance of this Management Plan is consistent with the provisions of Section 4.3. Resource Standards of the Nevada County Land Use and Development Code; and
- B. That measures have been incorporated into the mitigation measures and conditions of approval that minimize potential impacts on the physical environment.

RELATIVE to the above described Tentative Final Map (TFM19-0008) to subdivide the project site from the existing four (4) lots 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, and pursuant to Nevada County Land Use and Development Code Section L-IV 2.4 and California Government Code Section 66474, said approval is based on the following findings:

- A. That the proposed division, together with its design and existing improvements, is consistent with the Nevada County General Plan, including the land use designations mapped for the site, and the following goals and policies:
 - 1. Policy 1.2.1.ee, directing that the County shall provide for a range of land use densities and types within the County to include an opportunity for Community Care Retirement Communities; and
 - 2. Policy 1.2.4.w, the *Continuing Care Retirement Community (CRC)* land use designation as a combining designation compatible with the Planned Development (PD) land use designation; and
 - 3. Policy 1.4.7, encourages the County to utilize housing densities to encourage the use of alternative transportation modes and increase the efficiency of public services and facilities; and
 - 4. Policy 1.5.t, the *Planned Development (PD)* land use designation, which is intended to provide for a variety of single-family and multi-family residential, continuing care retirement communities, commercial, industrial, open space and public uses emphasizing that clustering intensive land uses to minimize impacts on various natural and physical resources, public health and aesthetic impacts; and
 - 5. Policy 1.5.5, which requires clustering to maintain viable open space onsite to contribute to open space linkages through and between land uses in order to provide for the maintenance of the rural quality of life and protection of environmental resources; and
 - 6. Policy 3.3 which requires that adequate public services are available to serve the project, as evidenced by correspondence received from the service providers for public sewer, public water, fire protection, and public roads; and
 - 7. Policy 3.17, directing that all proposed land divisions be connected to a public water supply if the initial and long-term cost of extending the public water system to serve the land is less than the installation of individual water system; and

8. Policy MV-4.2.10 which ensures that alternative access is provided where needed as determined by fire, police, and emergency service providers, as provided in the Development Agreement; and
 9. Objective 5.1 which encourages the provision of a diverse range of recreational opportunities at a regional, community and neighborhood level, as evidenced by the onsite amenities and recreational opportunities proposed by the project; and
 10. Policy FP-10.7.2.1 which requires long-term maintenance of private roads to the standards of the original improvements as a condition of development, required by the Conditions of Approval in Attachment 1; and
 11. Policy FP-10.8.4 which requires fire safety standards for residential development, including provisions for emergency access, available fire flow for fire protection and fuel modification, required by Recommended Conditions of Approval in Attachment 1; and
 12. Policy 13.1 which requires open space and non-disturbance designations where sensitive wildlife and vegetation resources occur, demonstrated by the Habitat Management Plan prepared for landmark oaks and oak groves and waterways on the project site; and
 13. Policy 3.19, establishing that clustered development shall be consistent with General Plan policy 1.18 and shall maintain sufficient lot sizes to maintain adequate area for the appropriation of water and sewage disposal and to ensure the continued protection of the public health, safety and general welfare; and
 14. Policy 3.19C, which requires the maintenance of all offsite facilities constructed as part of the project through a permanent, legally enforceable mechanism such as a CSA or CSD, as provided in the Recommended Conditions of Approval in Attachment 1 for offsite road maintenance; and
 15. Policy LU-4.1.1, setting forth a minimum standard of roadway Level of Service C in the *Rural Regions* of the County; and
 16. Objective 6.2, which encourages the utilization of clustering of development to preserve open space within the Rural Regions and to encourage creation of open space which will enhance visual, habitat and other open space values; and
 17. Policy MI-8.3, directing that the County shall recognize and facilitate the needs of special housing groups; and
- B. That the proposed project is consistent with the Nevada County Land Use and Development Code including:
1. Consistency with the purposes of the PD-CCRC zoning district. The CCRC combining district allows for a mixture of residential uses types and densities/intensities as well as supporting commercial and office uses, and the PD base district emphasizes clustering building sites to minimize impacts on natural and manmade resources. The CCRC combining district emphasizes a mixture of land use types to necessary to support a CCRC-campus project while looking to towards the goals of preservation of open space for recreation, resource and habitat preservation, and protection of environmental resources; and
 2. Consistency with all applicable Site Development Standards for building height, setbacks, maximum impervious surface, and parking, including flexible site development standards within a “CCRC” combining district; and with Resource Standards, including provisions for the protection of landmark oaks and oak groves; avoidance and protection of steep slopes; protection of cultural resources; and protection of water features.

- C. That adequate public services will be provided on the project site and will be available to serve the project, including water, fire service and public utilities, as further evidenced by the facts that public-treated water will be made to be available to the property, that a fire suppression system meeting all County Codes for flow volume and duration and hydrant spacing will be provided on the project site consistent with requirements for emergency water supply, and that treated wastewater services will be made available to the project site for the removal of project generated wastewater; and
- D. That the site is physically suitable for the type of development and the proposed density of development, as evidenced by its consistency with the General Plan and ability to comply with site development standards of the PD-CCRC Zoning District, and the resource standards of County Land Use and Development Code; and
- E. That the design of the proposed subdivision and its improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, as supported by the Addendum to the Certified Final Rincon del Rio Environmental Impact Report (EIS19-0010) and the Certified Environmental Impact Report (EIR10-001) prepared and certified for the project; and
- F. That the design of the subdivision or the type of improvements required are not likely to cause serious public health problems as evidenced by correspondence with the County Department of Environmental Health and because the site will be served by public water for domestic use and treated wastewater service; and
- G. That the design of the subdivision or the type of improvements required will not conflict with any easement acquired by the public at large for access through or use of property within the proposed subdivision.

RELATIVE to the above described Conditional Use Permit (CUP19-0010) to establish a Comprehensive Master Plan for the project site and pursuant to Nevada County Land Use and Development Code Section L-II 5.6.G and 5.5.2.C, said approval is based on the following findings:

- A. As conditioned and mitigated, this project is consistent with the General Plan goals, objectives and policies, with the CCRC General Plan land use map designation applicable to this project, and with the proposed Development Agreement for this project; and
- B. The uses proposed on the site are allowed within and are consistent with the purposes of the PD-CCRC zoning districts. The CCRC combining district allows for a mixture of residential use types at a range densities/intensities, and the PD base district emphasizes clustering building sites to minimize impacts on natural and manmade resources. The CCRC combining zone district emphasizes the efficient use of the project site through the encouragement of a mixture of housing and service uses clustered on the site to assisting with the preservation of open space for recreation, resource and habitat preservation, and protection of environmental resources; and
- C. The proposed use and any facilities, as conditioned, will meet all applicable provisions of the Land Use and Development Code or a same practical effect of those provisions, including design and siting to meet the intent of the Site Development Standards mitigating the impact of development on environmentally sensitive resources; and
- D. The site for the proposed use is adequate, as adjusted, in size, shape and location to accommodate the proposed use and all facilities needed for that use and reasonable expansion thereof, if any, and to make appropriate transitions to nearby properties and permitted uses thereon, without compromising site development standards, including driveway improvements and setbacks; and

- E. The proposed project as proposed is compatible with, and not detrimental to, existing and anticipated future uses on-site, on abutting property and in the nearby surrounding neighborhood or area; and
- F. Adequate provisions have been made for water and sanitation for the proposed use; and
- G. Roads providing access to the site are adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use and adequate provision has been made for project specific impacts and the cumulative effect traffic generated by the proposed use so that it will not create or add to an identified problem before construction of needed improvements for which a development fee has been established and imposed upon the project; and
- H. With approval of the Second Amendment to the Development Agreement (MIS20-0001), adequate provisions have been made for emergency access to the site; and
- I. Adequate public facilities and public services exist within the project area which will be available to serve the project without decreasing service levels to other areas to ensure that the proposed use is not detrimental to the public welfare, including public roads, public utilities, and fire service; and
- J. All feasible mitigation measures, as provided in Exhibit A, have been imposed upon the project; and
- K. The conditions provided in Exhibit A are deemed necessary to protect the public health, safety, and general welfare; and
- L. The design of proposed facilities, as identified in the proposed Design Guidelines in Exhibit A, is consistent with the intent of the design goals, standards, and elements of the Land Use and Development Code and the Western Nevada County Design Guidelines, and will be compatible with the design of existing and anticipated future onsite uses and the uses of the nearby surrounding area.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors for the County of Nevada hereby finds and determines as follows:

1. The foregoing recitals are true and correct.
2. That based on the foregoing findings, and the entire record before it, and after reviewing and considering the recommendations of the Nevada County Planning Commission, does hereby approve and adopt the Petition for Exceptions (PFX19-0003), the Management Plan (MGT20-0001), the Tentative Final Map (TFM19-0008) and the Conditional Use Permit (CUP19-0010), to establish a Comprehensive Master Plan for the project site, to allow for the 215 acre modified Rincon del Rio Continuing Care Retirement Community Project subject to the Conditions of Approval and Mitigation Measures provided within Exhibit A, Site Plan provided in Exhibit B, Subdivision Plot Plans provided in Exhibit C, Architectural Summary provided in Exhibit D and the Comprehensive Master Plan provided in Exhibit E, attached herein and made part of the project action.

BE IT FURTHER RESOLVED that the Nevada County Planning Department is hereby directed to file a Notice of Determination with the County Recorder pursuant to Public Resources Code Section 21152(a) and Section 15094 of the State CEQA Guidelines.