



NEVADA COUNTY PLANNING COMMISSION
STAFF REPORT

APPLICANT/OWNER: Young Enterprises, LP

REPRESENTATIVE: Dale Creighton / Martin Wood, SCO Planning & Engineering

HEARING DATE: March 25, 2021

FILE NO: PLN19-0024; TFM19-0008; CUP19-0010; MGT20-0001; PFX19-0003;
MIS20-0001; EIS19-0010

PROJECT 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 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.

PROJECT LOCATION: The approximately 215-acre project site encompasses four parcels 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.

ASSESSOR’S PARCEL NUMBERS: 057-130-013; 057-240-017; 057-240-018; 057-240-019

PROJECT PLANNER: Matt Kelley, Senior Planner

Zoning: Planned Development – Continuing Care Retirement Community (CCRC)
General Plan: Planned Development (PD) – Continuing Care Retirement Community
Combining District (CCRC)
Water: Well (existing) / Nevada Irrigation District (proposed)
Sewage: Septic (existing) / Sanitation District #1, Lake of the Pines (proposed)
Fire: Higgins Fire District
Flood Map: 0775
Zone: A & X
ZDM #: 47
Schools: Pleasant Ridge Union School District / NJUHSD D-5
Recreation: Bear River Recreation & Parks District
Lot Size: 215 acres
Sup. Dist.: Ed Scofield, District II
Date Filed: 03/04/19; 05/16/19; 11/26/19; 11/13/20
Prev. File #s: EIR10-001; GP11-001; GP11-002; ORD09-002; Z10-003; MGT09-003; MI10-010; FM09-001; U09-007; FM90-18; EIS90-102; PM76-14; PM75-101; FM76-09
Farmland Designation: Other Land / Grazing Land

ATTACHMENTS:

1. Recommended Conditions of Approval and Mitigation, Monitoring and Reporting Program
2. Addendum to Final Environmental Impact Report Rincon del Rio Project
3. Vicinity, Zoning & Public Notice Map
4. Site Plan, Tentative Map, Grading / Infrastructure Plan, Circulation Plan
5. Subdivision Plot Plans
6. Architectural Summary, Floor Plans, Elevations
7. Comprehensive Master Plan
8. Development Agreement
9. Public Comments received on Addendum to Final Environmental Impact Report Rincon del Rio Project
10. Full Size Project Plans including Tentative Map (Planning Commission)
11. Final Environmental Impact Report (Available: mynevadacounty.com/1144/Rincon-Del-Rio)
12. Draft Environmental Impact Report (Available: mynevadacounty.com/1144/Rincon-Del-Rio)

RECOMMENDATIONS:

- I. Environmental Action: Recommend the Board of Supervisors approve a Resolution approving an Addendum (EIS19-0010) (*Attachment 2*) 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
- II. Project Action: Recommend the Board of Supervisors approval of the proposed Management Plan (MGT20-0001)
- III. Project Action: Recommend the Board of Supervisors approval of a Tentative Final Map (TFM19-0008)
- IV. Project Action: Recommend the Board of Supervisors approval of a Use Permit to establish a revised Comprehensive Master Plan for the project site (CUP19-0010)

V. Project Action: Recommend the Board of Supervisors approval of the proposed Petition for Exceptions to Road Standards (PFX19-0003)

VI. Project Action: Recommend the Board of Supervisors approval of the Second Amendment to the Development Agreement (MIS20-0001)

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.

PREVIOUSLY APPROVED 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 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, 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 Continuing Care Retirement Community (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 project also as approved 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	–

Building Type	Number of Buildings	Number of Units	Unit Size	Building Size (sf)	Parking
Neighborhood Centers (optional)	5	–	–	800 per building (4,000 total)	–
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 were 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 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 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 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

Building Type	Number of Buildings	Number of Units	Unit Size	Building Size (sf)	Parking
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

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.

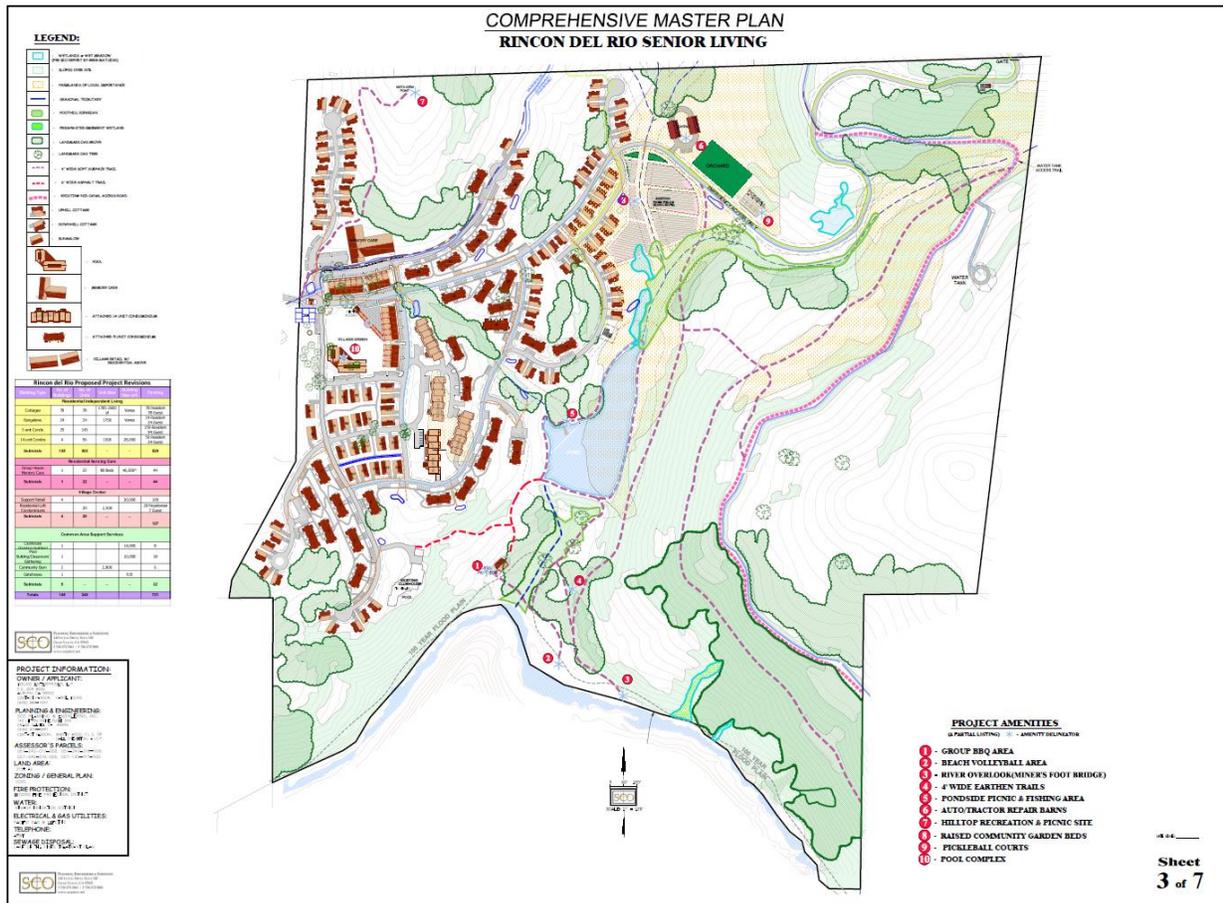
Proposed development associated with the project would be limited to 48 acres total, with all development except the proposed emergency access road, trails, barbeque areas, water tank, and sewer lift station to be clustered within the northwest portion of the site. Approximately 4 acres of the site would 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;
- Visual assessment and site design guidelines approach; and,
- Site and architectural design summary.

Figure 1 – Comprehensive Master Plan



As proposed, the Use Permit and revised Comprehensive Master Plan, for the proposed modified project would offer a self-contained Village environment with a similar variety of amenities and services as previously analyzed by the certified Rincon del Rio EIR and would maintain the same Campus design use and service amenities and allow for relocation of some of the uses as outlined above and allow for individual fee title ownership of the residential attached and detached units and would include the following revisions as shown on the revised site plan and would be as follows:

- Amend the Village Center area by relocating the five buildings in the Support Service Village Center to four smaller two-story buildings to be located along the main access road east of the gate house. The support uses would be located on the first floor and would be reduced from approximately 219,000 square feet to approximately 30,000 square feet and allow for twenty (20) single-ownership Independent Living two-bedroom single-ownership Village Loft residential units second story units.
- 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

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-foot 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 4) 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 3 – 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. 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

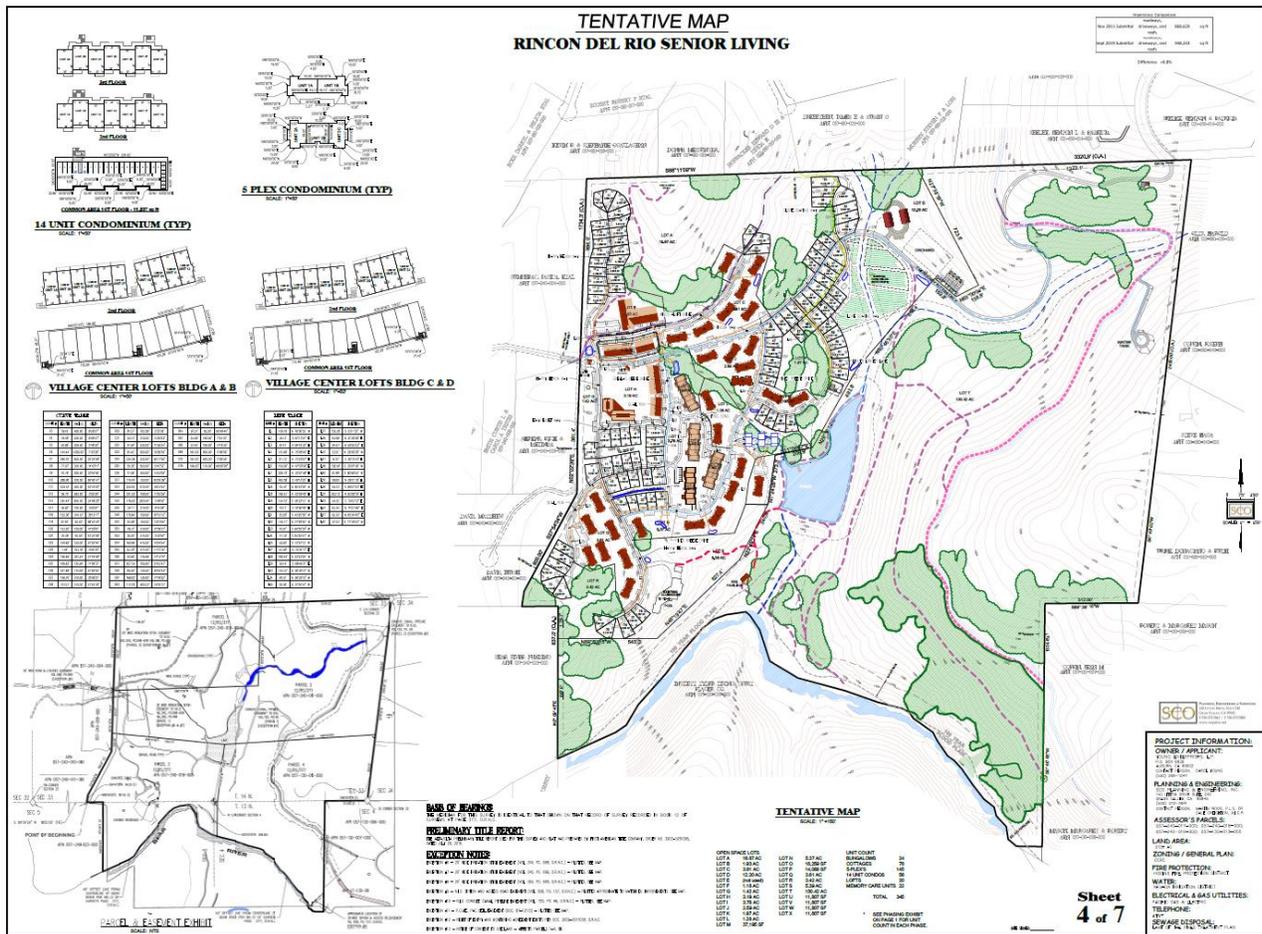


Figure 4 – Tentative Final Map

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. The petition would allow for the elimination of vegetation management on either side of the roadway.

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 I 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 II upon the verification that Phase I of the project is occupied at a minimum of 70%. Phase II 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 I roadways shall also be constructed. Phases III through X 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 VII 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 4 and Figure 5 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) - (2) 5-Plex Condominiums (10 Units)	PHASE 8: - 3 Cottage 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.

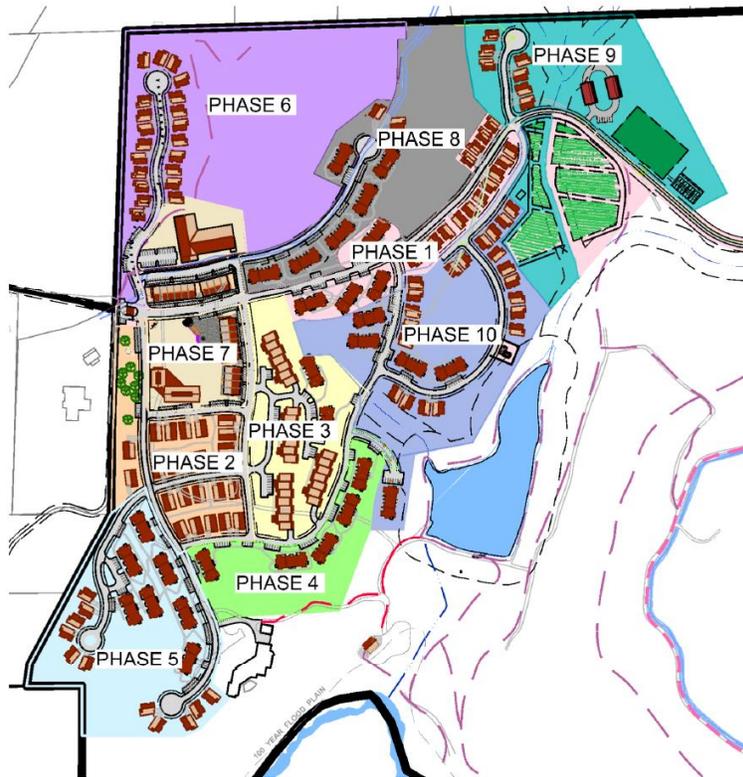


Figure 5 – Phasing Plan

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 its 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.

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 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.

In addition to the existing single-family residence, the subject parcel contains an approximately 2,300-square-foot wooden patio cover with an outdoor kitchen, currently under construction, unpaved access roads, and garden area with raised planting beds, 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.

At elevations of approximately 1,300 feet above mean sea level along the southern portion of the site near the Bear River to approximately 1,700 feet above mean sea level in the eastern portion of the project 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.

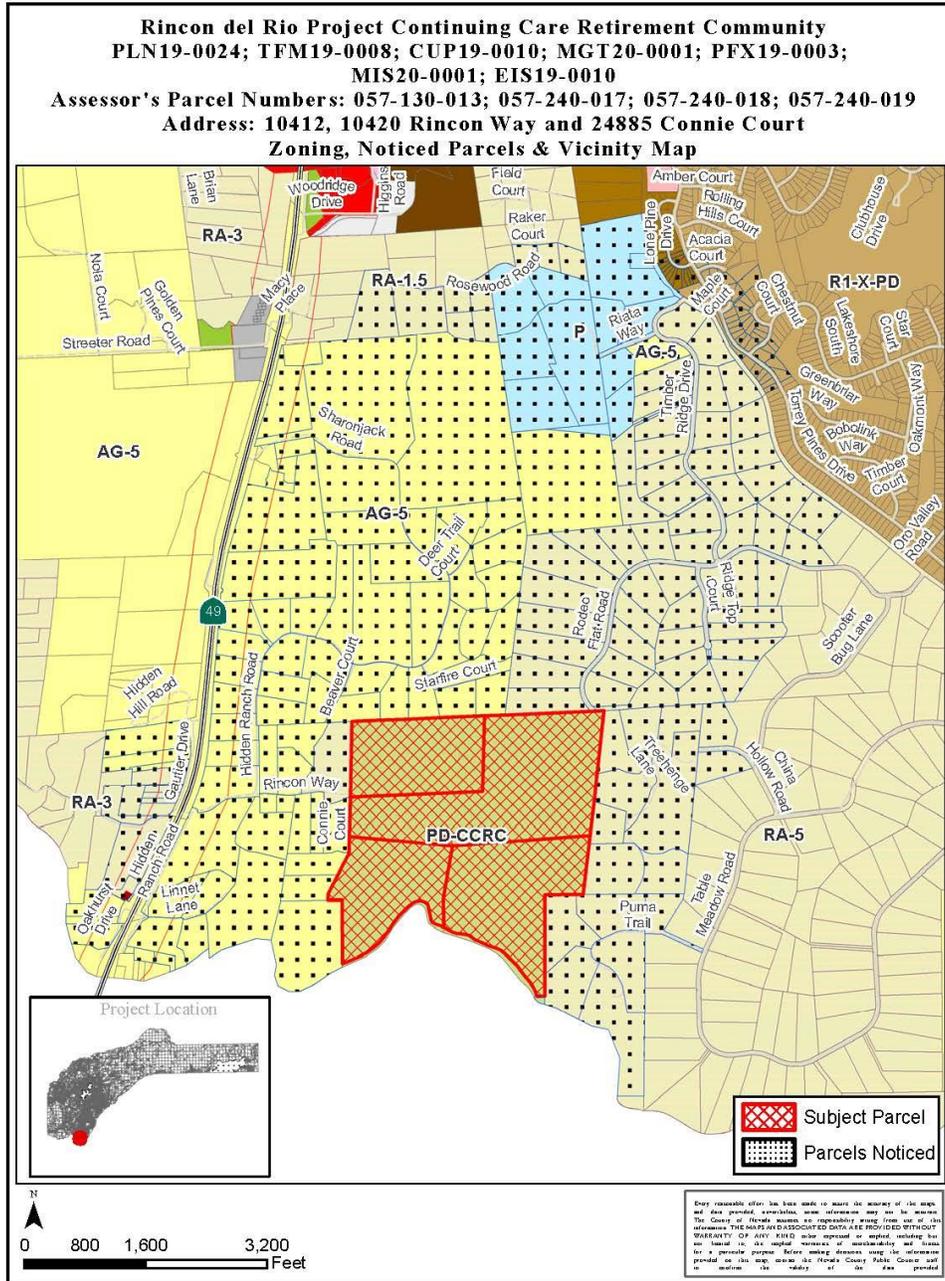


Figure 6 – Zoning, Noticed Parcels & Vicinity Map

The subject parcels are designated Planned Development (PD) on the General Plan Land Use Maps with Continuing Care Retirement Community (CCRC), which was amended from Planned Development, Estate (PD-EST) as part of the previously approved project on April 9, 2013 by the Nevada County Board of Supervisors. The PD designation is intended to designate planned developments 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 parcels are zoned Planned Development (PD) – Continuing Care Retirement Community Combining District (CCRC). The PD Base 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 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. CCRCs shall be combined with a PD (Planned Development) District. 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.

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.

STAFF COMMENT:

SITE PLANNING / DESIGN:

Aesthetics/Building Design/Site Layout:

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), 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.

As proposed, and as shown in the submitted Comprehensive Master Plan (Attachment 5) 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.

As further described in this staff report; the certified Environmental Impact Report (Sections 3.1 and 3.10)); 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.).

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 un-improved 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 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.

Physical structure design ranges of the proposed modified project would be similar to that of the original approved project and would contain the use of a rustic/country style for the barns and common buildings to a modern country style for the residential dwelling units and the Village Core buildings. Residential dwellings are proposed to include the use of porches, balconies, shade canopies, covered walkways, and landscaping to provide a comfortable and protected pedestrian environment. The massing of buildings has been broken-up by articulating the facades of the buildings and using differing roof planes. Because the structures within the Village Center (Buildings 1-4) are large and have the potential to result in undesirable design issues (large building masses, continuous roof lines, glare and unattractive facades) the project architectural design breaks-up the structures using design elements, differences in building orientation and the use of varied building materials. The Comprehensive Master Plan and the Rincon del Rio *Project Booklet*, outlines five design standards that have been used and which are incorporated into the project design:

1. Architectural planning and design shall incorporate energy efficient design techniques (e.g. natural heating and/or cooling, sun and wind exposure and solar energy opportunities).
2. Buildings near the periphery of the project shall be designed and located in a manner that reflects consistency and compatibility with the neighboring areas and shall provide adequate transition in density and type.
3. Residential structures shall be clustered to minimize the site disturbance.
4. Building Facades. Long unbroken building facades shall be avoided and exterior building materials used shall reflect materials common to Western Nevada County. Building facades should be broken up to give the appearance of smaller masses reflecting functions within the building. The use of balconies, offsets, material changes and projection should be incorporated as a method to help articulate individual unit types and provide interest and relief to large building masses.
5. The distance between buildings shall be a minimum of 10 feet. The enclosed walkways and pedestrian bridges shall not be construed as part of the building. However, the construction of such walkways must comply with all applicable California Building Code requirements and applicable fire standards of the Higgins Fire District.

In designing the overall project campus and specific structures, the project incorporated the guidance and direction of the Western Nevada County Design Guidelines into the overall project design program. The Western Nevada County Design Guidelines are intended “to provide

guidance to property owners and project designers in understanding the County's goals for attaining high-quality development that is sensitive to the County's character". The Guidelines do not attempt to dictate a mandatory design style but rather seek to offer direction and are intended to be used a guidelines and not fixed standards. The Guidelines focus on the following core areas:

- Land Use and Site Planning
- Pedestrians; Alternative Transportation; and Circulation
- Lighting & Street Furniture
- Landscaping and Signage
- Architectural Design
- Energy Conservation

The Rincon Del Rio project incorporates and embraces many of the design elements offered by the Western Nevada County Design Guidelines as follows:

Land Use and Site Planning:

- Utilize compact and less land-intensive patterns of growth and mixed use development. *The project clusters new development and provides a mixed-use, mixed-density program.*
- Site new development to take advantage of solar access to provide solar gain in winter months or orienting buildings to provide south-facing exposure for solar panels. *The project proposes the use of solar panels; passive heating and cooling design principles have been incorporated into building design; thermal massing design principles have been utilized and high-efficiency heating and cooling systems.*
- Minimize wildland fire hazard by avoiding construction at the top of steep slopes, and by allowing adequate area for defensible space around structures. *Project structures have been clustered and located on the site in areas having less topographical constraints and development of primary ridge lines have been avoided.*
- Incorporate environmentally sensitive resources in the site design. *Buildings have been located away from wetted areas and areas of the project site possibly providing habitat. Over 167 acres of the site are left in open space.*

Preserve Open Spaces and Common Areas:

- Preserve natural amenities such as streambeds, wildlife habitats, and tree groves by incorporating them into park systems. *The project proposes a network of on-site recreation paths that engage the natural areas of the site.*
- For commercial and mixed-use projects, provide a clearly defined public open space. *The project has proposes the development of an "events lawn" as a key public space at the gateway to the Village Center.*

Lighting/Street Furniture/Signage:

- Street lighting should be designed for pedestrian comfort and safety as well as automobile safety. The project has prepared a whole-project lighting plan providing for pedestrian and safety lighting using high-efficiency, low-intensity, shielded lighting meeting International Dark-Sky Association (IDA) standards.
- Street furniture design should be compatible with the character of nearby architecture. *The project has proposed using common theme elements to include color and design for lighting, signage and street furniture.*

- Signs should be consistent with other signs and structures within the project in size, color, materials and placement. *The project design plans include signs made of natural materials, having common color patterns and design elements and integrated with the design and function of the site. Illumination of signs will be kept to a minimum where possible and will provide for easily-readable font and message content.*

Massing/Color/Windows and Doors:

- Design building heights to relate to adjacent open spaces to allow maximum sun and ventilation; Encourage mixed uses to ensure appropriate scale and character; Minimize the visual impact of large buildings with the proper use of windows, structural bays, roof overhangs, awnings, and other details; Avoid flat roofs, piecemeal mansard roofs and nearly vertical roofs. *The project design provides for a range of dwelling-unit types and styles incorporating porches, roof overhangs, windows, balconies and roof-pitch changes to break-up building mass and add visual interest and aesthetic appeal. Mechanical equipment is proposed to be screened and special design features such as outdoor barbeque areas and pedestrian oriented features have been incorporated. Structures incorporate a range of building materials and colors and roof-eave detailing has been incorporated into the overall project design*

Integrated Design and Efficiency:

- Orient buildings, when appropriate, to take advantage of solar access for passive lighting, heating, and cooling options; utilize shade trees where appropriate; Insulate walls and roofs to optimal levels; encourage the use of CFL fixtures to meet lighting needs. *The project proposes to utilize solar panels, passive heating and cooling principles, 2x6 framing with wet-blown cellulose insulation having R22 insulating values in the walls and R38 insulating values in the ceilings, low-flow water fixtures, CFL and Halogen lighting that is downcast and shielded, high efficiency boilers, sustainable building materials and native landscaping including blue oaks, deciduous shade trees and water efficient irrigation technologies.*

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.

Management Plans:

As proposed, the modified project also 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 of the proposed modified project similar to the previously approved project are to provide analysis of the proposed project changes on 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.

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).

The updated Steep Slopes Management Plan identifies that “all cuts/fills shall be graded to the natural, varied contour of the surrounding terrain” and the “significant rock outcroppings shall be preserved.” The Plan calls for the use of Best Management Practices (BMP’s) for erosion and sediment control; preparation of a Storm Water Pollution Prevention Plan (SWPPP); stockpiling of topsoil for reuse on the site; amending stockpiled topsoil and using the amended materials to facilitate the planting of native vegetation; and calls for the use of geo-fabrics, jutes and other matting to be used in conjunction with revegetation and soil stabilization activities.

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.

The Management Plan identifies two overriding factors that constrain the project design in a way that makes it infeasible to avoid all impacts to landmark oak groves on the site. First, the location of existing landmark oak groves and areas of slopes that are steeper than 30 percent gradient in the northeastern part of the site where the secondary emergency access road must be located; and second, the use of the cluster development concept dictates that some impacts to oak woodland groves in the northwestern portion of the site will be impacted.

The oak woodlands inventory identified 24 oak woodland groves on the site and identified a likely total canopy cover exceeding 33 percent during the growing season. The inventory determined that most of the trees located on the western portion of the site were interior live oaks while most of the landmark oak groves found in the eastern portion of the site are dominated by canyon live oaks. A small grouping of high-value non-landmark oak trees located north of the Magnolia Ditch contains five landmark-sized Black oak trees. The updated Management Plan indicates that approximately 1.24 acres of total impact to landmark oak groves would result from the modified project. Mitigation measures as identified in the certified EIR and are included within the recommended Conditions of Approval (MM 3.4.6) to address this impact included the following:

- Replanting of lost oak trees at a 2:1 ratio;
- Use of ecological replanting methods focused on ecological canopy succession rather than individual planting numbers;
- Emphasizing valley oak and blue oak replanting due to their higher overall ecological value;
- Supervisions of the replanting effort by a restoration ecologist; and,
- Granting of a conservation easement by the project to an appropriate public entity providing for the permanent preservation of oak woodlands on the site that is equal to or greater than the area of landmark oak woodlands presently existing on the site.

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.

The unnamed tributary that will be crossed by the project is characterized as a seasonal tributary with a bankfull depth of 6-8 inches and having an average width of 6-8 feet. Little to no emergent wetland vegetation was reported within the channel or on the bank and no known fishery, shellfish or other aquatic resource of importance was identified. An isolated freshwater emergent wetland has also been identified as potentially being impacted. The area was identified as a wetted area potentially resulting from water leakage from the nearby Magnolia Ditch approximately .5 acres in size and having a relatively low ecological stature.

The proposed updated Management Plan similar to the previously approved project identified the need for three Permits (Section 404, Section 401 and Section 1600) to address possible compensatory mitigation due to project-resulting impacts and presents four water quality mitigation measures (MM 3.4.4 & MM 3.4.7) as follows to address project-resulting impacts to water quality:

- Establishment of a maximum permanent slope recommendation of 3:1 in the immediate vicinity of wetlands or other waters and a horizontal slope ratio of 1.5:1 incorporating the use of slope stabilization measures such as topsoil-matrix riprap and/or rock and concrete.
- Use of temporary construction Best Management Practices (BMP's) to include construction silt fencing and re-vegetation of disturbed areas for a minimum of one growing season.
- Winterization of materials stockpiles occurring between October 15 and May 1 through the use of silt fences or straw wattles; covering using plastic sheeting, weighted to maintain coverage, and incorporation of hydromulch with tackifier to disturbed soils areas.
- Permanent re-vegetation of all salvaged topsoil acquired and stockpiled during initial site clearing activities; application of a two-stage seed and mulch program; use of erosion-control mats made of natural fibers only (no non-organic substitutes allowed) if necessary and

consultation with a re-vegetation specialist if engineered slopes of greater than 3:1 are determined necessary.

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.

Lighting:

As proposed, the modified project would include the development of new sources of lighting similar to the original approved project. As shown on the submitted site lighting plan in Attachment 4, project site lighting would include 89 pole lights, 71 of which would be 8 feet tall and 18 of which would be 12 feet tall, which would be an increase of one pole light from that of the approved project. In addition, the modified project would include 139 bollard-style lights which would be an increase of 91 lights from that of the approved project and 225 wall-mounted lights which would be an increase of 126 lights from that of the approved project. Individual cottage and bungalow residential units would also have porch entry lights with motion controllers similar to that of the approved project. As analyzed by the EIR, these additional light sources may affect adjacent areas with light trespass and could contribute to skyglow conditions in the project area. As discussed under Impact 3.1.2 of the EIR, existing single-family residences both north and west of the project site would have views of various components of the project. As proposed, project site lighting could be visible from existing residences along Connie Court, as shown on the submitted site lighting plan.

As proposed, the modified project would use low-intensity lighting along with the strategic placement of landscaping and requiring that all lighting be downcast and shielded would reduce nighttime lighting levels as recommended by Condition of Approval A.24 and similar to the previously approved project. Pursuant to Nevada County Land Use and Development Code, Section L-II 4.2.8 – Lighting, all lighting is required to be efficient, safe, and attractive outdoor lighting while minimizing nighttime light pollution and energy waste. In addition, the Land Use and Development code requires all outdoor light fixtures to be fully shielded to prevent the light source or lens from being visible from adjacent properties and roadways. A photometric (lighting) plan has been prepared for the proposed modified project and is included on the proposed site plan (Attachment 4). As shown, the proposed light fixtures would be meet the requirements of the International Dark-Sky Association, meaning that they would minimize glare, reduce light trespass, and would not pollute the night sky. In addition, perimeter landscaping and natural vegetation would also screen adjacent areas from light intrusion. Standard Condition of Approval 24 is recommend to require that all lighting shall be included in construction plans submitted and that they are consistent with Nevada County Land Use and Development Coe, Section L-II 4.2.8 and that all lighting shall comply with the International Dark Sky Association standards.

Landscaping:

The project has presented with its application and support materials a proposed landscape plan identifying how the project proposes to landscape the property. The proposed landscaping plan, which is shown on Attachment 4 would include the following:

- Preservation of existing blue oak trees and other native vegetation wherever possible. Site planning, grading, and trenching would be designed to incorporate areas of native vegetation. Existing vegetation to remain would be protected from impacts during construction, and the oak canopy depicted on the Master Plan would be substantially avoided for the most part.
- Utilization of native and adaptive plant materials in new landscaping. The proposed planting palette would stress indigenous and drought-tolerant plant materials wherever possible. These species would minimize the use of extensive water, fertilizers, herbicides, and other intervention. Appropriate plantings would also provide replacement of habitat for native bird, insect, and animal populations. Turf grasses would be limited to recreational areas (less than 20 percent of newly landscaped areas). Plantings would be “hydrozoned” in groupings of like water usage for maximum water conservation.
- Use of water-efficient irrigation technologies. All irrigation systems would be designed to minimize the amount of water used for irrigation purposes. Automatic systems would include drip systems, low application rate spray heads, water sensors, and check valves to prevent low point drainage. Design of irrigation systems would preclude overspray onto paved areas.
- Use of surface mulch and soil amendments to enhance water retention. All newly planted areas would receive an amendment of well-rotted compost (6 cubic yards per 1,000 square feet) and a top dressing of wood chip mulch (3 inches deep minimum).
- Placement of deciduous trees for passive cooling of buildings and paved areas. Deciduous canopy shade trees would be located within the landscaping for coverage of parking areas and other paved surfaces subject to the “heat island effect.” Shading of parking areas would achieve 50 percent in 15 years. Deciduous trees would be positioned on south- and west-facing exposures to limit heat gain during summer months.
- The property owner would be responsible for the replacement of all plant material that does not survive. All plantings and irrigation would be maintained by the property owner and, in any case where a required planting has not survived, the property owner would be responsible for replacement with equal or better plant materials.
- Plant container sizes would be as follows:
 - All trees – 15 gallon with minimum 1.5-inch caliper trunk (1 inch for understory)
 - All shrubs – 5 gallon
 - All ground cover and perennials – 1 gallon

Staff believes that the landscape plan as presented meets with the intent of the CCRC land use and zoning designations and the requirements of the Nevada County Land Use and Development Code through the incorporation of native plantings, use of low-impact irrigation, the consideration of tree canopy shading and efforts to preserve native blue oaks where possible. Pursuant to LUDC, Section 4.2.7 – Landscaping, Condition of Approval A.6 is recommended to require the submission of a Final Landscape Plan, which is in conformance with this Section.

Off-Street Parking:

As proposed the proposed project would provide a self-contained Village environment with a variety of amenities and services including transportation to and from living units, travel to the

Village Center and Common areas similar to the previously approved project. The proposed modified project would discourage the use of cars on the project site and encourages alternative transportation and pedestrian orientation to minimize the need for excessive off-street parking. Bike racks would be installed throughout the project site, and carpooling and organized ridesharing would be facilitated by staff to reduce vehicle use. These project components/policies would reduce the need for vehicle use, and thus for parking, on the project site, similar to the previously approved project.

As proposed, the modified project would include a total of 741 off-street parking spaces for both residential uses and community support uses. Although the Nevada County Land Use and Development Code specifies the required number of spaces by use, the project includes zoning text amendments to establish a CCRC definition and associated development standards, including parking standards. The parking standards that would apply to this project are as follows:

- Independent Living Units: 1 stall per unit
- Special Care Units: 1 stall per four beds
- Administration: 1 stall per 300 square feet of gross floor area
- Employees: 1 stall per each non-Administration employee on shift
- Guest Parking: 1 stall per each 3 units
- Truck Loading Zone: 1 space in proximity to the main dining or administrative building

Table 4, below, calculates the required parking per the proposed CCRC parking standards and the parking included in the project to determine if proposed parking would be adequate and would meet requirements.

**Table 4
 RINCON DEL RIO
 PROPOSED MODIFIED DEVELOPMENT SUMMARY**

Building Type	Number of Units	Required Parking	Proposed Parking	Parking Requirements Met?
Cottages	78	78 Resident; 26 Guest	78 Resident; 78 Guest	Yes
Bungalows	24	24 Resident; 8 Guest	24 Resident; 24 Guest	Yes
5-Plex Condominium (Two-Story)	145	145 Resident; 49 Guest	150 Resident; 94 Guest	Yes +50 extra spaces
14-Plex Condominium (Three-Story)	56	56 Resident; 19 Guest	56 Resident; 24 Guest	Yes +5 extra spaces
Subtotals	303	405	528	Yes
Group House Memory Care	22 (88 Beds)	22 Resident; 8 Guest	36 Resident; 8 Guest	Yes +14 extra spaces
Subtotals	22	30	44	Yes

Building Type	Number of Units	Required Parking	Proposed Parking	Parking Requirements Met?
Support Retail ¹		–	100	Yes +100 extra spaces
Residential Village Loft Condominiums	20	20 Resident; 7 Guest	20 Resident; 7 Guest	Yes
Subtotals	20	27	127	Yes
Clubhouse (Existing Building)	–	–	8	N/A
Pool Building/Classroom/ Gathering	–	–	18	N/A
Community Barn	–	–	6	N/A
Gatehouse	–	–	-	N/A
Subtotals	–	–	32	–
Totals	345	462 Spaces + 43 Employees = 505 Spaces	731 Spaces	Yes

¹ The common area support services are not considered administrative and would not be subject to the 1 space per 300 square feet requirement. No parking standard for support services is included in the proposed CCRC development standards.

As shown above, the proposed off-street parking for the project would meet the requirements of the CCRC development standards as outlined in LUDC Section L-2.7.12 – Continuing Care Retirement Community Combining District. Central off-street parking would be provided surrounding the Village Center which would provide residents with access to the services provided as well as off-street parking for the Residential Village Loft Condominiums. As proposed, all off-street parking would be designed to be consistent the requirements of Nevada County Land Use and Development Code, Section L-II 4.2.9 – Parking.

In addition, as proposed, all Cottages and Bungalows would include a one-car garage and additional open tandem parking spaces between the garage and the interior roads. Furthermore, as proposed, the four (4) three-story 14-plex Condominium buildings would be designed with common ownership garage-level parking and storage below the living units located on the first floor.

The proposed amended project is intended to provide a pedestrian-oriented environment with maximum on-site travel, and the site design locates shopping, services, and activities within walking distance of the residences in order to reduce the need for off-site trips (the farthest house would be less than a half mile from the mixed-use Village Center). In addition, the project would offer alternative on-site transportation options including staff-driven vehicles (golf carts) and employee-facilitated carpooling and organized ridesharing. Shared vehicles, electric cars, and bicycles would also be available for residents. The project also proposes to provide a minimum of two paratransit vehicles, ADA equipped for the purposes of transporting residents within the facility to various business appointments, grocery and service needs, recreation, and special

events. As such, the proposed project would be consistent with the Nevada County Land Use and Development requirements for all projects to consider methods for reducing dependence on the automobile.

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 4), two water service options (Alternative A & B) for the proposed modified project were considered and analyzed in the certified Environmental Impact Report and in the Addendum to the Final Environmental Impact Report. Staff is including the summary of the two options as outlined in the certified EIR and Addendum to the EIR to assist the Planning Commission in understanding all of the potential water and wastewater service options.

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 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 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. 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. 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.

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 I 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 II upon the verification that Phase I of the project is occupied at a minimum of 70%. Phase II 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 I roadways shall also be constructed. Phases III through X 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 VII in order to allow for base campus population to be established. In order to avoid large areas of grading and site disturbance over long periods of time, grading activities would also be phased with the development to the maximum extent possible. The project has been conditioned within the Conditions of Approval (A.8) and the Number 2 Amendment to the Development Agreement to ensure that each subsequent project phase would begin only upon the triggering of the occupancy threshold for the previous phase or phases.

The Development Agreement previously approved and as proposed to be modified for this project, provides further guidance and description relative to how it is contemplated that the project would be built and establishes conditions that would restrict the timing of the start of the various project phases such that the project will be required to meet an occupancy requirement of 70% of the residential units within each phase prior to the initiation of future phases and requires that all core infrastructure elements as required in Phase I to have been constructed and completed prior to the initiation of development actions in successive phases.

Staff has reviewed the proposed Phasing Plan and with the conditions for occupancy and infrastructure installation contained in the project and the Number 2 Development Agreement and believes that the approach to project phasing is reasonable and appropriate and meets the intent of the PD and CCRC designations for planned growth and development.

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 with in 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 County on 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 undesired and un-intended consequence 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.

Land Use Element Goals and Policies and Objectives:

- Policy 1.3.3 requires that for CCRC's located in Rural Regions with at least 50 percent of the total project site remaining as open space. As proposed the modified project would be located within an approximately 48-acre portion of the approximately 215-acre project site located within the northwestern portion of the subject parcel and the remaining approximately 167 acres or approximately 77% being preserved as open space.
- Policy 1.5.t, indicates that the Planned Development land use designation, which is intended to provide for a variety of residential, non-residential, commercial, service, open space and public uses emphasizing the minimization of impacts to the physical environment, public health and aesthetic impacts.

Public Facilities:

- Policy 3.19A, which requires that onsite stormwater runoff resulting from a proposed development project does not increase over pre-project levels following construction and that the development provide retention / detention facilities designed by a registered engineer for which this project has provided.

Recreation Element Goals & Objectives:

- The project furthers many of the goals, objectives and policies of the Recreation Element. Goal 5.1 is to provide a variety of active and passive recreation opportunities.

Open Space Element Goals, Objectives & Policies:

- The project furthers many of the goals, objectives and policies of the Open Space Element. Goal 6.1 is to encourage land use patterns and site development that reflects open space values. Policy 6.1 recognizes the importance of open space for many purposes including preservation of natural resource areas. Policy 6.6 seeks to provide for continued access to open space and public resources.

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.

Response to Comments Received during the circulation of the Addendum to Final Environmental Impact Report

Following the release of the Addendum on December 8, 2020, the Nevada County Planning Department has received eleven (11) comment letter on the proposed modified project. For the consideration by the Planning Commission, staff has included a summary of these comments and response is provided below.

Tentative Final Map Subdivision Requires a New EIR:

Comments were received that expressed concern with the use of an Addendum to the EIR, which feel that due to the change in subdivision from the approved project containing 14 lots to the proposed modified project containing 346 lots. As proposed and outlined in the Project Description, the modified project would contain a Tentative Final Map to subdivide the existing four (4) 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 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. Based on the proposed modified project, while the number of proposed lots may have changed, the number of proposed housing units at 345 has remained the same. As conditioned, the Tentative Final Map would require similar Conditions of Approval as the previously approved project and the project would also require a roadway dedication and public utility easements along with a similar emergency access easement and roadway requirements. In addition, similar to the previously approved project, the proposed modified project also is conditioned to require a Road Maintenance Agreement to outline road maintenance obligations for Rincon Way and internal roadways similarly to the approved project.

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.

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, as outlined in 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.”

Therefore, as outlined above, 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. Thus, an Addendum pursuant to CEQA Guidelines Section 15164 is adequate and an appropriate environmental document for the proposed modified project.

Emergency Access and Fire Hazards:

Comments were received that continue to express concerns about the effectiveness of providing an emergency access connection to Rodeo Flat Road and general fire hazards for the modified project. 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. 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. 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. As documented in the certified EIR and in the Addendum to the EIR, the emergency access connection would improve options for evacuation routes in the project and is similar to the original approved project. The emergency access has been designed in consultation with the Higgins Fire Protection District and the Office of the Nevada County Fire Marshal and the project has been conditioned to comply with all state and county fire protection standards and California Building Code requirements.

Population Limitation and CCRC:

Comments were received which express concern that the Addendum to the EIR does not address the population limitation cap and how it would be enforced. As noted in the Project Description on Page 18 and within Section 14 – Population / Housing (Page 65) of the Addendum to the EIR, the certified EIR disclosed that the previously approved Rincon del Rio project would provide for a total of 345 dwelling units and would be limited to a maximum population of 415 residents

on the project site. As approved, the project included a mix of independent living, assisted living and nursing care within a campus setting featuring commercial and recreational uses, transportation, and a variety of other services.

As proposed, the Use Permit and revised Comprehensive Master Plan, for the proposed modified project for the Rincon del Rio CCRC would offer a similar self-contained Village environment with a similar variety of amenities and services as previously analyzed by the certified Rincon del Rio EIR and would maintain the same Campus design use and service amenities and allow for relocation of some of the uses as outlined above and allow for individual fee title ownership of the residential attached and detached units and would include the following revisions as shown on the revised site plan (Attachment 4) to be as follows:

- Amend the Village Center area by relocating the five buildings in the Support Service Village Center to four smaller two-story buildings to be located along the main access road east of the gate house. The support uses would be located on the first floor and would be reduced from approximately 219,000 square feet to approximately 30,000 square feet and allow for twenty (20) single-ownership Independent Living two-bedroom single-ownership Village Loft residential units second story units.
- 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.
- Twenty-Four (24) Condominium Units that would be retained by the applicant as rental units that would be utilized as Independent Living Units whose ownership would remain with the applicant.
- 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.

With the project modifications discussed above, the project as proposed continues to have the same number of residential units (345) and would be limited to a maximum population of 415 age-restricted residents as analyzed in the certified EIR and in the Addendum to the certified EIR. Furthermore, as proposed, the modified project would be further required and condition to

limit the population to 415 age-restricted residents, 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, the applicant would be able to limit the maximum population of 415 age-restricted residents, as required by the proposed modified project and Conditions of Approval A.9, A.18 and A.19. Regarding the CC&Rs, the applicant would be required to impose of declaration of covenants, conditions and restrictions which would require the formation of a homeowners association which shall be responsible for enforcing all property use restrictions including age and occupancy restrictions as required under all Federal and California State Laws and regulations subject to the approval of the California Department of Real Estate. Furthermore, as required the by the Department of Real Estate, the CC&Rs would be required to comply with the Department of Real Estate Regulations which limit the opening of project phases if the common ownership areas / amenities would be overburdened. In addition, as proposed by the applicant and further required by Condition of Approval A.38, twenty-four (24) condominium units would be retained as rental units and not 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, thus further ensuring that the population limitation is not exceeded.

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 in 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.

Thus, the expected population, based upon data for occupancy for CCRC and other age-restricted communities in California, would not change from what was contemplated in the certified EIR. Furthermore, as was previously conditioned, the proposed modified project would also be conditioned to limit the maximum of 415 age-restricted residents pursuant to the Project Description and the Second Amended Development Agreement and would require the submission of annual report to the Nevada County Planning Department by January 31st of each year, certifying the number of residents on the site for the previous year.

SUMMARY:

The proposed modified Rincon del Rio CCRC project represents a similar type of age-restricted senior housing project 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 CCRC’s 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 Planning Commission take the project actions described below which are recommendations to the Board of Supervisors.

RECOMMENDATION:

- I. Environmental Action: Recommend that the Board of Supervisors after reviewing and considering the proposed Addendum to the Certified Final Rincon del Rio Environmental Impact Report (EIS19-0010, SCH# 2011052030) (*Attachment 2*), and Mitigation and Monitoring and Reporting Program (*Attachment 1*) adopt a Resolution approving the Addendum to the Certified Final Rincon del Rio Environmental Impact Report (EIS19-0010, SCH# 2011052030) (*Attachment 2*) 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 making Findings A through E:
 - A. The proposed project will not result in a substantial changes that would lead to the identification of new or previously unidentified significant environmental effects that would require major revisions of the previously certified Final Environmental Impact Report for Rincon del Rio; and,
 - B. No new information of substantial importance which was not known, and could not have been known with the exercise of reasonable diligence at the time the Final Environmental Impact Report for Rincon del Rio was certified, has been discovered which would require major revisions of the previously certified Environmental Impact Report; and,
 - C. There is no substantial evidence in the record as a whole that the project as revised may have a significant effect on the environment. With the incorporation of all previously approved mitigation measures, the project will not result in any new or additional significant adverse impacts; and,

- D. The Addendum to the previously certified Final Environmental Impact Report for Rincon del Rio has been prepared as required by law and in accordance with all requirements of CEQA and the CEQA Guidelines and the document as adopted reflects the independent judgement and analysis of Nevada County, which has exercised overall control and direction of the preparation of the Addendum; and,
- E. That the location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California.
- II. Project Action: Recommend the Board of Supervisors approve the Petition for Exceptions (PFX19-0003) subject to the Mitigation Measures and Conditions of Approval shown in Attachment 1, or as may be modified at the public hearing, 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 Sec. 66474, making Findings A through D:
- 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.
- III. Project Action: Recommend that the Board of Supervisors approve the Management Plan (MGT20-0001), subject to Mitigation Measures and Conditions of Approval shown in Attachment 1, or as may be modified at the public hearing, pursuant to Nevada County Land Use and Development Code, Section L-II 4.3.3, making findings A and B:
- 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.
- IV. Project Action: Recommend that the Board of Supervisors 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 subject to the Mitigation Measures and Conditions of Approval shown in Attachment 1, or as may be modified at the public hearing, pursuant to Nevada County Land Use and Development Code Section L-IV 2.4 and California Government Code Section 66474, making the findings A through G:
- 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 fireflow 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.
- V. Project Action: Recommend that the Board of Supervisors approve Use Permit (CUP19-0010) to establish a Comprehensive Master Plan for the project site subject to the Mitigation Measures and Conditions of Approval shown in Attachment 1, or as may be modified at the public hearing, pursuant to Nevada County Land Use and Development Code Section L-II 5.6.G and 5.5.2.C, making findings A through L:
- 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 (MIS21-001), 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 Attachment 1, have been imposed upon the project; and,
- K. The conditions provided in Attachment 1 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 Attachment 1, 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.

VI. Project Action: Recommend that the Board of Supervisors adopted an Ordinance approving the Second Amendment to the Development Agreement (MIS20-0001), pursuant to Nevada County Land Use and Development Code Section L-II 5.18.E, making findings A through E:

- A. That the proposed project is consistent with the goals, objectives, policies and applicable land use designations of the Nevada County General Plan, including policies encouraging efficient, orderly development; and,
- B. That the proposed project complies with all of the provisions of the Nevada County Land Use and Development Code; and,
- C. That the proposed project is consistent with the public convenience, general welfare, and good land use practice, making it in the public interest to enter into the development agreement with the applicant; and,
- D. That the Second Amendment to the Development Agreement is consistent with the requirements of California Government Code Section 65864 et seq., allowing for a Development Agreement between the developer and the County.
- E. That the proposed project will not:
 - 1. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; and,
 - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; and,
 - 3. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and,

4. Adversely affect the orderly development of property or the preservation of property values.

Respectfully submitted,



Brian Foss, Director of Planning