

From: [Licia Ecke](#)
To: [Planning](#); [Matt Kelley](#); [Clerk of Board](#)
Subject: Rincon Del Rio permit hearing
Date: Monday, May 3, 2021 5:31:20 PM
Attachments: [Rincon Del Rio 2021 letter.docx](#)

Dist 2

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Dear Planning committee,

I have attached a letter outlining my concerns about the Rincon Del Rio new project permits. I do not believe the committee has adequately addressed the fire hazard concerns and exit issues, now or in 2013.

Sincerely,

Felicia Ecke

[REDACTED]

May 3, 2021

Re: Rincon Del Rio

To Nevada County Planning Projects,

I am writing to voice renewed concerns for the proposed Rincon Del Rio project. I am a resident of the Hidden Ranch neighborhood next to the proposed project area. The only road available to us for entrance and exit to Hidden Ranch Road is Rincon Way. The same road Rincon Del Rio would use as an entrance and exit. It is my understanding that an exit to Rodeo Flat Road will be made available to anyone, however that road would only be accessed from Rincon Way, then entering Rincon Del Rio and trying to find an exit we are unfamiliar with in an emergency situation. Rincon Way is a single lane road. You have already provided Rincon Del Rio with an exception to the width requirements of this road down to 30 feet. Now you are proposing adding the possibility of even more residences to Rincon Del Rio than previously approved, while we in the Hidden Ranch area will still have one road in and one road out of our neighborhood. I would have hoped that the Nevada County planning committee would have taken something from the tragic fire in Paradise, but it looks like you have not.

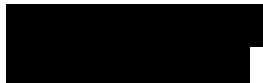
I read in your material that you considered this problem, and concluded that the Rodeo Flat Road exit would be open to everyone. I would ask you to look at a map and try to see how that would help the Hidden Ranch Estates homes in any way.

In 2005 the Nevada County planning commission denied us permits to add a single bedroom Granny flat detached unit to our property that would house a single elderly man, sighting fire concerns. In 2013 you approved a project that would house at least 345 people, if each unit had only 1 person, in the same fire hazard area. All of us living in this area have subsequently lost our home fire insurance and are using the CA Fair Plan. Now you propose to approve even more residences, while looking to extend the road exemptions you already granted. To be clear, our exit from Hidden Ranch is a right turn onto Rincon Way leading to highway 49. To get to an exit onto Rodeo Flat Road would require a left turn from Hidden Ranch Road onto Rincon Way heading into the Rincon Del Rio facility, directly into any vehicles and ambulances trying to exit the facility. I see a disaster waiting to happen in that scenario. By greatly increasing the population you also increase the likelihood of this situation occurring.

What will you do if there is a fire and all of us in the Hidden Ranch Road area are trapped as Rincon Way fills up with vehicles and we have no other exit? I and my family will face much the same situation the people of Paradise faced, along with my neighbors. You will be the people who made it possible.

Sincerely and with great concern,

Felicia Ecke



From: [Matt Kelley](#)
To: [Julie Patterson-Hunter](#)
Subject: FW: Comments on Rincon del Rio for May 11 BOS hearing
Date: Tuesday, May 4, 2021 7:26:41 AM
Attachments: [5-3- Letter BOS.pdf](#)
[Signature pages.pdf](#)

Good Morning Julie:

Attached is a comment letter that we received from Virginia Akers for the Rincon del Rio project.

Thanks,

Matt Kelley
Senior Planner



Planning Department
County of Nevada
Community Development Agency

950 Maidu Ave. Suite 170
PO Box 599002
Nevada City, CA 95959-7902

office 530.265-1423
<https://www.mynevadacounty.com/512/Planning-Department>

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I am out of the office every other Friday as follows: 2/19, 3/5, 3/19, 4/2/, 4/16, 4/30, 5/14, 5/28....

BUILDING CLOSURE NOTICE:

The Customer Service Counter for Nevada County CDA is now open by appointment only. Appointment times are available Tuesday through Thursday, at 1:00 pm, 2:00 pm, and 3:00 pm. To schedule an appointment with staff please contact us at least a day in advance at 530-265-1222 Option 2 or planning@co.nevada.ca.us. If you have any questions about our services, please contact us by email at planning@co.nevada.ca.us or by phone at 530-265-1222 Option 2.

From: Virginia [REDACTED] >
Sent: Monday, May 3, 2021 11:25 PM
To: Matt Kelley <Matt.Kelley@co.nevada.ca.us>
Cc: Kit Elliott <kit.elliott@co.nevada.ca.us>; Rhett VanderPloeg <Rhett.VanderPloeg@co.nevada.ca.us>
Subject: Comments on Rincon del Rio for May 11 BOS hearing

CAUTION: This email originated from outside of County of Nevada email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Kelley:

Please see the attached letter and signature pages for comments and objections to the Rincon del Rio modified project to be heard by the Board of Supervisors on May 11, 2021.

Thank you for your consideration.

Regards,

Virginia Akers

Virginia I. Akers
Peter D. Guilbert



May 3, 2021

Nevada County Board of Supervisors
950 Maidu Ave.
Nevada City, CA 95949

Hand Delivered to the respective Board of Supervisors
Sent by Email to Matt Kelley: matt.kelley@co.nevada.ca.us
Please make a part of the official record

Re: Rincon del Rio project

Honorable Board of Supervisors:

After reviewing the latest proposed revisions submitted to the County on the above project referred to as the "proposed modified project" (hereafter referred to as the "modified project") set for hearing before the Board of Supervisors on May 11, 2021 along with the various Attachments and Staff Recommendations, we submit the following objections and concerns as supported by the undersigned.

We contend this modified project is not a minor amendment as defined in County codes and should require a new application for a subdivision along with a new and updated EIR including traffic studies and current fire plan. In addition, the modified project violates the Settlement Agreement and Release executed among Plaintiffs Keep Nevada County Rural, Karen Abbott, Patricia and Benton Seeley, Billie Prestel and Real Party Young Enterprises, L.P. along with Respondent County of Nevada (herein referred to as the "Parties") last dated 11/21/13. In the Recitals, the "Project" as referred to in the lawsuit was strictly defined as follows:

" . . . means the Rincon del Rio project approved by the Nevada County Board of Supervisors on April 9, 2013, including the final project Conditions of Approval and Mitigation Measures, the final Ordinances and Resolutions for the various entitlements associated with the Board's action, the Project Site Plan, Tentative Map, Grading/Infrastructure Plan, Circulation Plan, Comprehensive Master Plan, Architectural Summary, Floor Plans, Elevations, Landscape Plan, Lighting Plan, and the further minor modifications to the Project specified in this Agreement."

In the Agreement section, the Parties agreed that the Recitals were incorporated therein making them an integral and enforceable part of the Settlement Agreement.

Though not Plaintiffs in the original lawsuit, we contend that the recent modified project violates the Settlement Agreement as outlined below. These violations include, but are not limited to, the following:

1. This combined application for a Use Permit to amend the Comprehensive Master Plan and revise the Tentative Final Subdivision Map is by its very nature a violation of the Settlement Agreement. The Project, as approved, did not provide for fee title ownership of any of the residential units which would total 323 individually owned parcels/units governed by a homeowners association (hereafter "HOA"). The approved Project provided for a single owner (Young Enterprises, L.P.) of the CCRC and all of the dwelling units, businesses and related buildings and amenities contained therein thus retaining control over the entire RDR Project.

The modified project provides that virtually all residential units (323 mostly two-bedroom plus a den which could potentially hold 6 people each) would be privately owned and governed by a HOA. Under the modified project, the only remaining CCRC component, (the Group House Memory Care facility comprising 22 units (with 88 beds) since Assisted Living has apparently been removed and the 24 rental units, would presumably be owned and controlled by Young Enterprises, L.P. **This is a material change to the Project as defined in the Settlement Agreement.** This change of ownership and control also removes the enforcement mechanism for the population cap of 415 residents and none of the "fixes" offered by County Counsel or the Planning Commission are feasible or legally enforceable as regards private property ownership.

We know of no legal authority that gives a HOA the legal right to limit or enforce the number of residents on, or expel homeowners from, privately owned property nor does the Department of Real Estate, the Department of Social Services which is the agency responsible for approving, monitoring and regulations CCRC providers, nor Nevada County Counsel have such authority. In fact, in the conditions of Approval and Mitigation, Monitoring and reporting Plan (MMRP), it clearly states "Notwithstanding any provision of this Declaration to the contrary, and with respect to matters within the regulatory powers of the County, including, but not limited to the development agreement and the conditions of approval for the subdivision map for the Development, the County *has the right, but not the duty, to enforce the terms of this Declaration in the County's absolute discretion* (emphasis added). The County is the last line of defense in enforcing the 415 population cap. A right without a remedy/duty is hollow and worthless and fails to protect the very group for which it was intended. Section 1771(p)(10) of the Health and Safety Code provides that no homeowner's association may be a *provider*, so presumably all of the laws governing CCRC's would not apply to a HOA.

Paragraph 18 under the heading "Use Permit" provides for a maximum of 415 age-restricted residents and states "No increase in population of the site is allowed at any time". Based on that provision, an annual census of the population is not acceptable since that does not assure that the population cap has not been exceeded for the remaining 364 days of the year. Such a census should be conducted no less than quarterly and preferably monthly. In addition to no enforcement provision, there is no penalty provision for exceeding the 415 population cap nor any provision for determining who will be expelled once the 415 population cap occurs. There is even an indemnity and hold harmless clause as to the County for Owners or Occupants' failure to

comply with the CC&R's or Conditions of Approval which begs the question as to who is going to enforce the population cap.

In determining the population cap, guests, roommates and other non-owner residents must be included and there are no provisions to define those individuals nor to ensure they are included in the census and reporting. Also, there is no age-related restriction on guests or who will enforce how long these non-age complying guests could remain on the property. At what point does a "guest" become a resident. What happens when the grandkids come to visit for a month or the summer? This belies the active senior component to the development and veers more toward any common family-oriented subdivision with its attendant noise and traffic.

Despite all of the proposed requirements for maintaining the population cap of 415 including CC&R's, occupancy census and annual reporting, homeowner's response and cooperation requirements, compliance with reporting requirements, etc., all reporting requirements and owner responses are self-regulating with no agency or legal authority oversight. Under Section 2.3, Compliance with Reporting Requirements, it leaves it up to the Owner to ensure compliance. Despite all the verbiage on reporting, there is STILL NO ENFORCEMENT PROVISION OR ENFORCEMENT AGENCY in place to assure compliance with these requirements. Tasking the HOA with enforcement of the population cap by expelling excess residents (their senior neighbors) is untenable and probably illegal.

The County has a provision that no new dwelling units be constructed until the previous ones are 70% occupied. Coupled with that, the ONLY reliable enforcement mechanism for controlling the 415 cap is that no additional dwelling units could be constructed once the population cap of 415 persons has been reached and that moratorium would remain in effect until the population drops below the 415 cap. In addition to the requirement that residents provide proof of age, they must provide the number of individuals who will reside in each dwelling unit at close of escrow. Any time thereafter if the number of persons increases or decreases, it must be reported within a fixed time period such as five to ten days after a change in occupancy. If the occupancy reaches 415 before the entire 323 units are built, so be it. The occupancy cap is the controlling factor in this project, not the number of dwelling units Young would like to build. Though we believe the 415 population cap number was excessive for this location, that number was agreed upon by all of the Parties to the prior lawsuit as a compromise and enshrined in the Settlement Agreement. Young now seeks to build her wished-for senior subdivision (referred to by her as "Del Webb on steroids") and subvert the terms of the Settlement Agreement by changing the project from a Young Enterprises, L.P. owned and controlled CCRC project that had control over the population cap to an HOA which has no mechanism for control or enforcement.

2. The modified project asserts that it is a Continuing Care Retirement Community (CCRC) offering services to a population aged 55 and older. The revised Comprehensive Master Plan (hereafter "CMP") dated February 2020 states that the campus is designed to serve adults 60 years and older which in the latest iteration has lowered to age 55. **The original approved Project had a minimum age of 60 so changing the age to 55 is another material change from terms of the Project as defined in the Settlement Agreement.**

3. The Project as approved has morphed from Cottages, Bungalows, duplexes and 4-Plexes to Cottages and Bungalows on individual parcels, 5-Plexes and 14-Plexes as well as apartment units to loft units in the Village Service Center to now include 24 rental units not previously included in the approved Project. **This new configuration is not what was approved under the Comprehensive Master Plan in the Settlement Agreement.**

4. The approved Project included a separate assisted living component and nursing care both of which components of a CCRC have been removed under the modified project. The modified project now refers to a Group House Memory Care facility/Assisted Living which will not be built, if ever, until the later phase. The Assisted Living designation was added to what was previously only designated as Memory Care (88 beds) in a careful effort to disguise the fact that there is no traditional independent Assisted Living function in the modified project and according to Young's representative at the Planning Commission hearing has now been removed. Assisted Living Services are defined in H&S Code Section 1771(a)(5) and Assisted Living Unit is defined in H&S Code Section 1771(a)(6). **This is another change from the Comprehensive Master Plan approved by the County as covered under the Settlement Agreement.** Any assisted living or nursing care will now be provided by outside, third-party providers and not as a component of this so-called CCRC.

5. The approved Project's Tentative Map provided that the project site could be subdivided from four lots to 14 lots. The modified project would require at least 102 individual residential lots and 221 other individually-owned parcels/units containing the condominiums, the Village Center, Memory Care facility, other facilities and designated open space for a total of **323** parcels. There are 699 designated parking spaces for a population of 415 which seems excessive. **This is a material change to the approved Tentative Map and a clear violation of the Settlement Agreement.** If Young Enterprises, L.P. wants to build a subdivision, an entirely new EIR should be conducted because the old one is outdated and irrelevant as concerning the modified project.

6. Young Enterprises, L.P. requested, and was granted, several exceptions to the Nevada County Road Standards. The modified project requests an exception for the emergency access roadway exceeding the maximum allowable roadway grade. It further seeks an exception from the road right-of-way widths on Rincon Way from a 50-foot width to a 30-foot width. The petition would allow for the elimination of vegetation management on either side of the roadway previously required of the CCRC. There is also a request for exception for the interior primary access roads including a reduction of the right-of-way width from 50 to 40 feet and shoulder width from 4 feet to 2 feet when AC dike is used. This is yet another deviation from the approved Project and constitutes a fire danger to the existing residents of the surrounding parcels as well as the residents of the RDR project. **This is also a violation of the Settlement Agreement.**

7. Apparently the County intends to form a PRD to enforce road maintenance on Rincon Way from Highway 49 to the project. **This is a violation of the Settlement Agreement** which provides that Real Party and/or the Owner of the CCRC (not a HOA) shall solely bear all road maintenance obligations during Project construction as well as all ongoing maintenance costs for the aforementioned portion of Rincon Way. Portions of the proposal state that these costs will be funded by the CCRC. Future revisions, however, would require approval of 2/3 of the

landowners who would be part of the PRD. This is contradictory since the CCRC will no longer own the entire project while the individual property owners will be part of a HOA that can vote to change the agreement. Any such agreement must include the HOA as well as the CCRC (which only retains ownership of the Memory Care facility and the 24 rental units) as a binding agreement to both entities. Any such agreement must specifically exempt in perpetuity the surrounding property owners from the PRD which was a specific element of the Settlement Agreement.

8. Section 5.2(b) of the Development Agreement provides that the project shall be subject to the applicable substantive and procedural provisions of the County's General Plan, zoning, subdivision and other applicable land use ordinances and regulations in effect when such an amendment or modification request is approved. It also says that the County shall not be precluded from considering and/or applying any County law or other rule, regulation, standard or policy which is in effect at the time such discretionary action is acted upon by the County. The language "shall" is mandatory. Granting exceptions, such as current road safety standards, to current provision of laws, ordinances and regulations would seem to violate this Section.

9. The modified project proposes an Alternative B under the CMP to bringing water and sewer lines through alleged public utility easements along Hidden Ranch Road and Pheasant Court to the subject property. The affected property owners have previously soundly rejected this option. The approved Project provided that water and sewer were to run on Rodeo Flat to the project site (Alternative A) which the County held was feasible and which was approved in the Project. **This is yet another material change to the approved Project and a violation of the Settlement Agreement.**

10. The Settlement Agreement was supposed to be a full and final accord and satisfaction and general release of all of Petitioners' claims against Respondent or Real Parties except for claims for breach of the Agreement. However, the Settlement Agreement further provides:

"Notwithstanding anything in this Agreement to the contrary, this does not constitute a release or waiver by Petitioners of claims that may accrue in the future or are otherwise unrelated to the Petition or the Claims or the Project, including 17(a) Any violation by Real Party of the Project's mitigation measures, Development Agreement or conditions of approval; (b) Any failure by Respondent to enforce the Project's mitigation measures, Development Agreement or conditions of approval; and (c) **Any proposals by Real Party (or its successors or assigns) to revise the Project in a manner that is inconsistent with the Project approvals and this Agreement.**" (emphasis added)

The modifications requested by Young clearly violates the provision in paragraph (c) above as they are patently inconsistent with the previous project approvals.

11. Aside from the above issues, there is still a great concern about how this modified project with its exceptions to the fire road standards will affect the surrounding parcels including fire safety, fire suppression and evacuation. These fire safety concerns have been addressed exhaustively in previous letters to the County who has continued to ignore the very real fire danger this project poses to surrounding property owners. This large project which has now become a

subdivision is planned in an area that has a high fire danger rating and putting new homes ten feet apart along with all of the other building as well as the density of residents and guests presents an increase in the fire danger and safety of not only the residents of the project but the surrounding existing Nevada County residents who should be owed a duty of protection by Board. This project should be required to bring all ingress/egress and fire safety roadways up to current State fire safety standards or the modified project should not be approved. This is placing all of residents in an unsafe situation should evacuation be required either by way of Rincon/Hidden Ranch or through the Ranchos. Any exemption from current required fire roadway standards amounts to malfeasance on the part of the approving agencies and the Board of Supervisors. Some sort of fire impact analysis should be done including how the County intends to evacuate the Higgins area in a fire such as the Paradise fire.

In fact, all references to fire issues in both the EIR and the Planning Department's responses have addressed issues only as they relate TO the residents of the RDR project such as the type of construction materials, size of the water lines, water flow, holding tank, evacuation plan (there are only 2 ways out), etc. None of these responses have addressed the fire dangers presented BY the RDR project to the surrounding residents. In an evacuation using Rincon, the surrounding residents will be trapped in their subdivision when 415+ vehicles attempt to use Rincon to access Highway 49 which will be jammed up with fleeing residents of LOP, the Ranchos, Combie Road, Dark Horse and basically all of the Higgins area.

12. The Justification for Petition of Exceptions to Waive Subdivision and/or Road Standards letter dated July 30, 2019 addressed to Trisha Tillotson sent from SCO Planning, Engineering & Surveying does not address the exceptions requested by the project for Rincon Way and there are no justifications for granting the exceptions requested for Rincon. In fact, reducing the easement and abdicating the requirement for Young Enterprises, L.P. for vegetation management is irresponsible and further exacerbates the fire danger during evacuation and fire suppression when vegetation on the side of the roadways will be burning as we saw in the Paradise Fire.

13. Due to the requested change in demographics requested by the modified project, a younger and more active population will live at RDR all of which equates to more traffic, more noise, and more pollution. While the average age of a true CCRC is 75-80 this project will include active 55-year olds, many of whom are still of working age. Any traffic analysis needs to include 55+ communities as well as their employees, guests, and deliveries (UPS, Fed-Ex, USPS, Amazon, WalMart, Uber, food delivery services, etc.) which would be anticipated to be higher in an active senior subdivision than a CCRC facility due to the higher age of CCRC residents vs. active seniors. Local residents have seen a three-fold increase in such delivery traffic in the past few years. The modified project requires an entirely new traffic study, not a faulty six-page Trip Generation Qualitative Assessment conducted by R. D. Anderson & Associates, Inc. In fact, the Anderson letter should be completely disregarded since common sense dictates that active 55-year olds will make MORE not FEWER trips as indicated. Using statistical traffic from 2011 is laughable since anyone who has lived in the area in the last 10-15+ years can attest to the massive increase in traffic on Highway 49 year-over-year. It should further be disregarded since the CCRC contemplated in his Land Use description included in addition to detached and attached housing, congregate care, assisted living and skilled nursing care, the latter three which are not a component

in the RDR project. In addition, it notes "Caution should be used when applying these data. CCRCs are relatively new and unique land uses." In fact, no comparable CCRC configuration including individual lot ownership was utilized in arriving at his findings. Nor were any traffic statistics provided for an active 55+ community which would be the proper standard. The Land Use attachment concludes by stating "Users are strongly cautioned to exercise proper professional judgment in applying these data." A little common sense would also be appropriate. Finally, it states "The sites were surveyed in the 1980's, the 1990's and the 2000s in Connecticut, Illinois, Maryland, Massachusetts, Pennsylvania, and Virginia." None of these states bears a resemblance to the type of driving patterns in California and are beyond outdated!!

The traffic count of 969 vehicle trips a day generated by the project is more accurate and does not include the current trips per day by surrounding residents which when totaled, equates to approximately 1200+ trips per day total on Rincon/Hidden Ranch and this doesn't include deliveries to homeowners or businesses. There is great concern that the increased traffic will significantly overburden Young's easement on Rincon Way/Hidden Ranch Road which is and always has been a private road. The so-called traffic study cites traffic counts on Rincon/Hidden Ranch but fails to emphasize the impact of approximately 1200+ cars a day turning onto and off of Highway 49. CalTrans has steadfastly refused to install a traffic light at that intersection and their only solution is to limit left turns in or out which will only serve as a major inconvenience and increased danger to the residents as they seek alternatives to the left-turn restrictions. At the very least, a STOP sign should be erected on Rincon where it meets Hidden Ranch Road as there have already been some near-misses at that intersection even without the increased traffic.

14. Now that there will be over 323 privately owned parcels, there are concerns about the increased amount of lighting which will be required and the impact on the night sky. The amendment claims that new lighting components will be used and this will not be an issue. The new plan calls for a total of 453 lights in the modified project. How do you go from zero light emitting from the project site to 453 exterior lights coupled with interior lights and vehicle lights and claim this would result in no substantial light that would affect our night sky. This light pollution will have a substantial effect on the surrounding residents and obliterate our dark skies.

15. The project will supposedly be constructed in a number of phases. There is no timeline of how long it is anticipated this construction will continue until all of the phases are built out. What safeguards are in place to prevent the surrounding property owners having to endure ten years or more of construction noise, construction traffic, dust, air pollution from construction equipment and attendant construction-related nuisances?

16. What safeguards are in place to protect surrounding property owners if this age-restricted project fails? An enforceable provision needs to be included in any operating agreements executed by Young Enterprises, Inc. or any successor, including the proposed HOA, that provides this project cannot be "amended", revised, changed or repurposed to become a non age-restricted or low income housing project.

17. This project has been submitted as an Amendment to Approved Tentative Maps, Recorded Final Maps, or Parcel Maps. The County defines an amendment as "any modification or expansion of the approved use or conditions of approval." Sec. L-IV 2.18 of the County

Subdivision Ordinance allows for corrections and amendments to an approved tentative map **if the amendments have a cumulatively minor effect on the subdivision and its impacts.** (emphasis added). The modifications requested by Young Enterprises, L.P. are anything but minor. Subdividing the four parcels into more than 323 individually-owned parcels/units is not minor. Turning the project from a single owner entity to a HOA is also not minor. The County requires that if the project site is located within the very high wildland fire hazard area severity zone, the applicant shall submit a Fire Protection Plan to be approved by the Nevada County Fire Marshal and/or his/her designee. **This project is no longer a CCRC (the website does not even refer to it as a CCRC) but a major subdivision** and considering the very significant impact a subdivision of 323 individually owned parcels/units and the fact that the requested modifications are not “minor”, a new subdivision project application should be submitted to include a new EIR along with new traffic studies in addition to the new Fire Protection Plan. Also, current fire safety road standards should be required with no exceptions.

Finally, the Planning Department concludes “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.”

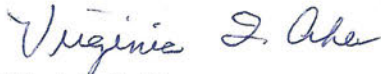
This statement could not be further from the truth and is not based on fact or logic when one looks at the project. How does subjecting the surrounding residents to increased population, noise, traffic, ongoing construction, pollution, dust, increased fire danger, inconvenience and destruction of our rural way of life along with endangering our property values not adversely affect the surrounding residents. There are at least two property owners in the Hidden Ranch subdivision who are considering suing their sellers for not disclosing this project when they purchased their property and another who decided not to purchase when informed of the RDR project. We contend that this project will definitely adversely affect not only the surrounding residents but all citizens of the entire Higgins Corner area. Increased high population density construction throughout the County has contributed to the vastly increased traffic on Highway 49. This high population density construction has turned this once rural and bucolic area into a crowded, overpopulated bedroom community. Bringing in more people while ignoring the needs of its existing citizens and the necessity of new and modernized infrastructure (such as improved roads, enhanced fire protection and fire evacuation routes) is reckless.

Finally, what safeguards are in place to ensure that Young or its successors do not come back to the County in the future requesting to expand the project and build additional dwelling units on the remaining open space shown in the modified project?

These concerns are not all inclusive and we reserve the right to bring up any additional concerns during the public hearing process.

In short, Young Enterprises, L.P. has an approved project in place that it can build and could have built anytime since 2013. There is a valid Settlement Agreement willingly executed by the Parties and by which Young Enterprises L.P. should be bound including strict enforcement of the 415 population cap even if it means building fewer dwelling units at the project site.

Respectfully submitted,



Virginia I. Akers



Peter D. Guilbert

cc: Matt Kelley, Planning
Katherine L. Elliott, County Counsel
Rhetta VanderPloeg, County Counsel

The Undersigned hereby join in and concur with the statements contained in the attached letter as though made individually and separately.

George David Walker

~~Samuel David Walker~~

Lexi Walker

Tim H. Walker

Carrol Watkins

Myra K. Walker

~~James Walker~~

~~James Walker~~

John Walker

Trint Taylor

Trint Taylor

Rebecca Taylor

Renee Taylor

Adrian Tereve

~~Samuel David Walker~~

Elaine Chambers

Debbie

Juanita R. Rater

William Walker

James R. Rater

Barbara Long

Audrey McIntosh

Willa W. W. W. W.

James B.

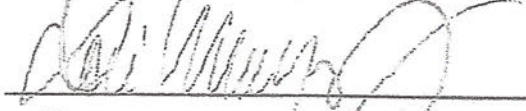
A. F. W. W.

W. W.

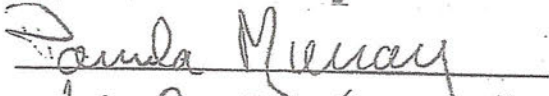
Audrey J. Johnson

Alton R. Johnson

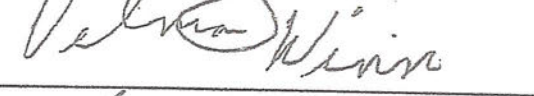
The Undersigned hereby join in and concur with the statements contained in the attached letter as though made individually and separately.



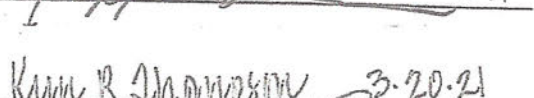
Steve P. Murphy



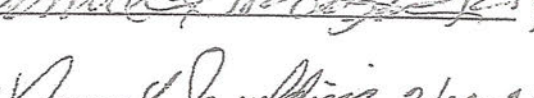
Paula Murray



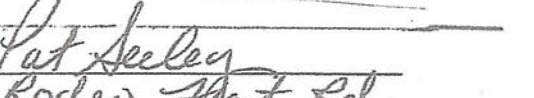
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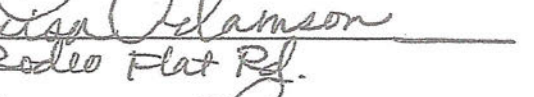
Velma Kinn



Kim R. Thompson 3-20-21



Charles E. Thompson 3/21/21



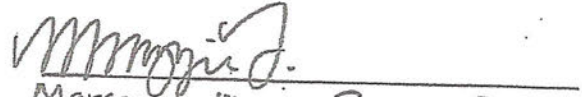
Norman Spaulding 3/22-21



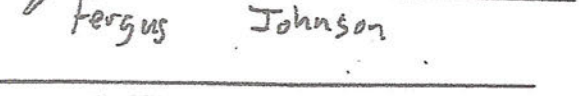
Pat Seeley
Rodeo Flat Rd.



Lisa Oslamson
Rodeo Flat Rd.



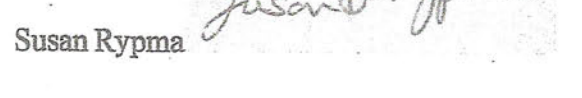
Margaret M. Johnson



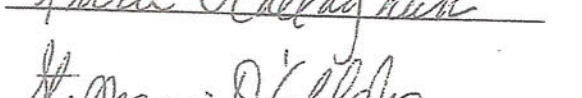
Fergus Johnson



Roger Rypma



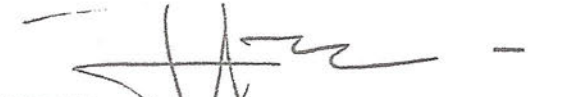
Susan Rypma



Kevin O'Callaghan



Stephanie O'Callaghan



25270 Rodeo Flat Rd



Kyle

The Undersigned hereby join in and concur with the statements contained in the attached letter as though made individually and separately.

David Vian

Kristi Vian

Kristi Vian

Hugh Staples

Chris Ericson

Luis M. Valenzuela

Monica Christie Monica Christie

Shannon Simmons

Cathy S. Minick

Brandon Strine

Patricia D. Coe

Eric Moroz, ERIC MOROZ

E. Blalock

Don Walker

Don Wakefield

Robert B. Nickle

Robert B. Hickok

Missu Graham

Alfred

LONG NGUYEN Ly Nam

Ly Nam

Joel Gomez

Joel Gomez

Chris Helms

The Undersigned hereby join in and concur with the statements contained in the attached letter as though made individually and separately.

Nicole Black Nicole Black

Katelin Vian

Kathleen Haas

Kathleen Haas

Jason S Dell

Jason S Dell

Aaron Kenney

Aaron Kenney

Michael Hoskin

Michael Hoskin

Jenny Linarez

Jenny Linarez

Adam Seal

Adam Seal

Buck Broszon

Buck Broszon

Robert Oyer

Robert Oyer

Nathan Block

Nathan Block

Garrett Markoul 3/24

Rebecca Funk

Janeen S. Oyer

Aaron Hill

Zachary Hill

Zachary Hill

Bryan O'Brien

Bryan O'Brien

The Undersigned hereby join in and concur with the statements contained in the attached letter as though made individually and separately.

Don M. L.

~~Don M. L.~~

Don M. L.

Lois L. Hendricks

Asst

~~Don M. L.~~

Don M. L.

Don M. L.

Paul Thompson

Chad K. Booy

Don M. L.

Anthony Davis

Wes Kim

Pyron H. H. H.

Shelley A. H.

~~Shelley A. H.~~

Shelley A. H.

Shelley A. H.

Shelley A. H.

Shelley A. H.

Shelley A. H.

Shelley A. H.

Shelley A. H.

Shelley A. H.

Shelley A. H.

Shelley A. H.

Shelley A. H.

Shelley A. H.

The Undersigned hereby join in and concur with the statements contained in the attached letter as though made individually and separately.

Ay Waj

Carol A. Viano

LG Viano

Charlynn Doss

Darin Zinola

Kym Zinola

L. Viano

Hallie Munaw

Manny S. Brennan

Rebecca

Mark Viano

Pamela Viano

Jeannette M. Mower

Max Mower

Darin Zinola

Kimberly Zinola

Phyllis

Laurel Viano

The Undersigned hereby join in and concur with the statements contained in the attached letter as though made individually and separately.

[Signature]

M.A. Enil

Oak Zingy

Maria Qumky

Harold Juarez

Clad Javoy

Jared Shuster

Justin Shuster

D. Novelly

Tina Novelly

Elizabeth Jones

Patricia Coe

Michael Coe

Shamir Qumby

Audun R. Hall

Mari Syttak

William P. P. P.

Natt Jue's

The Undersigned hereby join in and concur with the statements contained in the attached letter as though made individually and separately.

George Simmons

Mary Mills

Ken Johnson

Steve

Randy Meadows

Bi. Miller

Ken

Dennis C. DeLaney

W. L. Wal

Neil Bernhardt

Bruce Hartley

Andy Maguire

Tom

John Kojowski

John

The Undersigned hereby join in and concur with the statements contained in the attached letter as though made individually and separately.

Karen M Abbott 3/21/2021

KAREN M. ABBOTT

William M. Abbott 3/21/2021

WILLIAM M ABBOTT

Linda K. Hoffacker 3-20-2021

LINDA K. HOFFACKER

Edward D Hoffacker 3/21/2021

EDWARD D. HOFFACKER

Rosalind R Nice 3/21/21

Rosalind Nice

Nancy L. West 3/21/21

NANCY L. WEST

Peggy L. Lemasters 3/21/21

Peggy L. Lemasters (Pastor)

Sherry Warren 3/21/21

Sherry Warren

Terry D Warren 3/21/21

Terry D. Warren

Leticia Ecker 3-21-21

Leticia Ecker

Dr Ecker

DARRELL Ecker 3-21-21

Julianne Dixon

JULIANNE DIXON 3/21/21

Bobo Diaz 03/21/21

Donna Mickel 3/21/21
Donna Mickel

allyson Mickel 3/21/21

ALLYSON MICKEL

Carley Mickel 03/21/2021

Carley Mickel

Udo E Gutierrez

3-21-2021

Freddie E. Perry
Freddie E. Perry

Jon A. Perry

3/21/2021

Bleuie Proski 3/23/21

Wally Proski

The Undersigned hereby join in, and concur with the statements contained in the attached letter as though made individually and separately.

Angella Russell
— Angella Russell

3-24-20

Christopher Russell
Christopher Russell

3-24-20

Cynthia Hall
— Cynthia Hall

3-24-20

Michael Hall
Michael Hall

3-24-20

Patricia Russell
— Patricia Russell

3-24-20

James Russell
James Russell

3-24-20

From: [Robin Davies](#)
To: [Julie Patterson-Hunter](#)
Subject: Letters of Support-Amendments to Approved Rincon Del Rio project
Date: Wednesday, May 5, 2021 1:30:42 PM
Attachments: [5-05-2021 BOS Letter of Support Rincon.pdf](#)
[5-05-2021 BOS CAC Letter of Support Rincon.pdf](#)

CAUTION: This email originated from outside of County of Nevada email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Patterson-Hunter,

Please find attached the Greater Grass Valley Chamber's letter of support for the Rincon Del Rio project being heard by the Board of Supervisors on May 11th, 2021.

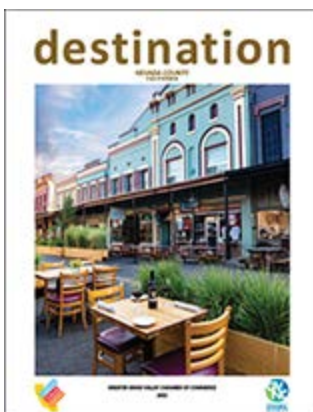
Thanks and.....

Warmest Regards,

Robin

Robin Galvan-Davies
CEO, Greater Grass Valley Chamber of Commerce
Executive Director, Grass Valley Visitors Center
128 East Main Street, Grass Valley CA 95945
(530) 273-4667

www.grassvalleychamber.com





128 East Main Street, Grass Valley, CA 95945 • (530) 913-2399
www.grassvalleychamber.com • email: info@grassvalleychamber.com

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The Union Newspaper

Immediate Past President

Joy Porter
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Nevada County Arts Council

Haven Caravelli
MEC Builds, Inc.

Machen MacDonald
ProBrilliance Leadership Institute

Steve Sanchez
Sierra Gold Parks Foundation

Jennie Sparks
Absolute Communications Systems

May 5, 2021

Julie Patterson Hunter
Nevada County Clerk of Board
950 Maidu Avenue
Nevada City, CA 95959

RE: Amendments to the approved Rincon Del Rio Master Plan

Dear Board of Supervisors,

On behalf of the Greater Grass Valley Chamber of Commerce, it is our pleasure to submit a letter supporting the proposed amendments to the approved Rincon Del Rio Master Plan.

We are pleased that the developer reevaluated and changed their CCRC model from an entry fee to an equity model, which adds the benefit of homeownership and entitlements equal to residential ownership.

Within this unique model, the homeowner's financial investment is truly an investment, building lasting equity. The homeowner within the CCRC may set the listing price, sell the home, retain any profit, and once sold; the house returns to senior housing inventory reselling with reassessed property tax.

The modification supports a diversity of choices for senior housing and continual life care opportunities. The buildings and independent living housing conform to the 2020 Green Building criteria, embracing green construction strategies and practices that support the homeowner's comfort and wellness while working to achieve net-zero goals.

With an emphasis on creating a style of living that enhances spiritual and physical well-being, the amenities and planned programs are within walking distance and support education, creativity, exercise, and outdoor recreation. Additionally, organized group transportation and car-pooling to off-site shopping and social and recreational activities are geared to reduce traffic volume and reduce greenhouse gas emissions.

High-paying jobs for construction, community management and administration, restaurant and retail positions create locally sourced workforce job opportunities contributing to economic vitality and increased sales and use tax.

We respectfully request that the Board of Supervisors approve the amendments as presented to the approved Rincon Del Rio project, which will increase senior housing inventory and be a significant contributor to the county's economic vitality.

Sincerely,

Robin Galvan Davies

Robin Galvan Davies, CEO

Robert Medlyn

Robert Medlyn, President of the Board



128 East Main Street, Grass Valley, CA 95945 • (530) 913-2399
www.grassvalleychamber.com • email: info@grassvalleychamber.com

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ProBrilliance Leadership Institute

Steve Sanchez

Sierra Gold Parks Foundation

Jennie Sparks

Absolute Communications Systems

May 5, 2021

Julie Patterson Hunter
Nevada County Clerk of Board
950 Maidu Avenue
Nevada City, CA 95959

RE: Amendments to the approved Rincon Del Rio Master Plan

Dear Board of Supervisors,

On behalf of the Community Affairs Committee led by the Greater Grass Valley Chamber of Commerce, it is my pleasure to write a letter of support of the proposed amendments to the Rincon Del Rio project.

Having received an in-depth review of the proposed changes to the approved project, we are in favor of those changes, which will, in our collective regard, add substantial value to senior living opportunities in western Nevada County. The economic development impact will be significant; road improvements will provide additional egress routes for residents as well as those who reside in the Lake of the Pines community, along with a service commitment from NID represents enhanced public safety benefits.

The housing crisis in Western Nevada County has been a continued focus of the Community Affairs Committee. Those attending today's meeting agree that the Applicant's proposed amendments create an attractive wellness-centered senior community with 345 independent living units, which affords decreased senior migration, releasing retirees' single-family homes back into housing inventory.

Those in attendance at the April 21st meeting in agreement to support the proposed amendments respectfully request that the amendments be approved as presented.

Jon Katis, Vice-President GGVCC, Chair, Community Affairs Committee

Michael Anderson, CEO Clientworks, Advocacy Chair, Nevada County Tech Connection

Kathleen Schaffer, Community Member

Jay Strauss, Winton Strauss Law Group

Jonathan Walker, Appreciated Real Estate Company

Jan Roth, The Roth Estate

Ed Mertens, Mertens Insurance Agency

Christopher Ring, CEO Ring Consulting

Robin Galvan-Davies, CEO Greater Grass Valley Chamber

Sincerely,

Jon Katis

Jon Katis, Vice-President, GGVCC

Robin Galvan-Davies

Robin Galvan-Davies, CEO

From: [REDACTED]
Subject: [BOS Public Comment](#)
Subject: Rincon Del Rio letters of Support
Date: Friday, May 7, 2021 9:45:27 AM
Attachments: [Letter to supervisors BA.docx](#)
[Letter of Support on Letterhead.docx](#)

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Attached are letters of support for Rincon Del Rio.

Thank you,

Barbara
Barbara Bashall
Government Affairs Manager
Nevada County Contractors' Association

[REDACTED]

www.nccabuildingpros.com

(530) 274-1919 (O)

[REDACTED]



Nevada County Board of Supervisors
950 Maidu Avenue
Nevada City, CA 95959

Re: Support for Amendments to Rincon Del Rio Continuing Care Retirement Community

Honorable Supervisors

The Nevada County Business Alliance is pleased to support the Rincon Del Rio project. The Nevada County Association of REALTORS®, the Greater Grass Valley Chamber of Commerce and the Nevada County Contractors' Association have joined together to support a Business-Friendly Nevada County, and to collectively work together to support policies and projects that address the critical needs of our community. Housing is one of those critical needs.

Rincon Del Rio Continuing Care Retirement Community is desperately needed in Nevada County and provides additional housing choices for seniors looking to age-in-place in a retirement community, and it keeps them here in Nevada County.

In addition, there are so many positive economic impacts which include: creating a vital linkage for emergency access to homeowners in LOP and LOP Ranchos; generating property tax income for Nevada County; funding for Higgins Fire District, providing many well-paying jobs and local construction jobs, and it frees up much needed housing for our workforce.

Rincon Del Rio Continuing Care Retirement Community is the same project that was approved in 2014 except for the modification they are requesting now, to change to an "equity model," which is more advantageous to the consumer and the provider.

We urge you to support the changes.

Thank you for your consideration,

Kathy Hinman

Kathy Hinman
Association Executive
Nevada County Association of REALTORS®

Robin Davies

Robin Davies
CEO
Greater Grass Valley Chamber of Commerce

Barbara Bashall

Barbara Bashall
Government Affairs Manager
Nevada County Contractors' Association



NEVADA COUNTY CONTRACTORS' ASSOCIATION

149 Crown Point Court, Suite A • Grass Valley • Tel. # (530) 274-1919 • Fax # (530) 274-3373
www.nccabuildingpros.com • email: info@nccabuildingpros.com

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Charles Faber

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Byers Enterprises Inc.

Sam Marsico, Jr.

Marsico Custom Homes,
Inc.

Daniel Swartzendruber

Tru-Line Builders, Inc.

Josh Van Matre

Caseywood Corporation

Brittany Young

Youngs Carpet One

Bob Zucca

Weiss Landscapes, Inc.

March 19, 2021

Nevada County Planning Commission
950 Maidu Avenue,
Nevada City, CA 95959

RE: Support for Rincon Del Rio

Dear Commissioners:

The Nevada County Contractors' Association is pleased to support the revised application for Rincon Del Rio.

Nevada County is in dire need of additional housing units especially for seniors looking to age-in-place in a retirement community. It will be a viable option for current residents who want to downsize to sell their current home, yet remain in Nevada County as residents and taxpayers, and maintain their assets, friendships and business connection in Nevada County. It will reduce elder migration out of the County and increase the quality of life for seniors. In addition, it will free up much needed housing for the younger population.

The revised application for Rincon del Rio is the same project that was approved in 2014 by Nevada County, with the exception that the dwelling units will be sold to the residents in fee title, like all homes are. It will still be a Continuing Care Retirement Community (CCRC) but it will be an "equity model," which is more advantageous to the consumer and the provider. This will allow the residents to benefit from the property appreciation and allow Nevada County to assess property taxes. The Rincon del Rio project is still age restricted to seniors 55+ years of age and the population cap is enforceable by the Homeowners Association.

Rincon del Rio will have many positive impacts for Nevada County; it creates a vital linkage for emergency access, which is a huge public benefit for those homeowners in LOP and LOP Ranchos; it generates property tax income for Nevada County, which is estimated at build-out that the property tax income will exceed \$5 million per year. It will provide many well-paying jobs and many local construction jobs. Much of the cost of construction will stay local recirculating through-out our community. Needless to say, it will have a huge economic benefit for the community.

I respectfully request that you recommend approval to the Board of Supervisors.

Sincerely,

Barbara Bashall

Barbara Bashall

Government Affairs Manager

NEVADA COUNTY CONTRACTORS' ASSOCIATION

From: [Bob Zucca](#)
To: [BOS Public Comment](#)
Subject: Nevada County Board of Supervisors - Letter of Support for Rincon Del Rio
Date: Friday, May 7, 2021 10:03:08 AM
Attachments: [image001.png](#)
[Rincon del Rio letter to BOS.pdf](#)

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Dear Board of Supervisors,

Here is my letter of support for the Rincon Del Rio project.

Thank you and have a great weekend,

Bob Zucca

Bob Zucca

Weiss Landscaping, Inc.

Web: www.goweisslandscaping.com

Email: [REDACTED]

Office: 530-271-7478





Weiss Landscaping

Nevada City, CA 95959

www.goweisslandscaping.com

Nevada County Board of Supervisors

Nevada City, CA 95959

Dear Supervisors:

I also serve on several committees at Eskaton and have become friends with many of the homeowners. They are so thankful for their community within our community and have said if it were not for the Eskaton lifestyle and services, they would have moved out of our community seeking those services elsewhere. Until now, Eskaton is the only community of its kind in Nevada County.

Rincon del Rio will also have many positive impacts for Nevada County. Many well-paying jobs, increased tax base, many local construction jobs, and new routes for emergency access.

Thank you for your consideration,

Co-Owner Weiss Landscaping, Inc.



Applicant, Carol Young

MAY 07 2021

NEVADA COUNTY
BOARD OF SUPERVISORS**WHY THE CHANGE?**

The short answer: SB 939 Bill Monning – June 2016

Entrance fees for CCRCs can range from \$550,000 to \$1.5+ million a unit. Many residents sell their homes and assets to cover the fee. When the resident 'vacates' the CCRC, a pre-agreed upon percentage of the entrance fee is refunded. Refunds range from 0, to pro-rated amounts, up to 90%. The 90% refund usually comforts the relatives. However, no community member ever receives the whole amount, much less appreciation. There is also a monthly fee that used to range from \$4,000 – 5,000—none of which is refundable.

The law at the time RDR was approved: *The return on an entrance fee, i.e. "lump-sum payment," in a CCRC contract is "conditioned upon resale" of a unit.* The law governing CCRC's did not establish a definitive timeline for the refund, but obviously, reselling the unit was a top priority in almost all situations.

However, a community in San Diego (high-rise on the beach), had a waiting list so long they built another tower—to which they steered all new potential residents. A woman in the older tower died and her son couldn't get his money for several years because the Sponsor was only showing the new units.

One wouldn't think an entirely new law was required, but that's what happened. The law places new financial burdens on entrance-fee CCRCs that experience even minor delays in reselling units.

The downside: As with any artificial restraint like SB 939, there are unintended consequences. In this case, most operators changed the entry fee to around \$350,000 and upped the monthly fees to \$8,500 - \$9,500 and more. That's unfortunate because residents don't get any percentage of monthly fees back and they are paying for advanced care services they may never need.

This change in contractual obligation was obviously a negative for anyone undertaking a new entry-fee model CCRC.

The alternative? An equity model. Let people help design their homes and have what they want, and let community members participate in appreciation—which could be significant.

An equity model in no way invalidates Rincon as a CCRC. In fact, an equity model is a well established alternative to an entry-fee modeled CCRC.

Further, as an equity model, RDR is not only regulated by the Department of Social Services but also the Department of Real Estate. This legal oversight from the State of California relieves the County of even enforcement responsibility.



PROJECT CHARACTERISTICS

	Approved Project 2014	Amended Project 2021
Entry Fee	YES	NO
Requires a new EIR	YES	NO
Resident Owns Unit	NO	YES
Method to Legally Enforce Population Cap	NO	YES
Produces Greater Property Tax Revenue	NO	YES
Generates Fewer Daily Traffic Trips	NO	YES
Has Fewer Rooftops	NO	YES
Requires Less Grading	NO	YES
Has a Lower Building Density and Intensity	NO	YES
Environmentally Superior Design	NO	YES
Building Envelope Size = 40 Acres	YES	YES
Open Space = 80% of Project Acreage	YES	YES
Unit Count = 345 Units	YES	YES
Population Cap = 415 Residents	YES	YES
Has a Will-Serve Letter from NID	YES	YES
Is a Proposed CCRC (regulated by State of CA)	YES	YES
Is an Age-Restricted Community	YES	YES
Has Assisted Living / Memory Care / Hospice	YES	YES
Will be Professionally Operated	YES	YES
Has an approved Lighting Plan	YES	YES
CEQA Compliant	YES	YES
Provides Emergency Access	YES	YES