
APPENDICES

APPENDIX 1.0-A - NOP AND NOP COMMENTS

NOTICE OF PREPARATION

DATE: May 11, 2011

TO: Responsible Agencies, Organizations and Interested Parties

LEAD AGENCY: County of Nevada

Contact:

Brian Foss, Principal Planner
Planning Department
Community Development Agency
950 Maidu Avenue
Nevada City, CA 95959-8617

SUBJECT: Environmental Impact Report for the Rincon del Rio Continuing Care Retirement Community Project

In discharging its duties under Section 15021 of the California Environmental Quality Act (CEQA) Guidelines, the County of Nevada (as Lead Agency) intends to prepare an Environmental Impact Report, consistent with Article 9 and Section 15161 of the CEQA Guidelines, for the Rincon del Rio Continuing Care Retirement Community Project. In accordance with Section 15082 of the CEQA Guidelines, the County of Nevada has prepared this Notice of Preparation to provide Responsible Agencies and other interested parties with sufficient information describing the proposal and its potential environmental effects.

The determination to prepare an Environmental Impact Report was made by the County of Nevada.

As specified by the CEQA Guidelines, the Notice of Preparation will be circulated for a 30-day review period. The County of Nevada welcomes public input during this review. In the event that no response or request for additional time is received by any Responsible Agency by the end of the review period, the Lead Agency may presume that the Responsible Agency has no response.

Comments may be submitted in writing during the review period and addressed to:

Brian Foss, Principal Planner
Planning Department
Community Development Agency
950 Maidu Avenue
Nevada City, CA 95959-8617
Phone: 530-265-1222
Email: brian.foss@co.nevada.ca.us

The Notice of Preparation comment period closes on **June 13, 2011**

PROJECT LOCATION, OWNERSHIP, AND CURRENT USE

The 215-acre project site currently encompasses four parcels (APNs 57-240-17, -18, -19 and 57-130-13) and is located at the east terminus of Rincon Way and one-half mile east of State Route (SR) 49, south of the Lake of the Pines community (see **Figure 1** and **Figure 2** provided with this document). The vast majority of the project site is currently undeveloped. There is an existing single family residential structure on the property located near the southwest corner of the site (see **Figure 2**).

The project site features varied topography, including rolling hills and somewhat flatter terrain near the center of the property. Elevations within the site range from 1,280 feet above mean sea level (msl) along its southern portion near the Bear River to approximately 1,710 feet above msl at its southeastern corner of the site. The site is covered primarily by ponderosa pine, California black oak and several kinds of oak-dominated woodlands, and annual grassland. Small portions of the site include areas of wet meadow, freshwater emergent wetlands and foothill riparian habitats. There is an unnamed tributary which flows into a large pond located near the center of the site. The Combie Phase Canal traverses the western half of the property (see **Figure 2**).

The project site is currently designated by the Nevada County General Plan as Planned Development, Estate (PD-EST) and zoned RA-3-PD (Residential Agricultural, 3-acre, Planned Development).

SURROUNDING LAND USES

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. Lots to the south of the project site generally range from approximately 10 to 17 acres. Lots to the west generally range between 1.3 and 11.5 acres; although there is one 71 acre lot located to the west of the project site. Lots to the north of the project site are primarily 5 acres. Lots to the east of the project site generally range from 5 to 20 acres.

PROJECT OBJECTIVES

The following objectives have been identified for the project.

- Establish a fully operational continuing care retirement community within a campus-like setting that includes housing for independent living, assisted living, nursing care facilities, physical rehabilitation, and memory-impaired housing.
- Provide for establishment of a continuing care retirement community in a location that supports the operational needs of the project, in general proximity to necessary support services, and with sufficient site planning capabilities that allow for outdoor recreational uses and preservation of substantial open space to create to the desired character of development.
- Provide both indoor and outdoor recreational opportunities for project residents.
- Provide on-site shopping and similar services for project residents.
- Follow an architectural design that would ensure compatibility with the natural setting of the project site and surrounding neighborhood and promote internal connectivity.

- Protect the existing wetlands and sensitive environmental areas occurring on the project site.

PROJECT CHARACTERISTICS

The project proposes the development of a continuing care retirement community (CCRC) featuring a variety of independent and supportive living arrangements including independent living, assisted living, nursing care, physical rehabilitation, and memory impairment housing within a campus setting featuring commercial and recreational uses and transportation and a variety of other services.

The proposed project consists of a number of entitlements, including: General Plan Amendment (to text and Land Use Diagram), Zoning Code Amendments and Rezone (changes to text and Zoning Map), Multi-Phase Tentative Subdivision Map, Use Permit, Development Permit, Comprehensive Master Plan (CMP), Management Plan, Development Agreement, Road Standard Exception, Building Permit, and Grading Permit.

The community would provide housing for approximately 415 residents within 345 attached and detached housing units. Proposed development would be clustered and would be limited to a 40-acre envelope located on the western half of the site with the remaining approximately 170 acres to remain as undeveloped open space. The proposed project would also include recreational elements such as walking trails, pedestrian bridges, community gardens, aquatic fitness center, and courts for tennis, volley-ball and bocce ball. The proposed site plan and master plan, including the locations of each of the project components described in **Table 1**, are illustrated in **Figure 3** and **Figure 4** of this document.

**TABLE 1
PROPOSED DEVELOPMENT SUMMARY**

Building Type	Number of Buildings	Number of Units	Unit Size	Building Size (sf)	Parking
Residential Independent Living					
Cottages	78	78	1160 - 2000 sf	Varies	78 resident spaces and 26 guest spaces
Duplex	23	46	1142 sf	2,285	46 resident spaces and 16 guest spaces
4-Plexes	10	40	1142 sf	4,570	40 resident spaces and 14 guest spaces
Cohousing Duplex	6	12	900 sf	1,800	12 resident spaces and 4 guest spaces
Cohousing 4-Plex	2	8	900 sf	3,600	8 resident spaces and 3 guest spaces
Group House (2 Story)	2	4	(6) 424 sf suites/unit	7,430	6 resident spaces and 2 guest spaces
Lodge	2	28	1460 sf	30,100	70 (garage)
Subtotals	123	216			325

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Building Type	Number of Buildings	Number of Units	Unit Size	Building Size (sf)	Parking
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 and 54 employee/guest spaces
Subtotals	5	98			152
Common Area Support Services					
Club House (Existing Building)	1			14,000	8
Pool Building	1			4,700	4
Community Barn	2			3,600 per building (7,200 total)	6
Cohousing Common House	1			2,165	
Neighborhood Common House (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 build-out.

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 floors.

Residential Units

As shown in **Table 1**, the project proposes the construction of 345 residential units consisting of five primary types of residential buildings: cottages, duplexes, group houses, lodges, and village center residential.

- **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. There would be some stacked duplexes on the steeper terrain where two lower units are accessed at grade from the downhill side and two upper units are accessed from grade at the uphill side.
- **Group Homes** - Group living with private rooms or suites and shared common areas.

- Independent Living - Two-story buildings with one group house per floor, each with six suites. The lower unit is accessed from grade at the downhill side and the upper unit is accessed from grade at the uphill side.
- Alternate group house memory care.
- Hospice.
- **Lodges** - Two-story multi-unit buildings with common facilities and garage level parking below (entered at the downhill side).
 - 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

The Village Center would consist of five buildings which include various types of residential units as well as community and support services. The Village Center would provide a total of 152 parking spaces.

- **Building One** would consist of 12 residential units and support services totaling 43,000 square feet. Support services would include: café, exercise, post office, recycling center, bakery, theater, ice cream parlor, 6 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 totaling 45,000 square feet. 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 43,000 square feet. Support services would include lounge/common areas and parking.
- **Building Four** would consist of 22 residential units and support services totaling 45,000 square feet. Support services would include: conference/meeting, dining, private dining, sitting room, kitchen, administration, laundry and cleaning, restrooms, and dishwashing area.

Common Facilities and Accessory Buildings

The project proposes the following of 11 large common facilities and accessory buildings totaling 33,000 square feet and providing 18 parking spaces:

- **Cohousing Common House:** The Cohousing Common House would be 2,165 square feet and would provide a kitchen, dining room, sitting/game room, exercise room, laundry room, restrooms, and indoor and outdoor circulation areas including a common terrace.
- **Neighborhood Centers:** Up to five small structures (approximately 800 square foot) would be strategically located within the residential areas of the project, providing for informal gatherings by residents.

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- **Community Barns:** Two Community Barns totaling 7,200 square feet (3,600 sf 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. A large, covered outdoor area would be provided near the barns featuring a cooking pavilion and area for tractor parking, implement storage, and recycling/composting. A parking area would also be provided between the barns.
- **Pool House:** The 4,700 square foot Pool House would house a pool, spa, men's and women's locker rooms with saunas, pool equipment, and storage area.
- **Gatehouse:** A 935 square foot gatehouse would be constructed at the western entry to the project site where Rincon Way leads into the project site. The design would be consistent with the overall architectural theme of the project.
- **Clubhouse:** The existing main residence on the project site, at 14,000 square feet, would be modified to serve as a clubhouse for use by project residents. The clubhouse would support Rincon del Rio special meetings, celebrations and other gatherings, and would include kitchen, dining and common areas.

The project also proposes several minor accessory buildings or structures including a garden shed, gazebo, band stand, boat dock, covered bridge and restrooms.

PROJECT PHASING

The proposed project is anticipated to be constructed in ten phases; however, the developer may propose that phases be combined and/or modified based on market conditions. Phase one would consist primarily of construction of the sewer and water system, primary and emergency access roads and a portion of the Village Center. Phase two would include construction of the remaining buildings within the Village Center. Phases three through ten 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, fourplexes, cohousing affordable unit, assisted living and nursing care units.

OPEN SPACE MANAGEMENT

Covenants, Conditions and Restricts (CC&Rs) would be created for the proposed community. Specific instructions within the CC&Rs would address, at a minimum, property maintenance and open space management. Over 80 percent, or 170 acres, of the site would remain undeveloped. As such, the open space management shall include provisions for fuel modification and defensible space per Public Resources Code Section 4291.

RECREATION

The project proposes to provide over four miles of improved walking trails, and soft surface trails throughout the project site, general picnic areas and social gathering areas along Bear River, raised-bed community gardens, pool and pool house, fitness center, bocce ball courts, tennis courts and pickle ball area. The trails would generally be of a dirt surface, 2 to 4 feet wide, and sited in such a way as to minimize the need for grading, working with the natural contours of the site. Certain trail areas may be improved to a 6 foot width and surfaced with paving or other all-weather material, such as the trail segments leading from the central residential area and clubhouse to the existing pond and the group barbecue area. The details and locations of

these proposed amenities are provided in the project's proposed recreation plan and will be discussed further in Section 3.12, Public Services and Utilities section of the EIR.

LIGHTING

The proposed lighting plan is IDA (International Dark Sky Association)-approved and would utilize low energy, compact fluorescent, or LED bulb options. Project-site lighting would include 88 pole lights, 40 of which would be 8 feet tall and 48 of which would be 12 feet tall, as well as 26 bollard-style lights and 90 wall-mounted lights. Individual residential units would also have porch entry lights. Project lighting will be discussed further in Section 3.1, Aesthetics section of the EIR.

LANDSCAPING

The proposed landscaping plan would consider the following:

- Preservation of existing Blue Oak trees and other native vegetation wherever possible. Site planning, grading, 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 pallet shall 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 shall be limited to recreational areas (less than 20 percent of newly landscaped areas). Plantings shall be "hydrozoned" in grouping 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 shall receive an amendment of well rotted compost (6 cubic yards per 1,000 square feet) and a top dressing of wood chip mulch (3 inch deep minimum).
- Placement of deciduous trees for passive cooling of buildings and paved areas. Deciduous canopy shade trees shall be located within the landscaping for coverage of parking areas and other paved surfaces subject to "heat island effect." Shading of parking areas shall 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, which does not survive. All plantings and irrigation shall be maintained by the property owner and, in any case where a required planting has no survived, the property owner shall be responsible for replacement with equal or better plant materials.
- Plant container sizes would be as follows:

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- All Trees – 15 gallon with minimum 1.5-inch caliper trunk (1 inch for understory)
- All Shrubs – 5 gallon
- All Groundcover and Perennials – 1 gallon

Landscaping for the project will be discussed further in Section 3.1, Aesthetics section of the EIR.

SIGNAGE

General on-site building identification signage would be provided, along with on-site directional signage. A sign identifying the project would be attached to the existing Caltrans posts, below the Caltrans sign for Rincon Way, on SR 49. A main entry sign would be placed by the gatehouse, along with a site map sign after the gatehouse. Signage for the project will be discussed further in Section 3.1, Aesthetics section of the EIR.

GRADING AND EROSION CONTROL

To the extent feasible, any grading within the project would balance cut and fill onsite, with minimal off-haul and/or import of fill to occur. If the transport of cut and/or fill becomes necessary, transport operations would be consistent with County ordinances in affect at the time and would be identified on the improvement plans.

In order to avoid large areas of grading over long periods of time, grading activities would be phased with the development, to the maximum extent possible, and be consistent with the overall Master Plan for the entire project site.

Grading operations within the project site would follow the recommendations provided in the geotechnical investigations required prior to any development (see Section 3.6, Geology and Soils). Geotechnical recommendations would include measures to address:

- Expansive soils
- High groundwater levels
- Existing unsuitable soils and fill
- Site preparation
- Temporary excavations
- Soil erosion

In addition, an Erosion and Sedimentation Control Plan would be prepared prior to the issuance of a grading permit to ensure adequate erosion control protection during grading operations. Details of that plan would be in conformance with the Nevada County Grading Ordinance and Best Management Standards of the Regional Water Quality Control Board and the Nevada County Resource Conservation District. Geo-technical issues will be discussed further in Section 3.6, Geology and Soils section of the EIR.

INFRASTRUCTURE

Circulation and Roadway Improvements

The project site is located approximately 2,200 linear feet east of SR 49 with the primary access via Rincon Way, a rural two-lane local roadway which runs directly east of the intersection of SR 49. A secondary emergency only access would be provided via a connection to Rodeo Flat Road, located at the northeast corner of the project site. Rincon Way would be improved to meet the County's standards or a "Typical Campus Road Section A." *Improvements would be within a 30 foot-wide public roadway and utility easement, developed in accordance with County Road standards. The 30 foot-side easement would include two 10-foot vehicle travel lanes. Certain segments of Rincon Way that currently fall outside of the existing 30 foot-wide easement are proposed by the applicant to be relocated within the roadway easement or acquired to maintain the roadway where it currently exists.* Gated secondary emergency access would be constructed onsite to meet a two-lane Fire Standard Access Road per "Typical Emergency Access Road Section B" and connect to Rodeo Flat Road. As part of the project, a Petition for Exception would be submitted for the existing portion of Rodeo Flat Road due to a short stretch of existing County roadway that may exceed the maximum road gradient of 16 percent.

A covered bridge for vehicles and a pedestrian bridge would also be constructed as part of the proposed project.

Several miles of existing surface trails would be utilized to enjoy the 170 acres of open space within the project site. Additional six-foot wide asphalt trails would be constructed within the Village Center and clustered development areas, connecting the housing areas to project amenities. Trails outside of the development area would primarily consist of soft surface trails. Circulation and roadway improvements will be discussed further in Section 3.11, Transportation and Traffic section of the EIR.

Transportation Services

The project proposes to 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. Comprehensive and personalized transportation services would be provided by staff at the Village Center to coordinate all resident transportation needs. Residents can arrange for carpooling, a community vehicle, a private driver, or an "errand runner" who would pick up and deliver twice daily. Traffic and transportation issues will be discussed further in Section 3.11, Transportation and Traffic section of the EIR.

Parking

A total of 540 parking spaces would be provided onsite including for both residential uses and community support uses (see **Table 1** above). Parking would be consistent with the requirements of the Nevada County Zoning Regulations. Most residential uses would have one on-site parking stall. Parking will be discussed further in Section 3.11, Transportation and Traffic section of the EIR.

Water

Water service would be provided by NID. The project site is located within the boundaries of the NID and a will-serve letter for the project has been issued. As proposed, a mainline extension would be required from the northeast corner of the site at Rodeo Flat Road and would be constructed as part of the project. Offsite construction is proposed to be located within the existing Rodeo Flat Road Public Utility Easement (PUE). Final location and alignment of the water lines would be subject to NID review and approval. No other off-site improvements would be required. Municipal water service will be discussed further in Section 3.12, Public Services and Utilities section of the EIR.

Wastewater

The project proposes to construct an onsite gravity wastewater system, directed to a lift station. The lift station would pump wastewater through a force main toward the northeast to another onsite lift station. The force main would continue offsite to the north along Rodeo Flat Road; 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 offsite construction of the sewer main would be located within existing Public Utility Easements (PUEs). Annexation to the County Sanitation District #1 would be necessary, requiring approval of Nevada County Local Agency Formation Commission (LAFCo). A separate application would be made to the Department of Sanitation to obtain a "will-serve" letter and to confirm the number of EDU's required for the project. The proposed wastewater system Wastewater will be discussed further in Section 3.12, Public Services and Utilities section of the EIR.

Drainage

The drainage system associated with the improvements to the site would consist primarily of roadside ditches. Runoff would be directed to water quality treatment facilities such as infiltration trenches and/or retention ponds prior to returning to sheet flow to connect to natural swales located on site. The onsite retention to treat the runoff from impervious surfaces would be sized and constructed as required by the Nevada County Department of transportation and Regional Water Quality Control Board. Best Management Practices would be implemented in accordance with the Regional Water Quality Control Board. Low impact development (LID) techniques would be utilized.

A portion of the project site, along its southern boundary and adjacent to the Bear River, is located within a 100-year flood plain. No development is proposed within this area. Drainage and flood hazards will be discussed further in Section 3.8, Hydrology and Water Quality section of the EIR.

Utilities

The project site would be served with electricity from Pacific Gas and Electric (PG&E). Community propane tanks would be located above-ground to serve individual homes. All propane tanks would be located in accordance with the setback regulations imposed by the Nevada County Department of Environmental Health (NCDEH). It is anticipated that other utilities, including power through PG&E, cable, and telephone service, that currently serves the existing residence on-site would continue to be available to service the proposed project. Any necessary utility easements would be created on the Final Subdivision Map. Utilities will be discussed further in Section 3.12, Public Services and Utilities section of the EIR.

Solid Waste

The Nevada County Department of Transportation and Sanitation currently regulates solid waste services and disposal for the County and would provide service to the project site. Nevada County does not have an active landfill and transfers all refuse collected at the transfer stations and transported via trailer trucks to the Ostrom Road Landfill in Yuba County, California. Solid waste service will be discussed further in Section 3.12, Public Services and Utilities section of the EIR.

Fire Protection

The project site is located within the Higgins Fire Protection District (HFPD). The District provides fire protection and emergency services response to an estimated 12,000 permanent residents in southern Nevada County. The District's 90-square mile service area is primarily rural, with the exception of the Lake of the Pines gated community, and is served by three fire stations located geographically at six-mile intervals, with the main station located on Combie Road.

All development related to the build-out of the proposed project would be required to meet the minimum standards of the Uniform Fire Code and the requirements of Nevada County for fire flow, access, and fuel modification. Fire protection services will be discussed further in Section 3.12, Public Services and Utilities section of the EIR.

REQUIRED APPROVALS

County of Nevada: Actions that would be required from Nevada County may include, but are not limited to, the following:

- Certification of the EIR,
- Adoption of a Mitigation Monitoring and Reporting Program.
- Approval of the following entitlements:
 - General Plan Amendment (to text and Land Use Diagram),
 - Zoning Code Amendments and Rezone (changes to text and Zoning Map),
 - Multi-Phase Tentative Subdivision Map,
 - Use Permit,
 - Development Permit,
 - Comprehensive Master Plan (CMP),
 - Management Plan,
 - Development Agreement,
 - Road Standard Exception,
 - Building Permit,

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- Grading Permit.
- Annexation into the Lake of the Pines Zoning of County Sanitation District #1

Central Valley Regional Water Quality Board (CVWQCB): CVWQCB will issue a National Pollution Discharge Elimination System (NPDES) Permit and Storm Water General Permit. Storm Water Pollution Prevention Program (SWPPP), and Water Quality Certification or Waiver, under Sections 401 and 402 of the Clean Water Act (CWA).

California Department of Fish and Game (CDFG): Streambed Alteration Agreement (Sections 1601 and 1603 of the Fish and Game Code), if necessary.

U.S. Army Corps of Engineers (COE): Approval of permits under Section 404 of the CWA.

Nevada County LAFCo/County Sanitation District #1 (Lake of the Pines): Annexation into County Sanitation District #1 (Lake of the Pines), including securing of EDUs to provide wastewater service to the project site.

Nevada Irrigation District: Provision of water service to the project site.

California Department of Social Services: Approval from the Community Care Licensing Division, Senior Care Program and Continuing Care Contracts Branch.

POTENTIAL ENVIRONMENTAL EFFECTS

Any change to the project area is likely to have environmental impacts, and the EIR will assess each alternative's potential direct, indirect, and cumulative effects on all areas identified in Appendix G of the CEQA Guidelines and the County's Initial Study Checklist, including without limitation:

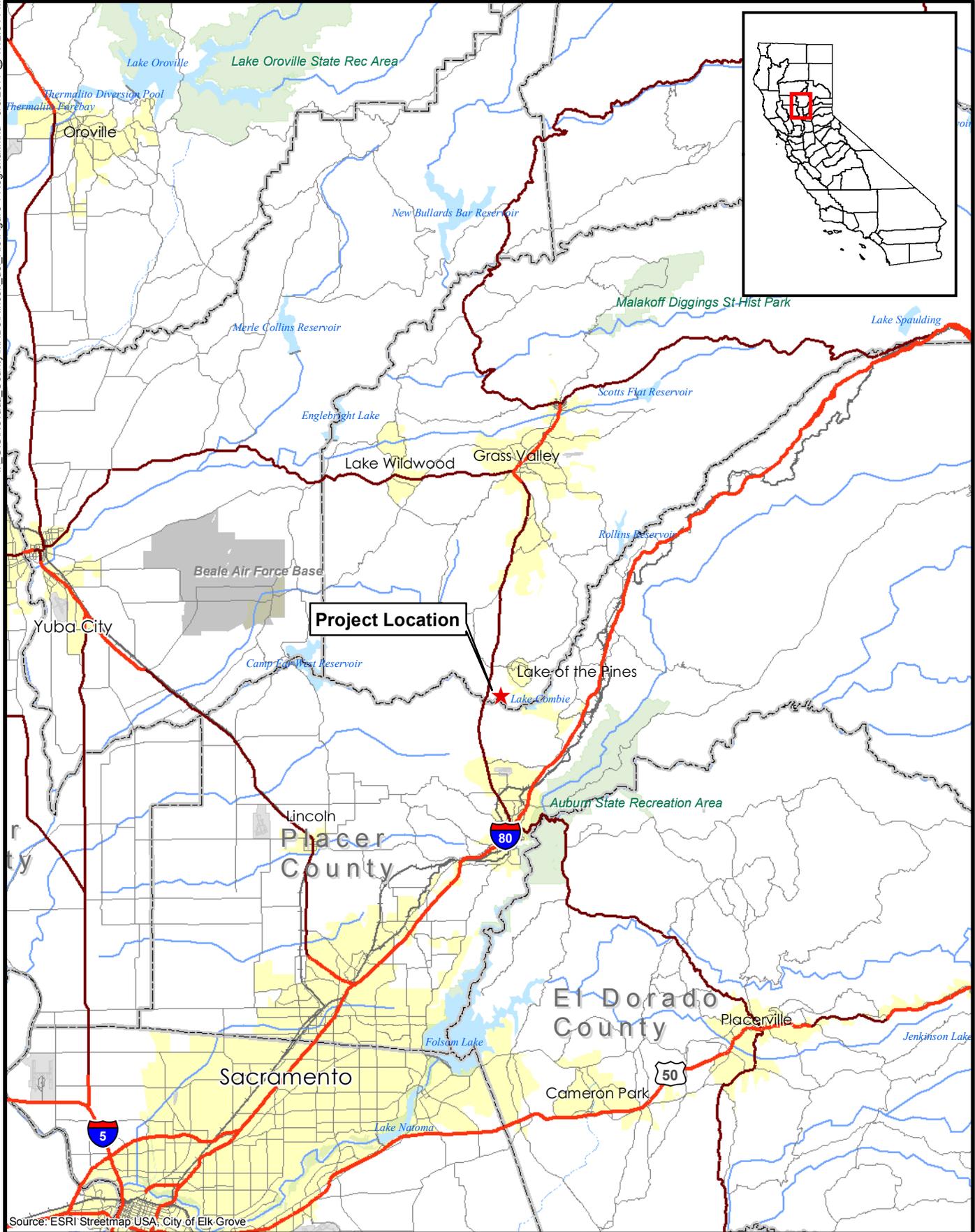
- Aesthetics;
- Agricultural and Forestry Resources including Oak Woodlands;
- Air Quality;
- Biological Resources;
- Cultural Resources;
- Geology and Soil Resources;
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Planning;
- Mineral Resources;
- Noise;
- Population and Housing;
- Public Services;
- Recreation;
- Transportation and Traffic;
- Utilities and Service Systems; and
- Mandatory Findings of Significance.

Agency representatives, members of the public, and other interested parties are encouraged to provide comments on these and any other environmental issues that should be explored in the draft EIR. The County may use the EIR to present and adopt thresholds of significance pursuant to State CEQA Guidelines Section 15064.7.

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Source: ESRI Streetmap USA, City of Elk Grove



Figure 1
Regional Location Map

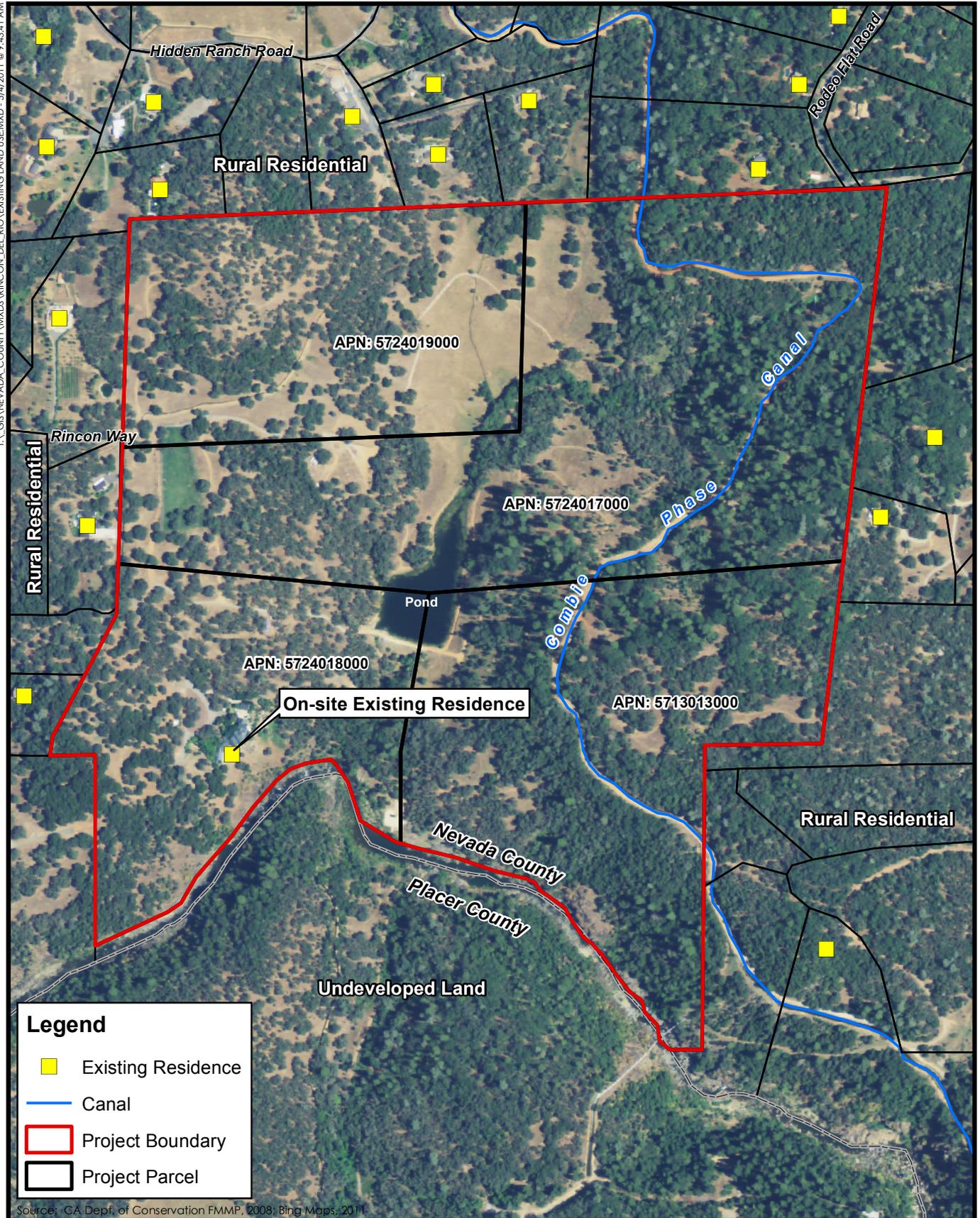


Figure 2

Existing Land Uses and Parcelization



RINCON DEL RIO Building Type and Use Chart

Code	Building Type	Number of Units	Area (sq ft)	Volume (cu ft)	Population	Notes
RESIDENTIAL INDEPENDENT LIVING						
1	Single-Family	76	1,155,000	3,480	26	100% Detached
2	2-Family	28	331,200	1,056	42	100% Detached
3	3-Family	11	132,000	420	16	100% Detached
4	4-Family	5	60,000	192	8	100% Detached
5	5-Family	2	24,000	768	4	100% Detached
6	6-Family	1	12,000	384	2	100% Detached
7	7-Family	1	12,000	384	2	100% Detached
8	8-Family	1	12,000	384	2	100% Detached
9	9-Family	1	12,000	384	2	100% Detached
10	10-Family	1	12,000	384	2	100% Detached
11	11-Family	1	12,000	384	2	100% Detached
12	12-Family	1	12,000	384	2	100% Detached
13	13-Family	1	12,000	384	2	100% Detached
14	14-Family	1	12,000	384	2	100% Detached
15	15-Family	1	12,000	384	2	100% Detached
16	16-Family	1	12,000	384	2	100% Detached
17	17-Family	1	12,000	384	2	100% Detached
18	18-Family	1	12,000	384	2	100% Detached
19	19-Family	1	12,000	384	2	100% Detached
20	20-Family	1	12,000	384	2	100% Detached
21	21-Family	1	12,000	384	2	100% Detached
22	22-Family	1	12,000	384	2	100% Detached
23	23-Family	1	12,000	384	2	100% Detached
24	24-Family	1	12,000	384	2	100% Detached
25	25-Family	1	12,000	384	2	100% Detached
26	26-Family	1	12,000	384	2	100% Detached
27	27-Family	1	12,000	384	2	100% Detached
28	28-Family	1	12,000	384	2	100% Detached
29	29-Family	1	12,000	384	2	100% Detached
30	30-Family	1	12,000	384	2	100% Detached
31	31-Family	1	12,000	384	2	100% Detached
32	32-Family	1	12,000	384	2	100% Detached
33	33-Family	1	12,000	384	2	100% Detached
34	34-Family	1	12,000	384	2	100% Detached
35	35-Family	1	12,000	384	2	100% Detached
36	36-Family	1	12,000	384	2	100% Detached
37	37-Family	1	12,000	384	2	100% Detached
38	38-Family	1	12,000	384	2	100% Detached
39	39-Family	1	12,000	384	2	100% Detached
40	40-Family	1	12,000	384	2	100% Detached
41	41-Family	1	12,000	384	2	100% Detached
42	42-Family	1	12,000	384	2	100% Detached
43	43-Family	1	12,000	384	2	100% Detached
44	44-Family	1	12,000	384	2	100% Detached
45	45-Family	1	12,000	384	2	100% Detached
46	46-Family	1	12,000	384	2	100% Detached
47	47-Family	1	12,000	384	2	100% Detached
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65	65-Family	1	12,000	384	2	100% Detached
66	66-Family	1	12,000	384	2	100% Detached
67	67-Family	1	12,000	384	2	100% Detached
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69	69-Family	1	12,000	384	2	100% Detached
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74	74-Family	1	12,000	384	2	100% Detached
75	75-Family	1	12,000	384	2	100% Detached
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77	77-Family	1	12,000	384	2	100% Detached
78	78-Family	1	12,000	384	2	100% Detached
79	79-Family	1	12,000	384	2	100% Detached
80	80-Family	1	12,000	384	2	100% Detached
81	81-Family	1	12,000	384	2	100% Detached
82	82-Family	1	12,000	384 </tr		

PROJECT INFORMATION:
OWNER / APPLICANT:
 YOUNG ENTERPRISES, L.P.
 P.O. BOX 6636
 ALBUQUERQUE, NM 87106
 CONTACT PERSON: CAROL YOUNG
 (505) 266-1047

PLANNING & ENGINEERING:
 SCO PLANNING & ENGINEERING, INC.
 140 UTECH DRIVE SUITE 340
 GRAND VALLEY, CA 95648
 (530) 572-0544
 CONTACT PERSON: DALE CREDITON, A.L.P.
 (530) 572-0544

PLANNING & ARCHITECTURE:
 McCORMACK & DURRSTADT ARCHITECTURE
 (505) 266-6660
 CONTACT PERSON: CHRIS DURRSTADT

LANDSCAPE ARCHITECTURE:
 MCKENNA & ASSOC. LANDSCAPE ARCHITECTURE
 (530) 295-9888
 CONTACT PERSON: JO MCKENNA

ASSESSOR'S PARCELS:
 87-240-17; 87-240-18; 87-240-19;
 87-240-20; 87-240-21

LAND AREA:
 210.8 AC

ZONING / GENERAL PLAN:
 RA-340 / PD 25F

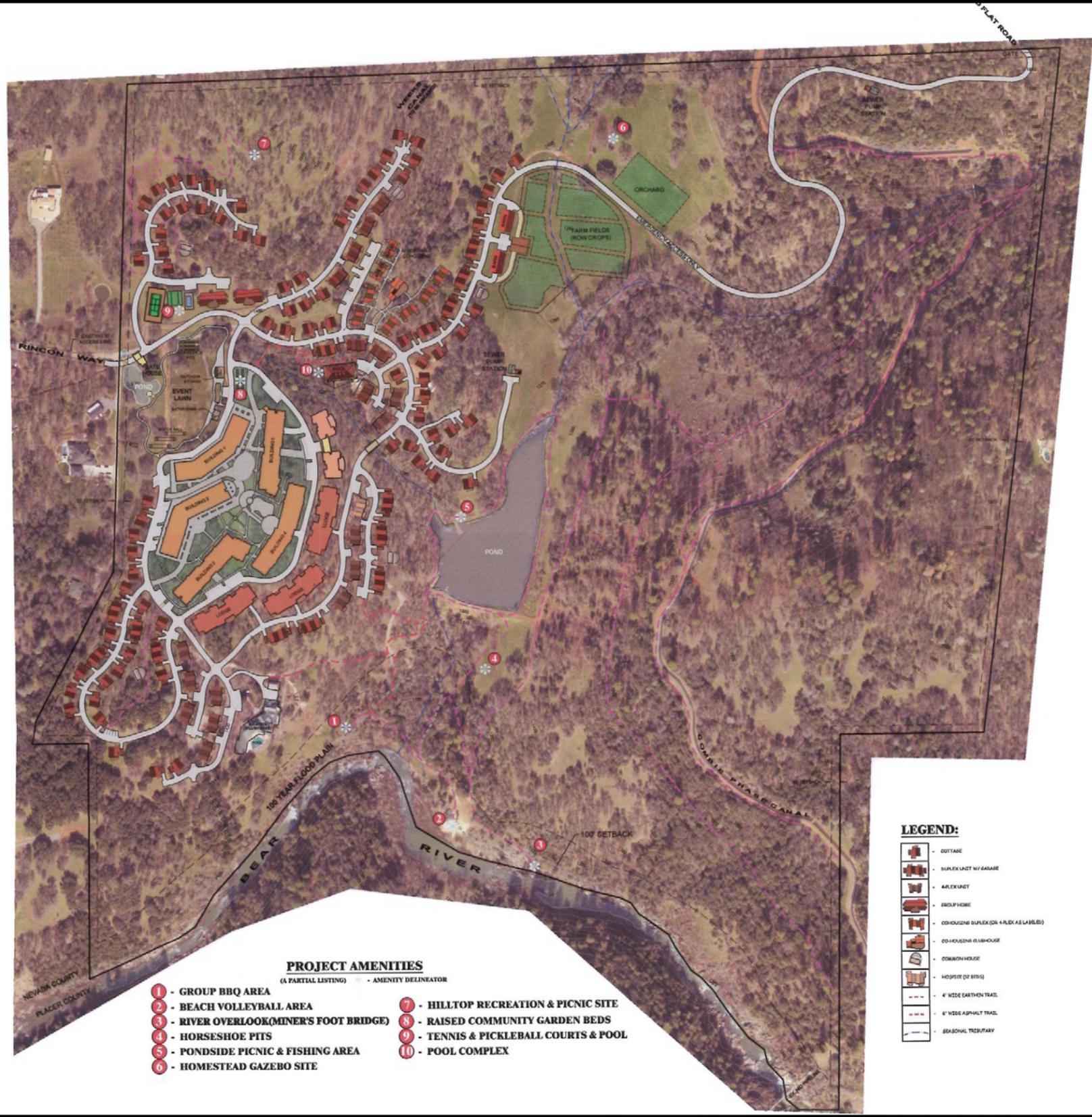
FIRE PROTECTION:
 HUMBOLDT FIRE PROTECTION DISTRICT

WATER:
 NEVADA IRRIGATION DISTRICT

ELECTRICAL & GAS UTILITIES:
 PACIFIC GAS & ELECTRIC

TELEPHONE:
 AT&T

SEWAGE DISPOSAL:
 LAKE OF THE PINES TREATMENT PLANT



- PROJECT AMENITIES**
 (A PARTIAL LISTING) - AMENITY DELINEATOR
- 1 - GROUP BBQ AREA
 - 2 - BEACH VOLLEYBALL AREA
 - 3 - RIVER OVERLOOK (MINER'S FOOT BRIDGE)
 - 4 - HORSESHOE PITS
 - 5 - PONDSIDE PICNIC & FISHING AREA
 - 6 - HOMESTEAD GAZEBO SITE
 - 7 - HILLTOP RECREATION & PICNIC SITE
 - 8 - RAISED COMMUNITY GARDEN BEDS
 - 9 - TENNIS & PICKLEBALL COURTS & POOL
 - 10 - POOL COMPLEX

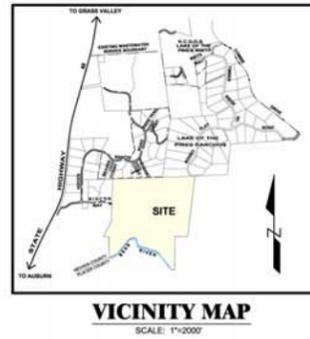
LEGEND:

- [Icon] - GUTTAE
- [Icon] - DUPLEX UNIT W/ GARAGE
- [Icon] - AIR EXHAUST
- [Icon] - GROUP HOME
- [Icon] - CO-HOUSING DUPLEX (OR 4-FLEX AS LABLED)
- [Icon] - CO-HOUSING CLUBHOUSE
- [Icon] - COMMON HOUSE
- [Icon] - HOSTEL (OR BUNG)
- [Icon] - 4' WIDE EARTHEN TRAIL
- [Icon] - 4' WIDE ASPHALT TRAIL
- [Icon] - SEASONAL TERTIARY

Source: SCO Planning, Engineering & Survey

Not to Scale

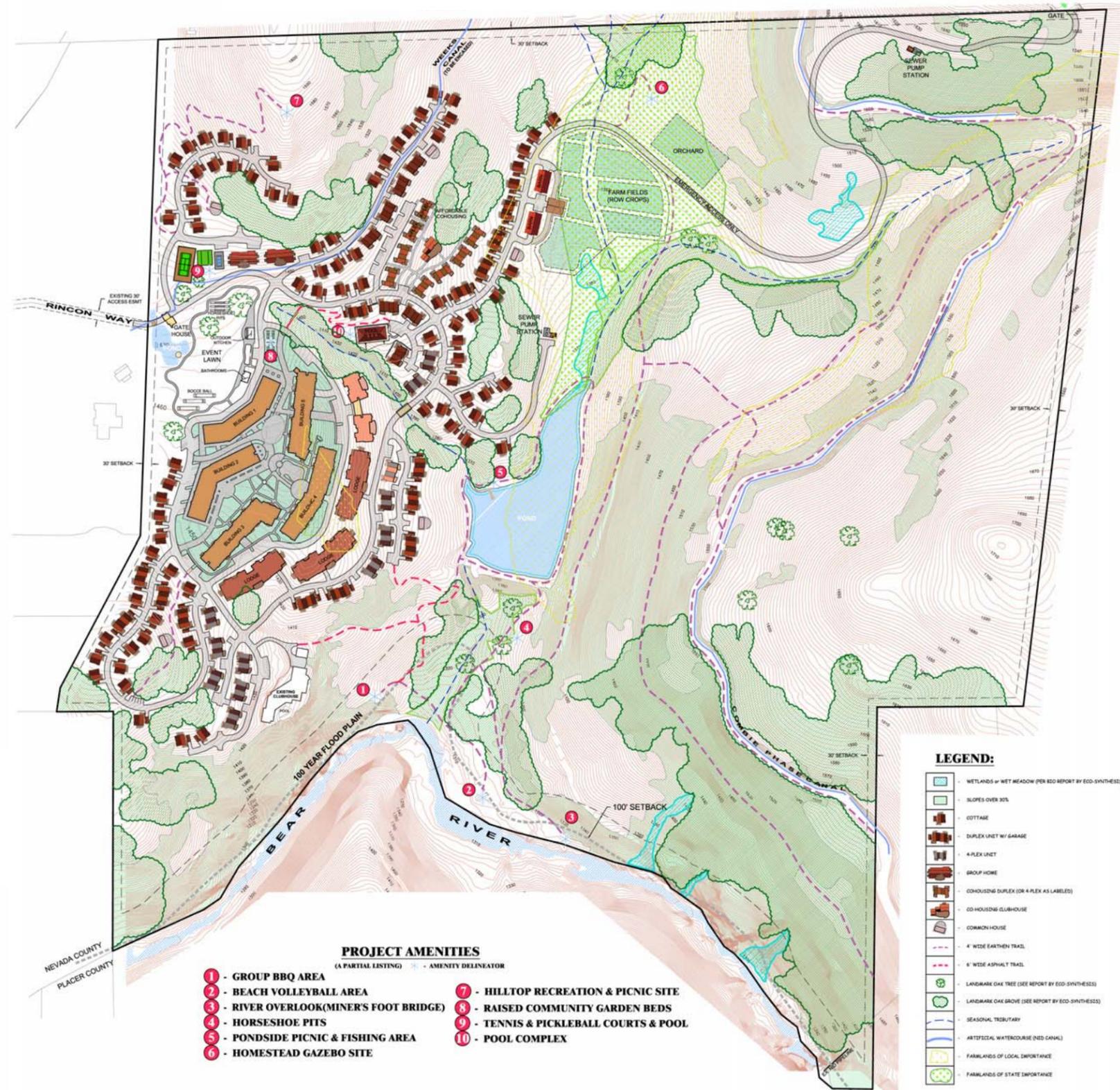
Figure 3
 Overall Site Plan



RINCON DEL RIO Building Type and Use Chart

Code	Building Type	Number of Units	Approx. Area (sq ft)	Approx. Cost (\$)	Approx. Value (\$)	Notes
RESIDENTIAL INDEPENDENT LIVING						
1	Single-Family	10	1,000,000	10,000,000	10,000,000	
2	Two-Family	20	2,000,000	20,000,000	20,000,000	
3	Three-Family	30	3,000,000	30,000,000	30,000,000	
4	Four-Family	40	4,000,000	40,000,000	40,000,000	
5	Five-Family	50	5,000,000	50,000,000	50,000,000	
6	Six-Family	60	6,000,000	60,000,000	60,000,000	
7	Seven-Family	70	7,000,000	70,000,000	70,000,000	
8	Eight-Family	80	8,000,000	80,000,000	80,000,000	
9	Nine-Family	90	9,000,000	90,000,000	90,000,000	
10	Ten-Family	100	10,000,000	100,000,000	100,000,000	
RESIDENTIAL NURSING CARE						
11	Residential Nursing Care	1	100,000	10,000,000	10,000,000	
VILLAGE CENTER						
12	Office Building	1	100,000	10,000,000	10,000,000	
13	Retail Building	1	100,000	10,000,000	10,000,000	
14	Community Center	1	100,000	10,000,000	10,000,000	
15	Public Works Building	1	100,000	10,000,000	10,000,000	
16	Community Center	1	100,000	10,000,000	10,000,000	
17	Public Works Building	1	100,000	10,000,000	10,000,000	
COMMON AREA SUPPORT SERVICE						
18	Common Area Support Service	1	100,000	10,000,000	10,000,000	
19	Common Area Support Service	1	100,000	10,000,000	10,000,000	
20	Common Area Support Service	1	100,000	10,000,000	10,000,000	
21	Common Area Support Service	1	100,000	10,000,000	10,000,000	
22	Common Area Support Service	1	100,000	10,000,000	10,000,000	
23	Common Area Support Service	1	100,000	10,000,000	10,000,000	
24	Common Area Support Service	1	100,000	10,000,000	10,000,000	
25	Common Area Support Service	1	100,000	10,000,000	10,000,000	
26	Common Area Support Service	1	100,000	10,000,000	10,000,000	
27	Common Area Support Service	1	100,000	10,000,000	10,000,000	
28	Common Area Support Service	1	100,000	10,000,000	10,000,000	
29	Common Area Support Service	1	100,000	10,000,000	10,000,000	
30	Common Area Support Service	1	100,000	10,000,000	10,000,000	
TOTAL		142	845	8,591	8,591	

PROJECT INFORMATION:
OWNER / APPLICANT:
 YOUNG ENTERPRISES, L.P.
 P.O. BOX 8838
 ALBUQU, CA 95002
 CONTACT PERSON: CAROL YOUNG
 (530) 289-1047
PLANNING & ENGINEERING:
 SCO PLANNING & ENGINEERING, INC.
 140 LITTON DRIVE SUITE 240
 GRASS VALLEY, CA 95945
 (530) 277-9844
 CONTACT PERSON: DALE CRONSTON, A.I.C.P.
PLANNING & ARCHITECTURE:
 MCCAMANT & DURRETT ARCHITECTURE
 (530) 289-9880
 CONTACT PERSON: CHLOE DURRETT
LANDSCAPE ARCHITECTURE:
 MCDONALD & ASSOC. LANDSCAPE ARCHITECTURE
 (530) 288-8880
 CONTACT PERSON: JO MCDONALD
ASSESSOR'S PARCELS:
 57-240-11, 57-240-18, 57-240-19,
 57-130-13
LAND AREA:
 208.8 AC
ZONING / GENERAL PLAN:
 RA-3-PD / PG EST
FIRE PROTECTION:
 HIGHWAY FIRE PROTECTION DISTRICT
WATER:
 NEVADA IRRIGATION DISTRICT
ELECTRICAL & GAS UTILITIES:
 PACIFIC GAS & ELECTRIC
TELEPHONE:
 AT&T
SEWAGE DISPOSAL:
 LAKE OF THE PINES TREATMENT PLAN



- PROJECT AMENITIES**
 (A PARTIAL LISTING) - AMENITY DELINEATOR
- 1 - GROUP BBQ AREA
 - 2 - BEACH VOLLEYBALL AREA
 - 3 - RIVER OVERLOOK (MINER'S FOOT BRIDGE)
 - 4 - HORSESHOE PITS
 - 5 - PONDSIDE PICNIC & FISHING AREA
 - 6 - HOMESTEAD GAZEBO SITE
 - 7 - HILLTOP RECREATION & PICNIC SITE
 - 8 - RAISED COMMUNITY GARDEN BEDS
 - 9 - TENNIS & PICKLEBALL COURTS & POOL
 - 10 - POOL COMPLEX

LEGEND:

- WETLANDS or WET MEADOW (PER EEO REPORT BY ECO-SYNTHESIS)
- SLOPES OVER 30%
- LOTTYPE
- DUPLEX UNIT W/ GARAGE
- 4-FLEX UNIT
- GROUP HOME
- CO-HOUSING DUPLEX (OR 4-FLEX AS LABELED)
- CO-HOUSING CLUBHOUSE
- COMMON HOUSE
- 4' WIDE EARTHEN TRAIL
- 6' WIDE ASPHALT TRAIL
- LANDMARK OAK TREE (SEE REPORT BY ECO-SYNTHESIS)
- LANDMARK OAK GROVE (SEE REPORT BY ECO-SYNTHESIS)
- SEASONAL TRIBUTARY
- ARTIFICIAL WATERCOURSE (DND CANAL)
- FARMLANDS OF LOCAL IMPORTANCE
- FARMLANDS OF STATE IMPORTANCE

Source: SCO Planning, Engineering & Survey

Not to Scale

Figure 4
 Comprehensive Master Plan
PMC

DEPARTMENT OF TRANSPORTATION

DISTRICT 3

703 B STREET

P. O. BOX 911

MARYSVILLE, CA 95901-0911

PHONE (530) 634-7618

FAX (530) 741-5346

TTY (530) 741-4509

*Flex your power!
Be energy efficient!* **COPY**

May 15, 2009

09NEV0004

Rincon Del Rio

NEV-49 PM 00.464

County File No. FM09-001



Jessica Hankins

Nevada County Planning Department

950 Maidu Avenue, Suite 170

Nevada City, CA 95959-8617

Dear Ms. Hankins:

Thank you for the opportunity to review and comment on the Rincon Del Rio Project Application/Early Consultation located on Rincon Way just east of State Route (SR) 49 in Auburn. The following are our comments:

Traffic Operations

- This proposal would require a significant amendment of the Zoning Ordinance to allow this type of retirement community in existing RA zoning. The density bonuses that are proposed would allow an increase in the number of dwelling units from 72 single family homes to 312 retirement units. This is a significant increase in the potential number of residents and would almost double the potential number of trips generated from this property using Nevada County's trip generation rates for rural homes.
- This development, as proposed, would generate about 940 daily trip ends, with practically all of them using Rincon Way to reach SR 49. The traffic study conclusions are acceptable. Although left turns onto the highway may be difficult at peak times, the median acceleration lane will make this turning movement less difficult. If these turn movements become a safety problem in the future, left turns onto the highway could be prohibited. Signal warrants would not be met with the forecast volumes in this traffic study.
- The traffic study recommends striping separate left and right turn lanes on the Rincon Way approach to the highway as a mitigation measure for this project. In addition to this, the County should consider requiring the upgrading of Rincon Way from the highway to the site, including a striped centerline. The existing frontage road that intersects Rincon Way just east of the highway should also be controlled with a stop sign and pavement markings along with the improvements to Rincon Way. An

encroachment permit from Caltrans would be necessary for modifying the striping on the Rincon Way approach.

Hydraulics

- The proposed project is within the lower reaches of the Bear River watershed tributary area near the Nevada/Placer County line up stream of the PLA-49 Bridge crossing of the Bear River (Bridge No. 19-22). Development of this site will increase impervious surface area through the construction of roads, driveways, homes, garages, etc. with a corresponding increase in surface water runoff. Any cumulative impacts to Caltrans' drainage facilities, bridges or other State facilities arising from effects of development on surface water runoff discharge from the peak (100-year) storm event should be minimized through project drainage mitigation measures. All grading and/or drainage improvements must perpetuate, maintain, or improve existing drainage pathways and may not result in adverse hydrologic or hydraulic conditions within the State's highway right of way or to Caltrans' drainage facilities. Means of accomplishing this, if necessary, shall be identified and backup calculations supporting this conclusion provided to Caltrans District 3 Hydraulics Branch. Please identify proposed runoff pattern and outfall.
- Increases in peak runoff discharge for the 100-year return storm event to the State's highway right of way and to Caltrans' highway drainage facilities must be reduced to at or below the pre-construction levels. All runoff from the project area that will enter the State's highway right of way and Caltrans' highway drainage facilities must meet all Regional Water Quality Control Board (RWQCB) water quality standards. The cumulative effects on drainage due to development within the region should be considered in the overall development plan of this area.
- No net increase to 100-year storm event peak discharge may be realized within the State's highway right of way and/or Caltrans' drainage facilities/bridges as a result of the project. Further, the developer must maintain or improve existing drainage patterns and/or facilities affected by the proposed project to the satisfaction of the State and Caltrans. This may be accomplished through the implementation of storm water management Best Management Practices (BMPs) (i.e., detention/retention ponds or basins, sub-surface galleries, on-site storage and/or infiltration ditches, etc.) as applicable. Once installed, the property owner must properly maintain these systems. The proponent/developer may be held liable for future damages due to impacts for which adequate mitigation was not undertaken or sustained.
- Runoff from the proposed project that will enter the State's highway right of way and/or Caltrans drainage facilities must meet all Central Valley RWQCB water quality standards prior to entering the State's highway right of way or Caltrans' drainage facilities. Appropriate storm water quality BMPs (i.e., oil/water separators, clarifiers, infiltration systems, etc.) may be applied to ensure that runoff from the site meets

Jessica Hankins
May 15, 2009
Page 3

these standards (i.e., is free of oils, greases, metals, sands, sediment, etc.). Once installed, the property owner must properly maintain these systems.

- No detailed drainage plans, drawings, or calculations, hydrologic/hydraulic study or report, or plans showing the “pre-construction” and “post-construction” coverage quantities for buildings, streets, parking, etc. were received with the application package. In order to adequately evaluate project impacts upon the State’s right of way and Caltrans’ drainage facilities, we recommend that you request these documents from the project proponent and send them to the above address for review and comment prior to final project approval.

Encroachment Permits

- All work proposed and performed within the State Highway right-of-way must be in accordance with Caltrans’ standards and requires a Caltrans Encroachment Permit prior to commencing construction. For more information on encroachment permits, the requirements, and an application form, please visit our web page at www.dot.ca.gov/doingbusiness and then click on “Encroachment Permits” or contact the Caltrans District 3 Office of Encroachment Permits at (530) 741-4403.

Please provide our office with copies of any further actions regarding this project. If you have any questions regarding these comments, please do not hesitate to contact Shannon Culbertson by phone at (530) 741-5435.

Sincerely,



WILLIAM A. DAVIS, Chief
Office of Transportation Planning – East

c: Jim Brake, Traffic Operations
Mike DeWall, Hydraulics
Tim Hart, Travel Forecasting

Mark A. Mills
24220 Timber Ridge Dr.
Auburn, CA 95602
530-268-0120
coolmini@att.net



May 16, 2011

Brain Foss, Principal Planner
Planning Department
950 Maidu Ave.
Nevada City, CA 95959-8617
RE: Rincon del Rio Continuing Care Retirement Community Project

Greetings,

The intent of this correspondence is to submit comments in opposition to the Rincon del Rio Continuing Care Retirement Community Project based on two specific environmental negative impact areas.

My wife, Sylvia and I, are home owners and have resided at 24220 Timber Ridge Dr. Auburn, CA in the Lake of the Pines Ranchos since 1990. We specifically chose this area for our retirement due to the large parcels and lack of population density.

1: Re-Zoning should be denied: Those who live in Nevada County do so for the peace and tranquility provided by extremely low population densities as compared to the rest of California. The US Census Bureau states that the Nevada County Population Density for Nevada County is 957.61 persons per square mile and that the overall State of California averages 155,959.34 persons per square mile. As there are 640 acres in a square mile, Nevada County averages 1.49 people per acre.

Those who live in the Lake of the Pines Ranchos do so at *premium cost*. The 5 acre parcels are clearly more expensive in both initial purchase cost and annual overhead than those who live in higher population densities.

The Rincon del Rio Project states in the section entitled "Project Characteristics" that the "development would provide housing for approximately 415 residents" and would be "limited to a 40 acre envelope". This would result in a population density of 10.375 persons per acre. Existing Lake of the Pines Ranchos residents averaging 5 acres per household having an average California family size of 2.59 persons (Fact finder. US Gov Census) results in a population density of 0.518 persons per acre.

The re-zoning for the Rincon del Rio Project *should not be approved* as it clearly is not within the demographics of Nevada County in general and specifically the adjoining Lake of Pines Ranchos.

2: Petition for Exception for Rodeo Flat should be denied: The Lake of the Pines Ranchos are serviced by private roads whereby each resident pays an annual road maintenance fee. Fees are not paid to support the use by neighboring communities. The road gradient greater of 16 degrees on Rodeo Flat is a clear hazard for use as an emergency exit.

Furthermore Timber Ridge Drive, which junctions with Rodeo Flat, also has an extreme gradient and a curve located in front of our home. We have witnessed the aftermath of 4 crashes at the curve in front of our home. We have seen skids and tire tracks in the easement in front of our home and have heard on numerous occasions skids as the turn is repeatedly taken with excessive speed.

Enclosed are three photographs of the most recent crash which totaled the automobile. These are not minor incidents.

Photo "A" shows the turn on Timber Ridge in front of our home and the skid marks left by a vehicle which did not successfully negotiate the turn. Photo "B" shows the car that crashed well on to our property. You can observe another set of deep tire tracks to the left of the crashed vehicle representing yet another auto crash. We did not observe this episode as apparently the car was removed before we observed it. Photo "C" show the large tow truck needed to extract the vehicle.

Timber Ridge would also be part of the emergency exit. Can you imagine the carnage of terrified senior citizens attempting to negotiate this gradient and turn in an emergency situation? What about the impact of Ranchos residents? This Exception would jeopardize our safety in an emergency situation.

The Petition for Exception for Rodeo Flat *should be denied* as these roads are clearly not able to provide any safe passage in the case of emergency within the Rincon del Rio Development.

Mr. Foss, please include this correspondence and enclosed documenting photos as "Part of the Record" for factual documentation in *opposition* to the Rincon del Rio Project as based on Negative Environmental Impact.

Sincerely,



Mark A. Mills

Enclosed: 3 photos

A



B



C





**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
DEPARTMENT OF PUBLIC WORKS**

TRANSIT SERVICES DIVISION

**950 MAIDU AVENUE, NEVADA CITY, CA 95959-8617
(530) 477-0103 Toll Free (888) 660-7433 FAX (530) 477-7847**

<http://new.nevadacounty.com>

Steven L. DeCamp
Community Development Agency Director

Doug Farrell, Director Department of Public Works
Susan Healy-Harman, Transit Services Manager

May 16, 2011

Brian Foss, Planner
County of Nevada
950 Maidu Avenue
Nevada City, CA 95959



Dear Brian,

I received your May 11, 2011, NOTICE OF PUBLIC MEETING AND ENVIRONMENTAL IMPACT REPORT SCOPING SESSION packet regarding the Rincon Del Rio – Continuing Care Retirement Community (Community) and have comments to share.

The Community will be located near State Highway 49 and Rincon Road in the southern portion of Nevada County. In proximity to the Community, the Gold Country Stage, Route 5, serves the Highway 49 corridor northbound and southbound and provides regional access to the Lake of the Pines area, Auburn, and Grass Valley. As is the case for communities throughout western Nevada County, access to public transit is an important mobility option for many residents.

In the NOTICE OF PREPARATION, INFRASTRUCTURE, Transportation Services section, it is stated that the project will provide a minimum of two ADA equipped paratransit vehicles to transport residents to community services as well as comprehensive and personalized transportation services coordinated and provided by staff. As part of the comprehensive transportation related to the Community, I suggest that the Community vans be available for 'shuttle' transportation to Rincon and Highway 49 for scheduled northbound GCS service at Rincon Road and Highway 49 and at Gauthier and Highway 49 for southbound service. Additionally, I suggest bus shelters and bus pull-in spaces are included as part of this project to facilitate public transit service. This type of partnership both provides mobility option collaboration between the project and public transit and as a regional transportation link for the Rincon Del Rio – Continuing Care Retirement Community residents.

Please contact me if you have any questions.

Thank you.

Sincerely,


Susan Healy-Harman
Transit Services Manager
County of Nevada

Cc: Doug Farrell, Director, DPW

H:\susan\s\letters\Rincon Del Rio Project comments\5-16-11.doc

Brian Foss

From: Charlene Moule [charmoule@gmail.com]
Sent: Wednesday, May 18, 2011 11:07 PM
To: Brian Foss
Subject: Rincon Project

I would appreciate you adding my name to Karen's in my same concerns as a property owner on Rodeo Flat Rd. If Rincon has access to Rodeo Flat and Timber Ridge, I fear many young lives as well as the rest of us will be in jeopardy. These are steep and windy roads. If this project is not gated, adding speeding teenagers to and from school will be a great risk and a truly obnoxious and noisy hazard to our quiet neighborhood. Another concern is for the surrounding air quality that will be impacted by the density of this project and the many,many vehicles. Rincon sits in a bowl-type geography and would require a good wind to keep clean air. My home sits above and close to the site. I did not build our home here on this quiet dead-end road up in the hills where there is clean air just to have the Rincon Project destroy every asset we sought . This whole community feels the same.

Thank you for your time,
Charlene and Mike Moule

To the Nevada County Planning Department

Subject: Rincon Del Rio

My Name is Benton Seeley and I live at 25326 Rodeo Flat Rd. Auburn Ca. My property borders the Young's project on the north east side at the end of Rodeo Flat Rd. My property looks directly over the Young's property. My wife and I have lived here for 24 years.

Our concerns are as follows,

1. A proposed Sewer Pump station and backup generator within 100 ft from our house.
 - a. The NOISE of pumping sewer, the occasional SMELL, and fire danger of stored diesel fuel.
 - b. The damage done to Rodeo Flat Rd.(our privately maintained road) from installing a sewer line.
 - c. The possible leakage or breakage of sewer line spilling into our property.
2. The Noise of building large commercial projects such as this will be extremely increased over the normal single family dwelling.
 - a. Above normal heavy equipment noise due to the nature of commercial building.
 - b. Traffic of commercial project noise greatly increased over single family dwelling.
 - c. Due to the multiphase of this project we are going to experience years of endless commercial noise.
3. Amount of Light from the proposed city below.
 - a. Our property when we bought here 25 years ago was zoned 5 acre residential. We have trusted the County to keep to the Master Plan to keep our rural living safe. The amount of light generated from the Young's RDR will be increased from current zoning of 73 houses to an amount times 10 or 20 or do we know how much? A city of lights in the middle of rural Nevada County.
4. Rodeo Flat Rd being used as a Fire Access road.
 - a. Rodeo Flat Road is too steep and narrow to handle a mass evacuation.
 - b. Rodeo Flat Road is not owned by the County. It is a private maintained road. The Young's do not have access to our road.
 - c. The proposed gate by the Young's cannot be locked per state law.
 - d. We would be severely impacted by through traffic from Highway 49 and the Young's project.
5. The Increase in Fire Danger to our property due to the extreme increase in density.
6. Potential impact due to increased development due to Master plan change in the South County.
7. Our property value at this point is severely decreased after talking to Several Real Estate Agents due to our location to this project.

As you can see our Environment is greatly impacted by this project.

Thank you for your time.

Benton and Patricia Seeley

25326 Rodeo Flat Rd.

Hello. I'm Brian Jones and I'm a Contractor in Nevada County. As you're likely aware, it's been an interesting time to be a Contractor—there hasn't been a lot of conscientious building has been going on around here. Not a lot of building, period, and a lot of us have had to start going down the hill to Sacramento to work.

As you know, Nevada County has a Land Use Development Code. Section L-II 2.7.5 of that Code defines a PD District like Rincon del Rio as one that allows residential development that supports uses in a planned community and allows for flexible standards in both residential and commercial/industrial development. This is intended to ensure comprehensive, innovative and creative design, including flexible site development standards.

The Rincon del Rio project has support uses and employs a very innovative and creative design including clustering, a small town design, a village green, and community areas for resident activities. I would like this innovative design, as required in section 2.7.5, to be included as a positive consideration in the EIR.

Rincon del Rio provides the model for all future development in the foothills. It's innovative; it's thoughtful; it's the right thing to do.

Thank you for your time.

MY NAME IS OTTO HAUEISEN. I HAVE BEEN A RESIDENT OF NEVADA CITY FOR THE PAST 25 YEARS.

I MAY SEEM FAIRLY PRESUMPTUOUS FOR THIS RESIDENT OF NORTHERN NEVADA COUNTY TO BE TELLING YOU RESIDENTS OF THE SOUTH COUNTY HOW TO USE YOUR LAND. HOWEVER, I HOPE TO SHOW YOU THAT THIS DEVELOPMENT SHOULD BENEFIT YOU BOTH AS INDIVIDUALS AND AS A COMMUNITY

FIRST, IT WILL HELP YOU PRESERVE SOME OF THE NATURAL WONDER AND BEAUTY YOU HAVE HERE, WHICH IS SOMETHING OUR COMMUNITIES HAVE TOO OFTEN NEGLECTED IN THE INTERESTS OF PROGRESS. MOST OF YOU WERENT HERE WHEN THE DIVISION OF HIGHWAYS DESTROYED MUCH OF DOWNTOWN GRASS VALLEY AND NEVADA CITY, PUSHING THROUGH THE FREEWAY. NOR COULD YOU KNOW THAT BEFORE THE DEVELOPERS DRAINED AND PAVED OVER THE SPACE WHERE BRUNSWICK NOW OFFERS STORES, LAKE OLYMPIA WAS A RECREATIONAL LAKE FOR THE ENTIRE COMMUNITY. HERE YOU HAVE ONE MORE CHANCE TO PRESERVE AND ENJOY ANOTHER OF YOUR NATURAL RESOURCES.

NEXT, IT WILL SERVE A VITAL HUMAN NEED FOR YOUR COMMUNITY AND MANY OF YOUR RELATIVES AND SOME OF YOURSELVES AS TIME GOES ON. WAY BACK IN 1940 WHEN I WAS A STRIPLING OF 25, SOCIAL SECURITY BECAME A REALITY. THE AVERAGE MONTHLY WAGE WAS \$100, AND YOUR NORMAL AGE AT DEATH WA 62.

NOW YOU SEE AN OLD GEEZER OF 96 TELLING YOU THAT JUST BECAUSE THERE'S SNOW ON THE ROOF DOESN'T MEAN THAT THERE'S NO FIRE IN THE FURNACE., THERE ARE MANY PERSONS OF MY AGE WHO ARE STILL ACTIVE ENOUGH TO WANT AND ENJOY THE AMENITIES FOR ACTIVE OLD AGE THAT THIS PROJECT OFFERS. AND MANY OF YOU WILL DO SO AS YOU GROW OLDER THAN EVER YOU EXPECTED

ONE OF THE AMENITIES I HOPE YOU'RE ABLE TO ENJOY IS STIMULATING THE LOCAL ECONOMY. ONE THING ABOUT ACTIVE SENIORS—WHEN THEY GET THEIR MONTHLY SOCIAL SECURITY CHECK IT GOES RIGHT BACK INTO THE COMMUNITY. WE'RE NOT SAVING IT FOR OUR OLD AGE.

~~ANY DEVELOPER OR AGENT~~



15835 Brooks Road
Grass Valley, CA 95945
May 20, 2011

Mr. Brian Foss, Planner
Planning Department
950 Maidu Avenue
Nevada City, CA 95959

Dear Mr. Foss,

As a long-time resident of Nevada County, I have a great interest in the welfare and overall health of Nevada County. Since its inception, I have followed the evolution of the Rincon del Rio project and would like to make some written comments to be entered into the record at the scoping meeting scheduled on Wednesday, May 25th as I cannot personally attend the meeting due to work conflicts.

The Nevada County zoning ordinance has four central themes. The second theme is sustaining a quality environment. To the greatest extent possible, Rincon del Rio has been designed with cutting edge sustainable development principles in mind including, but not limited to, the following:

- High quality, resource and energy efficient buildings partially assembled off-site to streamline production, reduce waste, and decrease construction-related pollution.
- A dense, compact development pattern featuring pedestrian friendly streets, a range of housing choices, and high quality design that emphasizes community, interaction, and a unique sense of place.
- Preservation of important agricultural land, and contribution to the local food shed through an active, onsite organic farm.
- 160 acres of permanent, untouched open space, as well as California native, drought-tolerant landscaping throughout the developed portion of the site.
- Conservation, collection, and recycling systems for water, compost, and waste.

- Reduced auto-dependence and single-trip auto usage amongst its resident population as a result of numerous onsite services (doctors, bank, post office), recreation, and social contacts, pedestrian friendly streets, and shuttle services to stores.
- A strong local hiring and purchasing ethic, including the creation of 500 jobs over the course of construction, and 135 quality full-time jobs once fully built out.

Rincon del Rio is committed to providing the highest quality in construction, design, and operation to ensure that precious resources are used wisely, public infrastructure is not strained, and quality of life is high for residents, neighbors, and the greater community.

If possible, I would like this information to be included and reflected in the Environmental Impact Report.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Conner", written in a cursive style.

Brian Conner



May 21, 2011

Attention Brian Foss

caregiver

My name is Cheryl Durham and I work as a ~~nurse~~ caregiver for the disabled and elderly. I am particularly interested in the anticipated exponential growth of Nevada County's elderly population with its attendant social and financial costs. I think this problem should have far-sighted county officials worried. As the elderly population grows, the strains on public financial resources increase. The needs of the county's senior citizens will range from opportunities for civic engagement, life-long learning and meaningful volunteer work, convenient assisted living close to family and friends, and more single level housing. As older adults develop functional disabilities, these needs expand to include: assistance with personal care and household chores, access to nutritious meals, the prevention of social isolation, home modification, transportation that will enable continued participation in social activities, caregiver support such as respite care and adult day services, and protection from abuse and financial exploitation.

While most of us are living longer and healthier lives, the problems associated with the rapid growth of our county's elderly population and its costs should have planners looking for ways to help seniors to live independently in Nevada County. There is strong support for "aging in place." A recent AARP survey reported that 82% of respondents preferred to be cared for at home. It is understood that both governmental and private organizations will attempt to provide services that support the vital independent living for the elderly. But first they need "a place." Modifying one's home may be one expensive, time-consuming answer that alters the home forever. But what are the other housing options for seniors in Nevada County who want to age in place? There just aren't very many.

Considering the serious problems of an aging population and the high cost of resolving them, how can the County best prepare to assist its seniors to live active, productive and—where possible— independent old age? Any important step is to allow Rincon del Rio CCRC to be built as soon as possible. Living at Rincon del Rio will make health a major focus of the 450 residents. Blood sugar levels will be tested regularly. Nurses will provide blood pressure screenings several times a month. Cholesterol screenings and counseling for persons with heart disease (or at risk) will be conducted. Screening for other less common disorders will be done under the direction of an on-site doctor's. Lectures on health subjects will be featured regularly. Flu and pneumonia shots will be administered in the fall. Exercise programs will be numerous, and a physical therapist will conduct balance and fall assessments. Rincon del Rio will have well equipped fitness centers. An audiologist will provide hearing screening periodically. There is an on-site doctor with staff available for the residents.

There will be classes for all levels in exercise, computer skills, arts and crafts, and more. Regular offerings will include games, entertainment, lectures and day trips. Legal and notary services will be available on-site. Grocery shopping trips by bus to super markets will provide an essential service for many frail seniors. There will be on-site restaurants serving nutritional, delicious meals. The community garden will provide produce grown on-site.

I believe it is important the EIR evaluate the health benefits this project will provide for the elderly and how that could reduce county costs. With these services in place in Nevada County, maybe we can stop the elder migration and the financial drain that places on the businesses and services in the County.

Please have the EIR evaluate the health benefits this project provides for the elderly and how that could reduce County costs.

Sincerely,

Cheryl Durham



Lynne Tallant
25069 Highway 49
Auburn CA 95602
530-269-1566

May 20, 2011

Dear Mr. Foss,

I would like to add my voice to what I am sure is a multitude of others that are strongly against the proposed Rincon del Rio project.

I have lived here next to the Bear River on and off for over fifty years. I have seen the river go from a sparkling clear waterway teeming with fish and frog and turtles to a murky, slimy river that is silent at night and only has a few fish. People now say they bathe after swimming in it. I'm certain it has much to do with the Lake of the Pines development and the growth around Lake Combie.

It is no comfort that Rincon Del Rio will go to LOP sewer treatment plant and be treated with chemicals before it is dumped back into our waterway.

Highway 49 has gone from a sleepy back-road to a four lane freeway. If you let this retirement community be built, Rincon Road will need a stop-light. The focus of our neighborhood will change from residential to industrial. I don't want my back yard to be Lake of the Pines dumping ground for their aging parents.

Please add my voice to the NO! NO! NO! group.

Sincerely,

Lynne Tallant

May 24, 2011

Brian Foss, Principal Planner
Planning Department
Community Development Agency
950 Maidu Avenue
Nevada City, Ca 95959-8617

Re: Rincon Del Rio-Continuing Care Retirement Community

Mr. Foss,

I am sure there was an oversight on someone's part at the county because my husband and I were not sent the latest information regarding the above development. We were hoping the project had died when the original application was denied.

We live at 10210 Rincon Way. Our address lets you know we are in the direct line of fire and because of this we cannot express to the county how frightened we are this development is on the "books" again so to speak. We have read everything that has been posted regarding the development and vehemently oppose the proposal to change the General Plan to accommodate the greed of the Young family.

We are not opposed to development; but we have to ask, in lieu of the debacle of Lake of the Pines, Dark Horse, and Saddle Back...WHAT ARE YOU THINKING! The traffic is already a powder keg, and Rincon del Rio will only add to that but much, much worse.

The noise and the traffic from a facility like this are around the clock. Service people, emergency vehicles and visitors galore. The traffic will be non-stop and I wonder will I be able to get out of my own driveway? Not to mention being able to have access to Hwy 49; how long will I need to wait in line just to get out? Couple the traffic with age, a couple of proposed bars and bam! The safety issues alone regarding the ingress and egress of this proposed project are insane. Of course there is the question of the so called fire gate which will connect RDR to the Ranchos; how long will it be before the county decides to make it a thoroughfare? In turn does this mean to accommodate traffic the county will once again abrogate the General Plan and make the fire gate road a thoroughfare? Bam! More traffic and this time, school buses, delivery trucks, and people taking a short cut to Lake of the Pines and beyond. It is inconceivable that the Planning Department of Nevada County is even considering a project of this scope in this area.

We haven't even touched upon the quality of life people in the area have chosen for themselves. We live the unincorporated area of Nevada County for a reason: It is unincorporated. Projects of this magnitude belong closer to areas that welcome and need them. I do not believe Nevada County is a no growth county but I would like to believe it is a Smart Growth County. This is not smart.

The issues surrounding this project are huge, and costly.

What do we as homeowners on Rincon Way have to give up if this project is approved? Widening the road to accommodate emergency vehicles means the moving of fences, cutting down trees, and who knows what else. What we have worked so hard for will be changed forever. Just because you can do something does not mean it needs to be done. Will we benefit in any way? Will we have the opportunity to re-zone our own property? Does the Planning Department care what happens to the people living closest to this project or are they only concerned with the revenue the project will rake in?

I will stop here. I have read the letters and know you have heard it all before.

Thank you for your time concerning this issue.

Billie and Wally Prestel
10210 Rincon Way
Auburn, Ca 95602
Nevada County Resident
269-1235

Elfriede Prestel
10204 Rincon Way
Auburn, Ca 95602
Nevada County Resident
269-1081



County of Nevada
Planning Department
Rincon del Rio EIR
Scoping Meeting
Wednesday, May 25, 2011

Your comments are important to us. Please take a few minutes and give us your feedback on this project. Thank you!

- ① This development will have a huge negative impact on the value of my property on Hidden Ranch Rd.
additional
- ② The traffic on Rincon and Hidden Ranch Rd will cause a dangerous impact ~~in~~ at the intersection of Highway 49. It is already a very dangerous intersection.
- ③ I am concerned about the impact of this development on the water table. I depend on a well for my water. The Rincon del Rio project will have a significant impact on the water table in this area. There is not enough water.
- ④ There are plenty of other and better locations for a project like this.

Name:

Peggy LeMasters

Organization:

Neighbor on Hidden Ranch Rd

Do you wish to be notified of future meetings related to this project?

Y

N

Please leave us your contact information if you would like to be added to the meeting notification list:

email = plpony@yahoo.com
address: 22437 Hidden Ranch Rd
Auburn, CA 95602

Thank you for this opportunity to speak. My name is Bill Jordan.

I would like to preface this statement with the fact that Nevada County has, per capita, the oldest population in the State and is in the Top 10 in the Nation.

The April, 2011 AARP bulletin addressed the future of housing for seniors. To provide a successful environment for our aging population the article identified the common denominator for successful aging as *The desire to be part of a community that shares common interests, values and resources*. People want to live where neighbors know and care about one another and will help one another as they age. To create a successful environment, today's housing options for seniors need to reflect the attitude of older Americans to stay active, keep learning, develop relationships, and enjoy life for as long as possible. To accomplish this AARP suggests the following:

1. Establish niche Communities where seniors live with others who share similar lifestyles, backgrounds or interests. Nevada County citizens pride themselves on living in natural surroundings with an emphasis on agriculture. Rincon del Rio is a niche community.
2. Include Co-housing – Rincon del Rio has a twenty unit co-housing community
3. Include Group Homes—Rincon del Rio has three Group Homes as well as memory-impaired group housing
4. Establish Village Models where health providers and other services are provided to your doorstep. Rincon del Rio has on-site services designed to fill this need.

I would like the EIR to address the importance of these environmentally appropriate models to allow successful aging.



County of Nevada
Planning Department
Rincon del Rio EIR
Scoping Meeting
Wednesday, May 25, 2011

Your comments are important to us. Please take a few minutes and give us your feedback on this project. Thank you!

- ① OPPOSED TO PROJECT AS PROJECT DOESNT FIT INTO COMMUNITY. A TOTAL OF 10 ENTITLEMENTS CLEARLY SHOW THIS PROJECT DOES NOT FIT AT THIS LOCATION.
- ② ROCKO FLAT & TIMBER RIDGE DR. ARE PRIVATELY OWNED & PAID FOR ROADWAYS -
- ③ NO MENTION OF "SURETY" OR "PERFORMANCE" BOND. DARK HORSE & WINDS ALLOT BOTH FAILED, DID NOT HAVE SURETY BOND AND LEFT RESIDENTS WITH A MESS -

Name:

MARK A. MILLS

Organization:

SELF

Do you wish to be notified of future meetings related to this project?

(Y)

N

Please leave us your contact information if you would like to be added to the meeting notification list:

MARK MILLS
24220 TIMBER RIDGE DR
AUBURN, CA. 95802
530-268-7700
COOLMINI@ATT.NET



County of Nevada
Planning Department
Rincon del Rio EIR
Scoping Meeting
Wednesday, May 25, 2011

Your comments are important to us. Please take a few minutes and give us your feedback on this project. Thank you!

What guarantee do the owners on Roder Flat Rd. have that the fire road will remain locked and not become a through road to Forest Lake school etc?

What protection do the owners of Roder Flat have that they have the protection from being the victims of this project? There must be alternative solutions to sewer and water issues so our area will be protected and not be endangered by additional traffic.

Name:

Yvonne Turner

Organization:

TOP Ranches

Do you wish to be notified of future meetings related to this project?

Y

N

Please leave us your contact information if you would like to be added to the meeting notification list:

gator@cebridge.net

What guarantee do we have that we will be heard in the Roder Flat area?

May 25, 2011

Mr. Brian Foss, Planner
950 Maidu Avenue
Nevada City, CA 95959

Dear Mr. Foss:

I would like the EIR to point out that in its General Plan Consistency Analysis the County recognized that the 1995 General Plan and the recently updated Housing Element acknowledged that there was limited land available for meeting the County's elderly housing needs. They specified that the PD designations were anticipated to be areas that could accommodate this demand.

Secondly, I want to make sure that the EIR recognizes the County's General Plan Housing Element Policy 8.1.6 that states that Continuing Care Retirement Communities (CCRC) shall be allowed in the zoning regulations where the land use designation is PD or SDA. I believe this is important in assessing environmental thresholds and determining standards of significance. Recognizing that a CCRC is a desired use where property is zoned PD should have a direct effect on how the EIR assesses environmental impacts.

Thirdly, I would hope that the EIR recognizes that the General Plan PD designation is intended to promote new and innovative land use design concepts that incorporate a variety of housing types, clustered together with an array of mixed use services. This project certainly demonstrates this type of innovation.

Lastly, this project would bring much needed jobs and revenue to our area while at the same time minimizing potential impacts that senior housing causes relative to traditional housing projects. Hopefully, the EIR will recognize this advantage.

Sincerely,



Steve Sutter
11760 Lakeshore South
Auburn, CA 95602



County of Nevada
Planning Department
Rincon del Rio EIR
Scoping Meeting
Wednesday, May 25, 2011

Your comments are important to us. Please take a few minutes and give us your feedback on this project. Thank you!

My husband is on oxygen. He is a large man who cannot fit into a Prius or other gas-saving small cars and must drive a truck. Because of his O₂ problem we are very concerned about ending up in a place that is self contained in order to reduce travel in our truck. Thus saving some of our already bad air quality. Rincon del Rio offers the needed care & activity level to achieve this goal.

Name:

Mona Matthias

Organization:

self

Do you wish to be notified of future meetings related to this project?



N

Please leave us your contact information if you would like to be added to the meeting notification list:

monacmatthias@wildblue.net



County of Nevada
Planning Department
Rincon del Rio EIR
Scoping Meeting
Wednesday, May 25, 2011

Your comments are important to us. Please take a few minutes and give us your feedback on this project. Thank you!

As an employee of the local community natural foods co-op and a longstanding member of our local river protection organization, my comments are focused on the long term health and well being of the sustainability of the river and the land.

- I have several areas that I would like the EIR to address.
1. Rincon del Rio has identified and conserved areas of open space, recreation, scenic, natural, and historic value.
 2. Rincon del Rio has a plan for conservation, collection and recycling systems for water, compost and waste. Will this be recognized?
 3. Will the EIR consider the impact of 80% open space as it relates to the watershed and protection of the Bear River?

Name:

Stephanie Mandel

Organization:

none

Do you wish to be notified of future meetings related to this project?

Y

(N)

Please leave us your contact information if you would like to be added to the meeting notification list:



NEVADA COUNTY
RECEIVED
JUN 01 2011
COMMUNITY DEVELOPMENT
AGENCY

County of Nevada
Planning Department
Rincon del Rio EIR
Scoping Meeting
Wednesday, May 25, 2011

Your comments are important to us. Please take a few minutes and give us your feedback on this project. Thank you!

5/25/2011 We have already toured the property and are very much in favor of the projected development of the property

David Halbrook
POB 412
Nevada City, Ca 95959

We were disappointed by the Public Hearing as it was a too small location & had no sound system so it was v. hard to hear anything from behind so many standing people. Hazel Shewell

Name:

Above

Organization:

Do you wish to be notified of future meetings related to this project?

Y

(N)

Please leave us your contact information if you would like to be added to the meeting notification list:

May 26, 2011

Brian Foss
950 Maidu Avenue
Nevada City, CA 95959



Mr. Foss

I attended the scoping meeting at Bear River High School. I wanted to make the point that the general plan has an objective of providing for the development of the county as a balanced community with adequate amounts of land zoned in each district to achieve a balance among housing, employment, retail and commercial services, and public facilities.

It took me some time on the computer to research this, but it was important to me because of the terrible experience I had when Heather and I moved my mother here from Southern California. There is no senior housing in Ed Scofield's District, the South County. We had to get my mother a place in Auburn. Every time there was a problem we had to go from Gautier to the south end of Auburn. It was an awful experience that could have been avoided if, in fact, there were a balance among housing. Also, I've not been able to find a job in two years so there is not much balance in employment either.

Anyway, I went to the meeting to say this and came in late. Here is some guy screaming at some high school kid followed by some other guy completely melting down at some woman who had a comment about green building.

It seemed to me the meeting was just an excuse for people to behave badly. I couldn't believe how nothing was out of bounds. I had no idea there was that much crazy around here.

So, those are my comments.


Louie Rosenberg



5/26/11

Dear Mr. Foss:

The next time the circus comes to town, don't trick me by telling me in two different letters to come to an important meeting.

You should be ashamed at how you let those people behave.

Agi Semhera

May 26, 2011

Mr. Brian Foss
Planning Department
950 Maidu Avenue
Nevada City, CA 95959



Dear Mr. Foss:

I've been a Civil Engineer working in and around Nevada County for 30 years. During that time I've learned that an important objective of planning is to provide for mechanisms and standards to regulate the surface and subsurface use of land, including agriculture and forestry.

Rincon del Rio has left 80% open space to promote and encourage the use of forest and farming lands for multiple purposes such as preservation of wildlife, hunting, hiking or compatible uses. Further, sloped building areas will utilize underground parking as opposed to mass grading.

I've examined the plans with SCO and I know the building has been engineered along existing contours minimizing grading and disturbance to mature trees. Also, smaller houses and separate garages minimize site work. Many hours of preparation resulted in reduced roadway. I would like these factors to be considered as part of the EIR.

I would have told you at the Scoping Meeting but it was too out of control to speak. Nobody was listening to anybody.

Sincerely



TM Hennen

May 31, 2011



Mr. Brian Foss
Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959

Dear Mr. Foss:

Subject: Rincon del Rio Scoping

I've been a past member of the LOP Board of Directors and I'm always interested in "choice", "variety" and varying "price points" for housing developments.

To that end, I would like you to note that Section I-II 2.7.5 of the Zoning Regulations in the General Plan calls for provisions for a broad range of housing types and opportunities within the mix of land uses allowed. RDR has seven neighborhoods each with a different housing type and price point from co-housing to group homes. Will this be sited in the EIR?

Sincerely,

A handwritten signature in cursive script that reads "Claire M. Brown".

Brian Foss

From: Renee O'Callaghan [reneeocallaghan@yahoo.com]
Sent: Friday, May 27, 2011 1:40 PM
To: Planning; Brian Foss; ed.scofield@nevada.ca.us
Subject: Rincon del Rio PROPOSED project

Dear Mr. Foss, Mr. Scofield and Planning Staff:

I wrote this letter to the Union newspaper. It addresses some concerns I have regarding the proposed Rincon del Rio project. I also attended the recent Bear River High School meeting regarding this where I spoke out in opposition to this dangerous and inappropriate proposed project.

My letter to the editor...

As a fellow concerned neighbor, Karen Abbott (Other Voices, Oct. 17) spoke for me. I'm completely opposed to this proposed project based on its location, location, location.

I'd like to illuminate one aspect of this proposed retirement-care community. As part of this veritable city, Carol Young proudly advertises that there will be bars. At a recent meeting, Carol told a neighbor, "We'll have two bars here! Won't it be nice to stop for drinks with your friends after work?" Well, as someone who has lived for 12 years in this lovely, rural neighborhood, I say, "No!" It would violate our community's family-oriented character and compromise our children's safety.

In whose judgment is it OK for my child and my neighbors' children to be off the school bus, walking home and sharing the road with patrons of Rincon del Rio Bar? Which Nevada County decision-maker thinks this scenario is acceptable? Why is this even being considered?

Our area's not the place for a development requiring a major zoning change. We are a stable, established rural-residential, family neighborhood. Our lifestyle is not "party central." It's peaceful, safe and private. It's the Nevada County life advertised by our county's various agencies and chosen and valued by us solid, taxpaying citizens.

A bar in our midst could only spell endangerment for our children, pets and livestock. This proposed project is inappropriate on so many levels!

Renee O'Callaghan

Nevada County

Please nip this project in the bud (an amazingly big bud, to be sure. How is it that so much has been done already? All those parties and fund-raisers at Carol Young's house seem to be effective in bypassing so much county "hassle".)

Carol Young is avidly marketing this unapproved project. Busloads of people are coming in for a look around.

Carol Young wants seniors to be able to retire in the country, but she proposes to build a veritable city and still call it a country setting. Adding population, traffic, pollution, noise, light, concrete changes our area to an unacceptable level.

Please stop this now.

Thank you,
Renee O'Callaghan

May 27, 2011



Mr. Brian Foss
Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959

Dear Mr. Foss:

As a realtor, I am familiar with requirements of the Regional Housing Assessment Plan. This plan addresses the need to protect environmental and agricultural resources. The same section encourages efficient development patterns, i.e. clustering.

Rincon del Rio addresses in a positive way both these issues. I've watched lots of developments being opposed by NIMBYs and I know that many of them make the assumption that if they can defeat a particular development, everything stops and nothing will replace it.

That is seldom the case and in the case of Rincon del Rio, it is most certainly not the case. The land proposed for Rincon del Rio is zoned for and could have 72 single family dwellings with granny houses. I would like the EIR to address the impact 72 privately held properties each on 3 acres could have on the protection of open space and agricultural resources.

Sincerely,

May 31, 2011

Mr. Brian Foss
Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959



Dear Mr. Foss:

My name is Joyce Cole and I am originally from Colchester, Essex England. Before the war destroyed our village, the houses were clustered closely around the main town. Some people who lived in Colchester proper had apartments above the businesses on Rygate Road.

I play pickleball with Carol Young and she has showed me the plans for Rincon del Rio. I couldn't believe it. There were the houses clustered around the town. I asked her how she thought of that and she told me clustering was part of a housing code objective to prevent sprawl.

I think this is good for the environment, good for the people who will be living there and it follows the rules and objectives. I would like that included in the Environmental Impact Report.

Yours truly,



Joyce Cole

Brian Foss

From: Shannon Culbertson [shannon_culbertson@dot.ca.gov]
Sent: Tuesday, May 31, 2011 11:45 AM
To: Brian Foss
Cc: Jody Jones; Gary Sidhu; John Hoole; Brian Viray; Andrew Brandt; Richard Helman
Subject: Rincon Del Rio CCRC (SCH# 2011052030) - Comments received in error

Mr. Foss:

Attached below are comments received by the District 3 Director of Caltrans with regard to the Rincon Del Rio Continuing Care Retirement Center (CCRC) Project, SCH# 2011052030. Please note that the comments provided by Mr. John Beal are that of a private citizen, not Caltrans. We are forwarding these comments to you as the Lead Agency as we believe Mr. Beal's comments were submitted to Caltrans in error.

Caltrans District 3 is currently reviewing the above referenced project documents through the Local Development-Intergovernmental Review (LD-IGR) Program and will submit our comments in writing on this project by June 9, 2011 as requested by the State Clearinghouse.

If you should have any questions or require additional information, please do not hesitate to contact me.

Thank you,

Shannon Culbertson

Associate Transportation Planner
Park & Ride Coordinator

Caltrans – District 3
Office of Transportation Planning
703 B Street
Marysville, CA 95901-0911

Phone: (530) 741-5435 | Email: shannon_culbertson@dot.ca.gov

John Beal/SNTCLR/USA/SALES/KEMET/US
<johnbeal@kemet.com>

To <jody_jones@dot.ca.gov>

cc

Subject Rincon Del Rio traffic concern

05/28/2011 07:34 AM

Dear Jody,

Listed below are major traffic problems the Rincon Del Rio project will cause.

1) At full occupancy of this project it will substantially increase the number of cars trying to enter HWY 49. As it is now at peak traffic hours cars turning left to go to Auburn wait several minutes each trying to find a small safe opening to make the left turn. Car's coming from Auburn on HWY 49 are picking up speed coming down the hill at this location of HWY 49 approaching Rincon way. That is why CHP sits weekly at the corner of HWY 49 and Rincon way with Radar writing speeding tickets trying to slow traffic down. Can you please pull the records on how many tickets are being writing on the section of HWY 49 at Rincon way and compare to all other section of HWY 49? Can you please contact CHP and discuss

this issue with officers patrolling location?

2) If you change this intersection to a **right turn only** at this location. It will just push the traffic problem to another location up HWY 49. It will make everyone negotiate a U turn and back on to HWY 49. This dose not fix the problem. The correct way to fix this problem is traffic light at HWY 49 and Rincon way to make this a safe entrance on to HWY 49.

3) To compound the problem further the Rincon project will change the demographics of the people trying to make this turn onto HWY 49. 415 of our Senior citizens living at Del Rio many of which may still be driving and will be trying enter HWY 49 at Rincon way. This project jeopardizes the safety of our senior citizens and daily commuter. We will see another round of bumper sticker (Pray for me I drive HWY 49) (HWY 49 blood Alley).

4) Under one of the 10 Project Entitlements requested. They are asking for a Road Grade Standard Exception for Rodeo Flat Rd and Timber Ridge Rd because of the steep grade of both to this roads. The project calls for paved fire access road to connect to Rodeo Flat Rd and be gated. If granted and traffic concerns above come true. The solution will be simply open this gate because the entitlement has been granted. Now you are putting high traffic on two roads with very deep grade (19%) that was never intend for.

5) Lake of the Pines has been looking at ways to relieve their traffic problems at their front gate. It's already in discussion of opening the back gate **located at the end of Rodeo Flat Rd** for exit traffic. If the day happens when Rodeo Flat connects to Rincon Way for general traffic on to HWY 49. Lake of the Pines will open the back gate sending all people located in the south end of LOP heading for on their daily trips to Auburn up Rodeo Flat and on to HWY 49 . A road and a intersection both never designed for this kind of traffic.

At your convenience I would very much to meet with you and discuss the above concerns

Best Regards

John Beal
520-852-5011

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June 1, 2011

Brian Foss
950 Maidu Avenue
Nevada City, CA 95959



Dear Brian:

I understand that the projected number of sewer hookups for the waste water plant is coming in way under estimate because of the failure of Dark Horse and the delay in several other projects. If Rincon del Rio doesn't build, our rates in LOP for Sewer will go up. If my utility bill goes up, I want to tell you that affects my environment. Please consider this in your EIR Review.

Glen Hanke

June 1, 2011



Mr. Brian Foss, Planner
950 Maidu Avenue
Nevada City, CA 95959

Dear Mr. Foss:

As a realtor familiar with the Regional Needs Housing Plan (RHNP), I know that counties are required by the state to show that they have tools in place to accommodate their allocation of housing based on income and population. True, the housing doesn't have to be built, but the county has to show they have the tools to get there.

Generally, zoning is what controls what is built and where it is built. However, the County may not limit its consideration of suitable housing or land sites to existing local zoning ordinances and land use restrictions. Instead the County is supposed to consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. Please note this in the EIR.

Yours truly,



Brian Foss
Planning Department
950 Maidu Avenue
Nevada County, CA 95959



While there may come a time when physical limitations make it difficult for seniors to stay in homes they have occupied and maintained for decades, they should always have a place to live in Nevada County where they have lived, raised children, contributed to a way of life and paid taxes. Current traditional residential zoning categories require seniors to either live in homes larger than they want with too much upkeep and property, or to reside in an institutional structure in a commercial area without a meaningful connection with nature.

I know that the *General Plan* states the zoning ordinance is adopted to achieve several objectives, the first of which is fostering a rural quality of life.

Currently, senior citizens in Nevada County cannot achieve a rural quality of life unless they own or live with someone who owns and can maintain property. Rincon del Rio solves this problem by clustering the development and maintaining sensitive farm land for a community farm and livestock production.

Will this section of the *General Plan* be examined as it relates to the overall structure for Rincon del Rio?

Donise Neil
16344 Patricia Way
Grass Valley, CA 95949



To Brian Foss

There is something wrong with the Planning Department in Nevada County. I attended the EIR scoping meeting for Rincon del Rio to learn something about the project, just as I had attended similar meetings for Winchester when it was in development stage.

The meeting started with a very short power-point presentation. On the second frame of the introduction, some unidentified woman standing along the wall began screaming at the moderator, "The meeting should be canceled because the project should be stopped! We should not even be having a meeting!" Then, various people strategically positioned in spots around the room started making a commotion. The Country representative didn't lift a finger and the poor man running the meeting was clueless and just stumbled on like nothing had happened. It was, in a word, surreal.

Even during the most controversial meetings about Winchester, there were not disturbances even remotely like this. Participants demonstrated decorum and courtesy. Had chaos erupted in a Placer County meeting, the gavel would have come down hard and fast and order would have been restored.

As the Rincon meeting progressed, things went from bad to worse as various speakers were attacked and belittled. The woman proposing the project was reviled and judged with no particular point—certainly nothing related to an environmental issue. The low point came when another out-of-control speaker attacked a high school student obviously there on assignment for a civics class. What a lesson that kid learned! The student actually tried to respond to his tormenter, but the same lady on the wall started yelling at him and finally shut him down.

As the evening wore on, one particularly charming and well-spoken man yelled out some sage advice: "Send the invalids to Auburn!" This intelligent recommendation was in response to someone bringing up a senior-housing project recently approved by the Placer County Planning Commission called Timberline. A forward-looking Placer County wanted that project so badly, they convinced the ARD to grant Timberline 20 acres of Chana Park to meet an open space requirement. I have a feeling that Nevada County won't have to worry so very much about its aging "invalid" population. After this meeting I think older residents will indeed heed the crowd's advice and get the hell out of Dodge.

The scoping meeting for Rincon ended with someone calling a speaker a bitch. Very impressive.

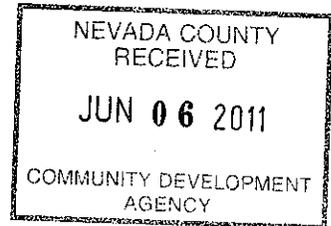
It has always been my understanding the function of public forums is to encourage civil public input. But for myself, I was too intimidated to ask a question I had about demand for this type of housing as it relates to requirements in the Regional Housing Needs Assessment.

I can certainly see why Nevada County has such a reputation as hostile to any growth whatsoever.

Sincerely

A handwritten signature in cursive script that reads "Margt Privara".

Stephen Munkelt
11041 Ridge Road
Nevada City, CA 95959



6/2/11

Dear Mr. Foss:

I would like to have the following considered in the EIR for Rincon Del Rio.

Within the General Plan 'Planned Residential Community' designation, the following uses may be permitted in connection with said developments:

Private parks and recreational areas, recreation structures, clubs and social halls (including restaurants), playfields, playgrounds, maintenance facilities, and similar facilities. These uses shall be an integral part of the Comprehensive Master Plan and shall primarily serve the needs of the residents of the development.

Rincon del Rio includes each of these uses. I appreciate the compliance with Zoning Regulations and hope that will be included in the EIR.

Thank you.

A handwritten signature in black ink, appearing to read "Steve Munkelt".

Steve Munkelt

Bill Jordan
15800 Rough & Ready Highway
Rough & Ready, CA 95975

June 2, 2011

Mr. Brian Foss
Planning Director
Nevada County Planning Department
Rood Center
950 Maidu Avenue
Nevada City, CA 95959



RE: RINCON DEL RIO

Dear Mr. Foss:

Nevada County has, per capita, the oldest population in the State and is in the Top 10 in the Nation.

The April, 2011 AARP bulletin addressed the future of housing for seniors. To provide a successful environment for our aging population the article identified the common denominator for successful aging as *The desire to be part of a community that shares common interests, values and resources*. People want to live where neighbors know and care about one another and will help one another as they age.

To create a successful environment, today's housing options for seniors need to reflect the attitude of older Americans to stay active, keep learning, develop relationships, and enjoy life for as long as possible.

To accomplish this AARP suggests the following:

- Establish niche Communities where seniors live with others who share similar lifestyles, backgrounds or interests. Nevada County citizens pride themselves on living in natural surroundings with an emphasis on agriculture. Rincon del Rio is a niche community.
- Include Co-housing – Rincon del Rio has a twenty unit co-housing community
- Include Group Homes—Rincon del Rio has three Group Homes as well as memory-impaired group housing
- Establish Village Models where health providers and other services are provided to your doorstep. Rincon del Rio has on-site services designed to fill this need.

I would like the EIR to address the importance of these environmentally appropriate models to allow successful aging.

Thank you for considering my comments.

Respectfully,

Bill Jordan

Cathy Colvin
17653 Lake Forest Drive
Penn Valley, CA 95946



June 2, 2011

Brian Foss
County of Nevada Planning Department
950 Maidu Avenue
Nevada City, CA 95959

Re: Rincon del Rio EIR

Dear Mr. Foss:

Thank you for this opportunity to provide input to the EIR process.

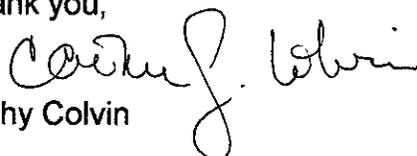
I'm concerned about the environment. The air quality in Western Nevada County is ranked as the 13th worst in the Nation. I understand much of this is beyond the control of the County, as it comes from the inversion layer which comes up from the Bay Area and the Sacramento region. But I think it's important to look at the way we use cars here, as well, as this impacts the environment in many ways.

Last year in Nevada County there were 60,000 Telecare trips, in a large, lumbering bus. Often the bus was transporting just one senior at a time. Trips to the doctor, or shopping, or to visit friends.

Rincon del Rio has a transportation plan that will reduce the number of senior citizens driving or needing to be transported singly in a big lumbering bus. Rincon Del Rio and other projects like it with efficient transportation plans could help to eliminate a great deal of greenhouse gas.

I hope you'll find a way to consider this in the EIR.

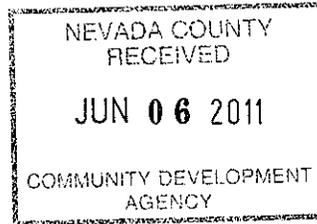
Thank you,


Cathy Colvin



ERA Cornerstone Realty Group

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June 3, 2011

As a Realtor and Real Estate Broker in Nevada County since 1975, I've helped many people locate the property they need. There have been challenges to these searches that I believe the proposed Rincon del Rio development can address.

In my experience, Nevada County doesn't have sufficient zoning available for Senior Housing. While Nevada County's housing plan is adequate, the land designated is inadequate. The available land does not have sewer or water, making development cost prohibitive. There are few if any candidate parcels, and they are neither conducive nor desirable to rural senior living.

I hope this EIR will recognize that Rincon del Rio addresses the insufficient zoning currently available for Senior Housing in our county, and will provide much-needed capacity for this portion of our population.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dick Law'.

Dick Law, Realtor and Broker

Letter in Support
of
Rincon del Rio

Hello,

My name is Brian Jones. I am a General Contractor in Nevada County and have lived here for more than twenty years. I have raised my family here and continue to be an active member of our community. On May 25, 2011, I was at the scoping meeting for the Rincon del Rio project and wanted to include some further comments for your consideration.

As a General Contractor, I can't help thinking of the jobs that would be created with the implementation of this project. Jobs are in short supply in Nevada County and many construction workers are being forced to go out of the county to find work. If this continues those same workers will be forced to actually relocate, which will bring more hardship and loss of revenue to this county. Some might say that construction jobs are short term and when the project is done then the job is over, but at least it was something while it lasted, and something is better than what many are faced with right now. Also, with a project like Rincon del Rio, there will be other, more permanent, jobs when the construction is finished – jobs in the health care and support service fields. One thing I've noticed is that it is often easier to find work when you are already working, so maybe with the example set by Rincon del Rio other projects of its caliber will be attracted to the area.

Immediate jobs are essential but so is the future planning of our county. Planning for the future means being able to adapt to the constantly changing world around us. Adaptation and change require flexibility and that was actually provided for in section L-11 2.7.5 of the Nevada County Land Use Development Code. It is never easy to know how conditions may change an area over time so it is important for today's planners to be flexible in their interpretation of what will best enhance and preserve our county. Rincon del Rio meets both of those imperatives.

There is also the factor of time. Much time and money have already been spent to bring this project to the point we now find it. Why squander those resources? What other projects of this size, scope, and prestige do we have to fall back on if this is stopped? The owners and potential developers of this project should be commended and thanked for their willingness to invest in our community, not shouted at and accused. Of course they want to make money. So do I.

Lastly, it is not a small matter that our world is getting tighter for the people who live on it. Population increases and diminishing resources are forcing us to make better use of all we have. Climate change predictions show that as the polar ice caps melt and the seas begin to rise, as much as one third of the world's population will become displaced. This year, as we push past 7 billion people, we need to not only consider the people who live in Nevada County today, but the many, many more that will live here tomorrow.

Thanks for your time and careful consideration, Brian Jones





Brian Foss, Principal Planner
Planning Department
Community Development Agency
950 Maidu Avenue
Nevada City, Ca 95959-8617

June 4, 2011

Dear Mr. Foss,

On May 25th I attended an NOP meeting concerning Rincon del Rio with the intent of making a brief statement concerning the project. However, it was clear to me that the meeting quickly became out of hand and I felt that my comments might only add to the agitation. The better part of valor is to submit my comments in writing.

The schools, libraries, law enforcement, and fire-fighting community are all a very important part of our environment and the safety and well being of the public. These important services are supported by the tax base.

When there is new building, the new housing pays more in taxes than when an older home is sold. So new construction can add more to the coffers for things like fire protection, which might be a plus.

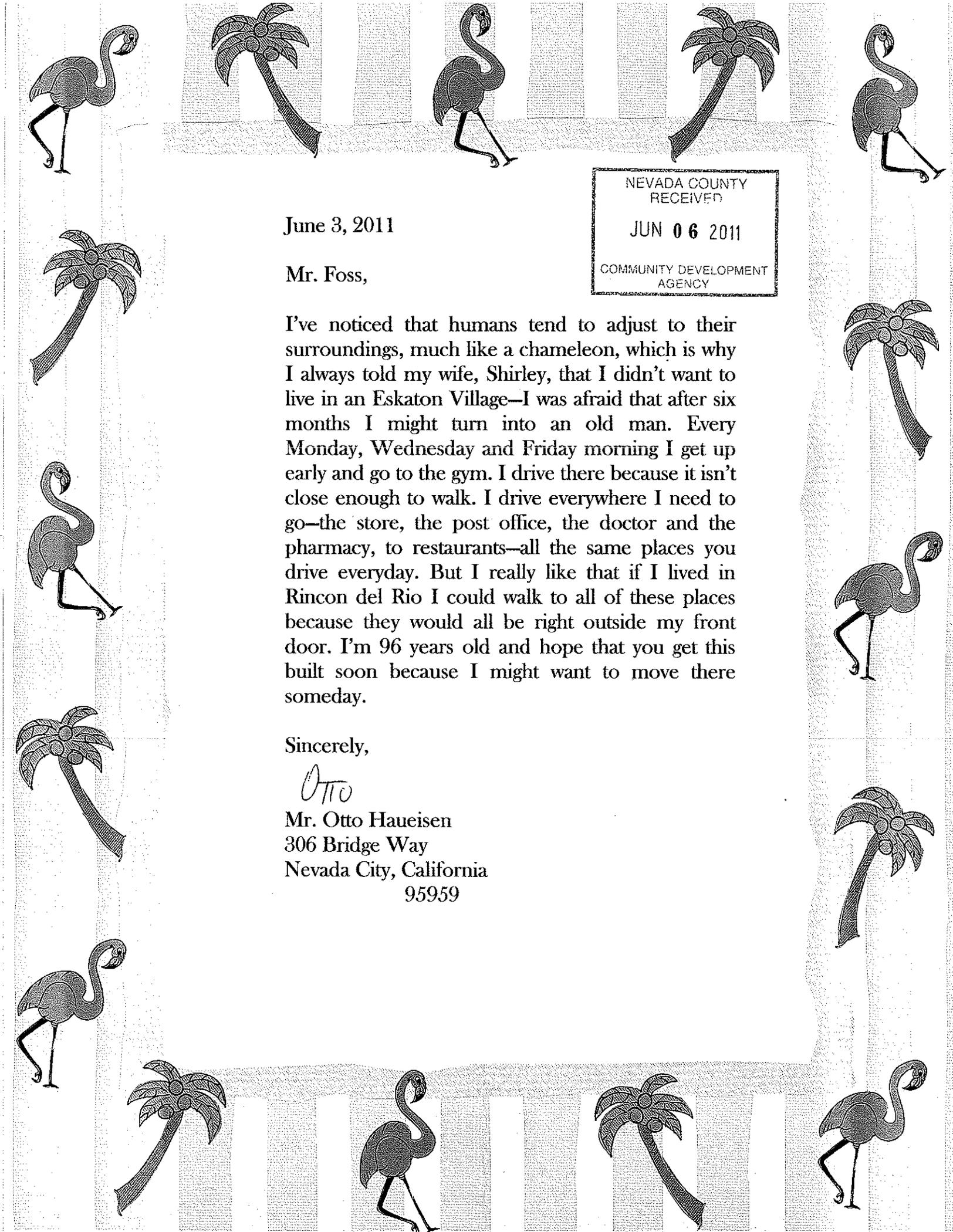
Also, I really like the idea of the emergency access road because it will provide residents in the Ranchos and Lake of the Pines from being trapped if there is a catastrophic fire blocking egress from the other direction. It's always a good idea to have more than one way out—the proposed plan as I understand it adds fire evacuation to already existing homes, which makes everyone safer.

I hope you will consider my points as you go about making your report. Thank you for your attention to this matter.

Cordially,

A handwritten signature in cursive script that reads "Carole McCallum".

Carole McCallum



June 3, 2011

Mr. Foss,

NEVADA COUNTY
RECEIVED

JUN 06 2011

COMMUNITY DEVELOPMENT
AGENCY

I've noticed that humans tend to adjust to their surroundings, much like a chameleon, which is why I always told my wife, Shirley, that I didn't want to live in an Eskaton Village—I was afraid that after six months I might turn into an old man. Every Monday, Wednesday and Friday morning I get up early and go to the gym. I drive there because it isn't close enough to walk. I drive everywhere I need to go—the store, the post office, the doctor and the pharmacy, to restaurants—all the same places you drive everyday. But I really like that if I lived in Rincon del Rio I could walk to all of these places because they would all be right outside my front door. I'm 96 years old and hope that you get this built soon because I might want to move there someday.

Sincerely,

Otto

Mr. Otto Haueisen
306 Bridge Way
Nevada City, California
95959

Margy Davey
10303 Westerinen Way
Rough and Ready, CA 95975
(530) 432-8714
margydavey@gmail.com



ATTN: Brian Foss
Nevada County Planning Dept
950 Maidu Ave.
Nevada City, CA 95959

RE: RINCON DEL RIO PROJECT

It's important that any new development consider ways to increase the cumulative incremental reduction of the global production of greenhouse gases.

I've spoken with the architect of this project, Charles Durrett, and I know the lengths Rincon del Rio is taking to be green and environmentally sensitive.

Does the EIR consider this project's use of FSC-certified lumber and energy conservation measures and the overall impact that will have on the larger environment?

I've spent much of my life working for the harmony of environment and community and applaud the fact that this project appears to have thoughtfully considered and has mitigated impacts simply because it's the right thing to do—not because it was being forced to do so.

Will the EIR consider the positive impact of 80% open space as it relates to protecting the Bear River? It seems as though this proposed project would be far better than allowing single property homeowners to build along the river.

Thank you.

A handwritten signature in cursive script that reads "Margy Davey".

Margy Davey

Sue & Martin Main, Margaret Main and Toni Landon
22236 Deer Trail Ct
Auburn, Ca 95602

June 6, 2011

Brain Foss, Principal Planner
Planning Department
950 Maidu Ave.
Nevada City, CA 95959-8617
RE: Rincon del Rio Continuing Care Retirement Community Project



Greetings,

The intent of this correspondence is to submit comments in opposition to the Rincon del Rio Continuing Care Retirement Community Project based on two specific environmental negative impact areas.

My husband Martin and I, are home owners and have resided at 22236 Deer Trail Ct, Auburn, CA since 2003. We specifically chose this area for our retirement due to the large parcels and lack of population density.

1: Re-Zoning should be denied: Those who live in Nevada County do so for the peace and tranquility provided by extremely low population densities as compared to the rest of California. The US Census Bureau states that the Nevada County Population Density for Nevada County is 957.61 persons per square mile and that the overall State of California averages 155,959.34 persons per square mile. As there are 640 acres in a square mile, Nevada County averages 1.49 people per acre.

Those who live in the Hidden Valley Ranch do so at *premium cost*. The 5 acre parcels are clearly more expensive in both initial purchase cost and annual overhead than those who live in higher population densities.

The Rincon del Rio Project states in the section entitled "Project Characteristics" that the "development would provide housing for approximately 415 residents" and would be "limited to a 40 acre envelope". This would result in a population density of 10.375 persons per acre. Existing Hidden Valley Ranch residents have an average of 5 acres per household having an average California family size of 2.59 persons (Fact finder. US Gov Census) results in a population density of 0.518 persons per acre.

The re-zoning for the Rincon del Rio Project *should not be approved* as it clearly is not within the demographics of Nevada County in general.

2: Petition for Exception for Rodeo Flat should be denied: The Lake of the Pines Ranchos are serviced by private roads whereby each resident pays an annual road maintenance fee. Fees are not paid to support the use by neighboring communities. The road gradient greater of 16 degrees on Rodeo Flat is a clear hazard for use as an emergency exit.

Furthermore Timber Ridge Drive, which junctions with Rodeo Flat, also has an extreme gradient and a curve.

Sincerely, Sue Main

Brian Foss, Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959
530-265-1256

30 May 2011



Dear Sir,

We like the Young's but are against the proposed project plan named **Rincon del Rio - Continuing Care Retirement Community** located at the eastern end of Rincon Way Auburn CA 95602 for the following reasons.

1. We went into debt, taking a big chance to get away from crowded neighborhoods, traffic, urban life style, crime, and to give our family a safer and better place to grow up. This was our purpose for moving here. Now this proposed project will bring everything back that we moved out here to avoid. We like it here because it is **quiet** and we have space between our great neighbors.
2. **Noise:** (24/7) of ambulances, fire department, and police, para-transit vehicles, delivery trucks of every kind, cars from tenants, their families, friends, reporters and TV crew who will cover the accidents on highway 49.
3. **Lights:** We enjoy looking up at the stars and constellations. All the lights that will be required for this project will hamper our enjoyment by making the sky lighter and therefore the stars harder to see and enjoy.
4. Whose property are they planning to take away in order to **widen Rincon Way and Hidden Ranch Rd and for utility easements?** All the roads are privately owned.
5. **No 2nd outlet/exit:** The proposed plan is to use Rodeo Flat Rd, which also is privately owned.
6. We have a pond and stream close to Rincon Way. Both are **wildlife habitats**. Every year we have two sets of mallard ducks that hatch their chicks within the cattails and swim in the pond. The stream and cattails along with the blackberries house a flock of quail each year (10 or more at each counting) and other small birds such as finches. We also have hawks, owls, woodpeckers, turkey buzzards, blue jays, hummingbirds, foxes, raccoons, skunks, wild turkeys, frogs, fish and snakes (poisonous and not).
7. **Alcohol related problems:** We expect that some residents, workers, and their families or friends would visit the wine tasting business down the street on Linnet Dr and/or the proposed pub in the retirement community. We all know the problems associated with alcohol and those who abuse it. Those who consume alcohol can be disoriented and end up going down Hidden Ranch Rd or Angelina (neither have outlets to 49) or try to get onto highway 49.
8. **49 Traffic:** Sometimes we have to wait a good 5 minutes because of traffic to enter the highway turning right. Turning left is even a longer situation because we have to merge into traffic. It's hard enough to negotiate without any disabilities (i.e. age, disorientation, or indecision, etc.) Can you imagine a line of us neighbors waiting our turn to proceed to their jobs and time schedules? What about the children on Hidden Ranch Rd and Rincon Way who have their bus stops down at highway 49? **This is not the right place to add a facility that will generate a lot of extra traffic.**
9. **Memory-impaired individuals:** When they drive themselves where will they end up? They could easily think that someone else's home is theirs.
10. This land is **zoned RA-3-PD**, single-family homes not commercial land. So why are they planning to put on-site shopping, support services such as: café, exercise, post office,

recycling center, bakery, theater, ice cream parlor, **pub**, spa, pharmacy, public restroom, market/deli, beauty shop, bank, dry cleaning, restaurant, chapel, administration, medical, computer room, library, conference/meeting and a bandstand? This is a commercial project!!!!

11. **Crime:** What protection does the neighborhood have from Rincon del Rio residents, onsite workers and employees families and friends, who come to visit, then case the neighborhood and come back to break in to steal, rape or maybe go so far as to murder. Besides these problems, we will also have the noise problem as stated in #3 above.
12. **River:** What harmful chemicals will wash down the streets and into the river?
13. **Steepness of the hill/roads:** Who will fall and break bones, therefore more noise via ambulances, fire trucks, paramedics, etc?
14. We believe this project was proposed not just for the money but it is a big part of it and has no consideration for the neighborhood and surrounding hillside homes. It is a great idea but in the **wrong location**. Assisted living individuals need to be closer to the businesses they frequent and not have to worry about entering or exiting highway 49.
15. **Fires:** They spread quickly especially on a hill encouraged by wind and dryness of the vegetation. How will the fire department evacuate approximately **795 Rincon del Rio residents and guests/employees?** (543 residents which includes 216 Independent Living units, 208 Nursing Care beds, 21 Lodge Nursing care units, 98 Village Center units) and (252 guests/employees parking spaces.). We expect this number will be higher due to extra visitors. Also add to that all the families (approximately 42) on Hidden Ranch Rd and Rincon Way who will have to evacuate. This does not include all the families up on Rodeo Flat Rd and the surrounding hillsides. This is a big warning flag. There could be resulting deaths because of the hysteria and congestion of people trying to evacuate the area.
16. **Road repairs:** Who will be responsible for maintaining and repairing these private roads with the expected huge amounts of extra traffic.
17. **Wastewater:** Is this supposed to be a freebee on private roads, digging up Rodeo Flat Rd and others streets in order to connect into the Lake of the Pines Sewer Treatment Facility? This could over load the treatment facility. What do Lake of the Pines and Rancho residents have to say about this, they pay for it?
18. **Water:** All our water comes from **wells**. Some of us have low volume wells (gallons per minute) and if this retirement community is put through it could seriously deplete some of our water supplies. Sometimes water trucks have to come in and fill the holding tanks or wells. Now **NID** is another story. Those of us who wanted to connect to the NID canal had difficult times: too many water boxes or we had to connect to another one at a great distance and expense. The Rodeo Flat Rd and surrounding homes already put in a NID potable water line at great expense to themselves. Is this another freebee?
19. **Neighborhood/community approval** is not mentioned and we are the ones who will be affected.

In summarizing, we believe this proposed assisted facility known as Rincon del Rio -- Continuing Care Retirement Community would be a good project for the Auburn area if it were in a suitable location that would not cause as many problems as it is believed to solve. Please locate this facility in a proper place.

Sincerely,

Terry and Kim Thompson
Rincon Way Residents



Robert N. Joehnck
26955 Table Meadow Road
Auburn, CA 95602

June 8, 2011

Mr. Brian Foss
Planning Department
County of Nevada
950 Maidu Avenue
Nevada City, CA 95959

Re: Rincon Del Rio

Dear Mr. Foss:

In response to your Department's request for comments on "scoping" for the review of this project, I have the following comments. Please note that I am not commenting the scope of the draft environmental impact report except in those areas where the County may not normally subject the project to significant review.

Scope of Project, Project Description: The project description on your website, as opposed to the descriptions breakdown on the same website, is misleading. It does not at first alert a reader to the fact that not only is the County proposing a re-designation of the real property to a different General Plan status than it currently has, but at the same time the County is inventing (drafting for the first time) a new General Plan land use classification, not currently in the General Plan, to be applied to the Rincon property.

I believe that this process is illegal and in any event is highly objectionable from a rationale planning process. The County is using a particular property, with its particular physical characteristics and environmental

setting, and with a developer who has specific parameters that it wishes to see included or excluded from the new land use definition, to create a definition that will be applied on a county-wide basis. Thus, what should be an objective study of what are appropriate criteria for this type of land use, are substituted for criteria which first and foremost must allow this project to go forward as the developers of it want, rather than as the County should make it go forward.

The scope of the EIR is also greatly affected by this developer specific way of arriving at planning standards. Now, projects that may not be compatible with the standards this development wants, but are otherwise considered highly desirable for senior projects, will not be considered because they will not "fit" the development standards this development wants.

The EIR will also have to consider the entire County land area in determining whether there will be cumulative impacts on the environment resulting from the standards developed for this project.

Impact on Land Values: The physical changes proposed by this project will negatively affect land values in the area. In some cases land values may be so negatively impacted as to amount to inverse condemnation. The physical blight caused by this project in certain neighborhoods needs to be studied within the framework of the EIR for the project. Will the project engender even more foreclosures in the area as well as taking land from parcels otherwise specifically oversized to accommodate livestock and horses?

Impact on Existing Merchants in the Higgins Area. The project is to have some as yet unspecified commercial uses within the project area. To the extent those uses compete with those already in place in the Higgins Corner Area, the EIR must analyze the project's impact on these existing commercial uses, as well as those commercial uses already approved for the Higgins Corner area but which are not yet established.

Higgins Corner Area Plan: The EIR analysis needs to account for how this project does or does not comply with the land uses encouraged by the Higgins Area Plan, the development standards of that plan, and whether the "neighborhood" characteristics of the Higgins Area Plan will be adversely affected by this development.

NID: This project will presumably take NID water lines to the County border, well past their present terminus in the Higgins area. The EIR needs to examine the growth inducing impacts on both the area between Combie and the Bear River along Highway 49, but the growth inducing impacts on the service area of NID in Placer County, as that County will be provided with up to the Bear River service if this project develops as planned.

Traffic: The public needs to be explicitly informed early in the game what the traffic patterns are that arise from this development are and how they are to be mitigated. The County misled the public in the Higgins Corner EIR by showing through traffic within the existing Chevron Center by using the road behind CVS as a full two-way traffic road when CVS has its suppliers park their big rigs on part of that right-of-way all the time, and by showing a through road going through the property occupied by the motorcycle shop when the neither the County, nor the Higgins developer, have any control over the use of that property.

Early on the egress and ingress roadways to the property need to be set out, as well as how Cal-Trans proposes to deal with them in terms of signalization, turn lanes, width of lanes, etc. Further, Cal-Trans needs to be explicit in specifying early on what computer programs they are using for traffic generation studies and why these programs were chosen over other available programs. Without these facts it is impossible to analyze whether the program(s) actually chosen do or do not accurately reflect the range of traffic mitigation alternatives.

Fire Issues: It staggers the mine that placing this large development in a high fire zone area makes any sense at all. All of the fire-safe planning literature of recent years states that this type of development should not occur in these areas. Hydrant locations need to be clearly set out if a review of the EIR is to be meaningful in this context.

Road Issues: Other than just traffic issues relating to roads, the authority of the County to use several of the proposed roads for this project (Timber Ridge Dr. and Rodeo Flat Road) are highly questionable. And if it does decide to use these roads, whether for traffic or utility purposes, does the County contemplate the use of eminent domain to accomplish those objectives, when the sole purpose for doing so would be to be of assistance to a "private for profit enterprise"?

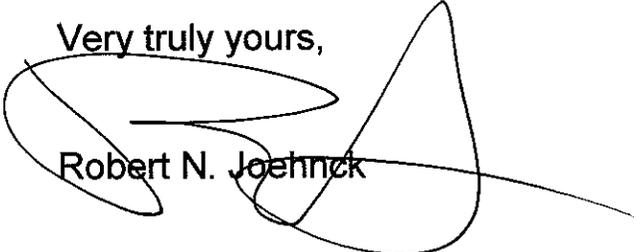
General Plan Issues: In addition to the usual General Plan conformity issues which I assume the EIR will address, the EIR needs to address why more multifamily development is needed in this area at all, since within the last 18 months the County just designated two large parcels of land for multifamily housing right at the general area of the intersection of Combie and Highway 49. Those parcels were designated multifamily to satisfy the Department of Housing and Community Developments request to the County that the County designate new or additional sites suitable for low-income housing, so why does the County need yet more development of multi-family housing in the area?

SB 375 and AB 32 Issues: The overall thrust of both of these two laws which were signed by Governor Schwarzenegger, was to encourage in-fill development and to reduce the "carbon footprint" in new developments. The EIR needs to thoroughly analyze how this project would even come close to satisfying their mandates, as the only infill here is of a natural canyon, and the carbon footprint for this development will be greatly enlarged over the same type of project placed close to the existing commercial and service centers of Combie and Combie and Highway 49.

Thank you for your consideration of these matters.

Very truly yours,

Robert N. Joehnick



Brian Foss

From: Darryl Ecke [ecke.darryl@gmail.com]
Sent: Wednesday, June 08, 2011 1:01 PM
To: Brian Foss
Cc: Karen Abbott
Subject: Rincon del Rio

Brian Foss
Nevada County Planning Department

Dear Mr. Foss,

I know that my previous letters are all on file with the county but I wanted to submit one more after the discouraging planning department meeting two weeks ago.

It was painfully obvious that those who spoke in favor of the project, then immediately got up and left, were paid spokespeople for the Youngs. Those of us who live here and who will have to live with the nightmare that will be Rincon del Rio all stayed for the duration. It is also painfully obvious that substantial monetary support has already been given to at least one County Supervisor to allow this project to proceed, regardless of what the people who actually have to live here say about it. The Young's are not concerned philanthropists who wish to give seniors a better place to live. They are land developers, nothing more and nothing less, and this is their only way to develop and sell this property and make the kind of profits that they desire. Those are my personal beliefs, but we all know how local politics works. If you have the money, you can buy the politicians. Hopefully the County of Nevada is not so easily bought. That having been said, there are factual, unbiased and supportable reasons why this project is completely unfit for our rural community.

One of the gentlemen at the meeting said it quite plainly. There are 10, (not 2 or 3 or 5), but 10 entitlements that need to be addressed just for the county to pass this project! The Project Entitlements requested are significant:

- General Plan Text Amendment
- General Plan Land Use Diagram Amendment
- Zoning Text Amendment
- Zoning Map Amendment
- Tentative Map
- Use Permit
- Development Agreement
- Management Plan
- Road Grade Standard Exception
- Annexation into Sanitation District

Doesn't that say it clearly enough that this project does not fit this community? Why situate a senior "village" in an inaccessible fire trap with no existing infrastructure to support it?

The roads accessing the property are all private. Is the County in a position to declare eminent domain and force the owners of those roads to allow an 800 pound gorilla development that none of us approve of?

Does the county have such deep pockets that it can afford the legal liabilities when a fire sweeps through here and lives are lost due to the greed and avarice of one wealthy land developer, and a politician? (Particularly when there is a substantial amount of written objection to this project on the grounds of fire safety and traffic

hazards. Attorneys will literally be standing in line to take that case.) I guarantee you that the Young's will be long gone with their profits when the county is held liable for injuries or deaths due to fire or radically increased traffic hazards.

Should one wealthy couple be allowed to impact the entire county with a change to the General Plan just so that they can line their pockets with even more wealth? I am absolutely certain that if I had held fund raisers at my home for a certain County Supervisor's political advancement, there would have been no problem whatsoever getting the building permits for my Father's detached home on our five acres. I am well aware that whenever the county stands up to Carol Young's plans, it gets a call from that supervisor's office. Is this just the way that business is conducted here? How absurd is it that we were denied a building permit for my 88 year old SENIOR Father on the grounds of fire hazard, (come on..1/10 of a mile over the accepted .5 mile distance into a dead end?), when the very same county is even considering packing over 700 SENIORS and all of the support staff, retail employees etc..etc..in a difficult to access river canyon which would act like a blacksmith's forge in the event of a wildfire?

What about the noise pollution, light pollution and environmental pollution that will most assuredly be a result of this project on this pristine stretch of the Bear River? What happens when the sewage backs up? What happens to the wildlife that lives here?

What about the traffic hazards and congestion that will occur with the 10x increase in vehicles accessing Rincon del Rio over one, single lane road off of Hwy 49? Does Caltrans think this is a good idea?

Brian, I realize that this isn't your fight and to you this is just another building project that does not affect you directly, except as a function of your job, but put yourself in our shoes. Would you stand by quietly and let your property values plummet? Would you allow your family to be put in harm's way? Would you accept the decision of a politician and a wealthy land developer if your way of life, and your happiness and the safety of the Ones you love was at stake? I apologize for the jackass who spoke at the meeting and acted the fool with his rude demeanor and prejudice comments, but I feel his frustration. If there is a genuine need for senior housing in this county, fine. Approve it in a location that already has infrastructure. Approve it in a location that has services and adequate access. Approve it in a location that makes sense to everyone in the county, not just the Youngs and an easily coerced politician.

As many people stated at the meeting, Nevada County should follow the example Placer County has recently set in regard to CCRC developments. Their 858 unit CCRC project Timberline does not have 10 exceptions/variances required to build it. It is proposed to be built in an appropriately zoned and SAFE location, has existing infrastructure readily available, will have minimal environmental impact AND because it will back up to a large section of open space with walking trails already available to the public it will still have that "in the country" feel to it without putting it's residents and surrounding neighbors at risk of serious injury or death if there were ever a wildfire.

Brian, I have said it before, but you and the other employees of Nevada County are responsible to the residents of your county. You are in a position to protect the safety and the interests of the many residents who will be directly affected by this project. Of all of those who spoke in favor of the project at the planning meeting, only ONE actually lives here and she only voiced a positive opinion based on the misleading propaganda we had received from the Youngs a couple of years ago stating that each our property values would go up \$200,000 per as a result of Rincon del Rio. One of her neighbors took a moment to explain the situation to her in some detail and now she too is apprehensive about the project. The rest of those that spoke in favor were either related to the Youngs, purchased by the their PR campaign, or were business owners who think that this project will put money in their pockets too, (a realtor and a couple of contractors..seriously?). Why should any credence be placed on their testimonies? If the residents here were in a position to raise millions of dollars to play this game the way that the Youngs are playing it, that would be one thing, but we are not. That's why individuals like

yourself are in positions of power to be our advocates. I hope you take that position seriously and represent us in good faith.

Sincerely,
Darryl Ecke

DEPARTMENT OF TRANSPORTATION

DISTRICT 3

703 B STREET

P. O. BOX 911

MARYSVILLE, CA 95901-0911

PHONE (530) 634-7616

FAX (530) 741-5346

TTY (530) 741-4509

*Flex your power!
Be energy efficient!*

June 8, 2011

032011NEV0004

Rincon Del Rio CCRC

NEV-49 PM 00.464

SCH #2011052030

Brian Foss

Nevada County Planning Department

950 Maidu Avenue

Nevada City, CA 95959-8617

Dear Mr. Foss:

Thank you for the opportunity to review and comment on the Notice of Preparation (NOP) for the Rincon Del Rio Continuing Care Retirement Community (CCRC) project Draft Environmental Impact Report (DEIR). This project is located on Rincon Way just east of State Route (SR) 49 and just south of the Lake of the Pines Community in Nevada County. We would like to provide the following comments for review and consideration:

General Comments

This project was initially received by our office for review on April 27, 2009. A letter dated May 15, 2009 was submitted to your agency for review and consideration. Due to minor project changes, our office received this project for a subsequent review on June 15, 2010. The nature of the project changes did not necessitate any alteration of our comments provided in May of 2009.

At this time we respectfully request consideration be given to our original comment letter provided in May of 2009 in addition to the comments provided below. A copy of the May 15, 2009 letter is enclosed for your reference.

Traffic Operations

- Any traffic analyses completed for this project should focus on improvements at the intersection of SR 49 and Rincon Way as previously stated in our May 15, 2009 comment letter.

Brian Foss
June 8, 2011
Page 2

Hydrology

- Please provide our office with any hydrologic modeling (HEC-HMS, HEC-RAS, WMS, etc.) completed for this project as well as the design of drainage/detention facilities designed to ensure post-project runoff does not exceed pre-project runoff as SR 49 is downstream of the project site.

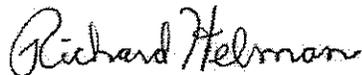
Encroachment Permits

- All work proposed and performed within the State Highway right-of-way must be in accordance with Caltrans' standards and requires a Caltrans Encroachment Permit prior to commencing construction. For more information on encroachment permits, the requirements, and an application form, please visit our web page at www.dot.ca.gov/doingbusiness and then click on "Encroachment Permits" or contact the Caltrans District 3 Office of Encroachment Permits at (530) 741-4403.

Please provide our office with copies of any further actions regarding this project.

If you have any questions regarding these comments, please do not hesitate to contact the Nevada County Intergovernmental Review (IGR) Coordinator, Shannon Culbertson, by phone at (530) 741-5435 or by email at shannon_culbertson@dot.ca.gov.

Sincerely,



RICHARD HELMAN, Chief
Office of Transportation Planning – North

Enclosure

c: Scott Morgan, State Clearinghouse
Jim Brake, Traffic Operations
Teresa Limon, Traffic Operations
Gurdeep Bhattal, Hydraulics

Sherry Warren
22355 Hidden Ranch Rd.
Auburn, Ca 95602

June 8, 2011



Brian Foss, Principal Planner
Planning Department
950 Maidu Ave.
Nevada City, Ca. 95956-8617

RE: Rincon Del Rio Continuing Care Retirement Community Project

Dear Mr. Foss,

I feel I must write to you in regards to this Rincon project. My husband and I bought our land 30 years ago and built our home ourselves and enjoyed raising our children here. We love our privacy that living on 5 acres gives us, but also our neighbors that have become friends and provide us with a great sense of security & comfort.

This Rincon project will take all of that away. The increase in traffic, noise, and people driving up & down our privately maintained road will be a great loss to our lifestyle that we have enjoyed for so many years.

How can you just take away our agricultural zoning that has been a standard that everyone living in our area has understood & respected, for one resident that wants to turn our neighborhood into a commercial business. And take private roads away from the people that have been maintaining them for years & years and "GIVE" them to someone else to use for their own financial gain. There is so much wrong with this project I hope you will really take your time to investigate and realize this is not the area for a commercial project. Please do a better job than the people that pushed Winds Aloft & Dark Horse through, we are left with some very ugly scars in our community from those projects.

Sincerely,

Sherry Warren

Brian Foss

From: Mark Mills [coolmini@att.net]
Sent: Thursday, June 09, 2011 2:22 PM
To: Brian Foss; Ed Scofield
Cc: Nathaniel Levine Sac Bee
Subject: Nevada County Rincon Project
Attachments: header.htm

Importance: High

Subject: Opposition to Rincon del Rio
Attn: Supervisor Ed Scofield and Planner Brian Foss

Gentlemen,

This correspondence was sent Registered Mail to Senator Doug LaMalfa. The letter be entered into and considered part of the Public Record for opposition to the Rincon del Rio project.

Mark A. Mills

Mark A. Mills
24220 Timber Ridge Dr.
Auburn, CA 95602
530-268-0120
coolmini@att.net

May 30, 2011

Senator Doug LaMalfa
State Capital, Room 3070
Sacramento, CA 95814

RE: Rincon del Rio Continuing Care Retirement Community Project

Senator, hundreds of households in South Nevada County are in dire need of your assistance. I feel and believe, based on my observations, that the Nevada County Planning Commission and District 2 Supervisor Ed Scofield are either grossly negligent, completely incompetent or at worst exercising malfeasance.

Citizens in our area have experienced two disastrous large developments, Dark Horse & Winds Aloft, both of which ended in bankruptcy. The Planning Commission and Supervisor Scofield pushed these projects thru without any performance bonds. The projects were left uncompleted. In the case of Dark Horse, the few families that purchased completed homes had no electricity.

There was no resolution by either Nevada County or Supervisor Scofield until the story was aired by Sacramento News Channels. Winds Aloft went bankrupt shortly after bulldozing the water shed. Again, no performance bond or follow up by the county. Citizens in our area are left with the eyesores and lowering of our property values.

They're at it again with infrastructure manipulation and the use of neighboring private roads by eminent domain with the 215 acre Rincon del Rio Continuing Care Retirement Community Project. The developer has been unable to sell their 14 million dollar estate and have decided to build a retirement community with their 14,000 sq. ft. home as a centerpiece. As their home uses a private road for ingress, they have obtained an ingress easement for the project. The egress however, has been planned to be taken from the neighboring Lake of the Pines Ranchos roadways, Rodeo Flat & Timber Ridge Dr. These roads are private with fees for maintenance paid for by LOP Rancho Residents. Furthermore, the roads are considered substandard by Nevada County in general construction, width and excessive grades exceeding 16%. Yet they plan to simply take the use of our private roadways and apply for a Road Grade Standard Exception!

Senator, this egregious abuse of private property rights doesn't end there. This project is so out of place for the Southern Nevada County that they are requesting TEN (10) Project Entitlements yet Supervisor Scofield publically supports this project.

Could this be because the developer has hosted fund raisers at their home for Supervisor Scofield?

Why have laws, codes and regulations if we grant entitlements for exception with every project that comes to South Nevada County? The Project Entitlements requested are significant:

- General Plan Text Amendment
- General Plan Land Use Diagram Amendment
- Zoning Text Amendment
- Zoning Map Amendment
- Tentative Map
- Use Permit
- Development Agreement
- Management Plan
- Road Grade Standard Exception
- Annexation into Sanitation District

The developer's claim, as stated from their Project Rationale Flyer, is that the General Plan must be modified

The County's newly adopted General Plan Housing Element, Programs for Development of Housing (HD), Program HD-8.1.6 states: "The County shall amend the Zoning Regulations to create a definition and development standards to allow for Continuing Care Residential Communities or Life Care residential facilities in the PD and SDA designated areas where it can be determined that the PD/SDA has access to adequate infrastructure (public sewer and water service and adequate ingress/egress)."

The fact is that they do not have public sewer as all the neighboring homes are on septic. The water service

they plan to access was recently paid for by Lake of the Pines Ranchos Citizens at approximately \$30,000 per household with a total cost of close to a million dollars. The roads for egress are private and again paid for by LOP Rancho Citizens.

In my 57 years of life, I have never seen such an abuse of the rights of private citizens to enrich a single entity. I implore you Senator, please investigate and bring a stop this massive project which clearly does not fit into South Nevada County.

Sincerely,

Mark A. Mills

Brian Foss

From: David Kirk [kirkbros@att.net]
Sent: Thursday, June 09, 2011 2:21 PM
To: Brian Foss
Subject: Rincon del Rio

**Susan Kirk
24031 Timber Ridge Drive
Auburn, Ca 95602**

Brian Foss
Nevada County Planning Department
950 Maidu Avenue
Nevada City, Ca 95959

6/9/11

Re: Rincon del Rio
For inclusion into the public record re RDR planning project

Dear Sir,

I wish to address you with my concern over the proposed development of the Rincon del Rio Continuing Care Retirement Community. It is a project created by one family, but if it is allowed to go forward will affect hundreds, possibly thousands of local people negatively daily.

I have lived in my Lake of the Pines Ranchos home a short 2 1/2 years. I relocated here from Santa Monica to get away from the congested traffic and overcrowding issues there. In our search for a new town to raise our four children, my husband and I chose Nevada County. We rented a house for seven months just a mile away from where we ended up buying a house so that we could better get to know the area we wanted to buy in. Found it – Timber Ridge Drive. This area has five acre parcels, horse trails, abundant wildlife, and is close to our church and children's schools. My children utilize the bus system here which is in place I suppose to relieve overcrowding the rural two lane roads with cars getting to and from the three side-by-side grammar, middle, and high schools.

When we bought our parcel, it was understood by us that we would be contributing via our property tax bill a couple of hundred dollars annually to maintain our road as do other Ranchos residents.

Since living here, I have heard about the Rincon project. What a shock! Since learning about this project, I have not heard of one single Ranchos resident in favor of this development. Not only are the Ranchos residents not in favor of it, but neither are the Youngs' immediate

neighbors. The Youngs plan to build the Rincon development in a location that is not compatible with its intended use.

To put housing of this magnitude in this location is absurd. First of all, the land would have to be rezoned to fit this project. This kind of development was never intended to be in this area, and when we all bought our properties we knew what kind of use it was for. It's for single families to live here with our animals. Now the Youngs want to make it a concentrated city of people right smack within rural acreage where it shouldn't be.

Another reason I am against this project is just imagine the long line of cars that will be coming in and out of Rincon's small rural road trying to turn onto the busy highway. Delivery trucks, gardeners, maintenance workers, cooks, waitresses, bartenders, housekeepers, nursing staff, therapy staff, pharmacy staff, beauty shop workers, spa workers, bankers, deli workers, dry cleaning workers, exercise staff, postal workers, recycling center workers, private drivers, "errand runners," bakers, theater workers, ice cream parlor workers, a chaplain, and administrative staff, not to mention people that actually live there, will be making trips in and out each day, each one in a separate car on what is now a single lane road passing by many homes each day. How terrible that will be to hear that traffic all day and night long. My understanding is that Cal-Trans has no plans for a light there. This will result in lots of people in and out of there and older people trying to turn onto a busy highway. We all know reaction time is slower as we age. There will be tragic ends to elder drivers panicking to clear the way with a line of cars behind them honking impatiently to get them to proceed. I hope that the county will not overlook public safety issues in order to pass this project on through.

The Youngs are trying to say in their infrastructure plan that a secondary emergency only fire access will be put up at Rodeo Flat Road just northeast of the site. In reality, if a gate is put there at all, that gate will likely be left open for public ingress and egress. Sooner or later the gate will become a nuisance and Rodeo Flat and Timber Ridge will be opened up as thoroughfares for cutting through as a shortcut from the highway. None of the roads in this area are intended for volumes of cars to go in and out daily. None of the roads are wide enough for safe travel for traffic upon them. In making this project go forward, widening of roads would have to be done and portions of parcels would have to be cut into to bringing traveling cars ever nearer to our front doors. The economic impact this will have on the local residents for roads that we pay for is an unfair burden and of no benefit to us. The roads would have to be dug up, power lines, trees and fire hydrants moved, proposed sewer lines installed, and driveways and culverts rebuilt. Timber Ridge and Rodeo Flat are very steep, narrow, and curvy roads as it is. Pedestrian travel would be perilous with the volume of cars that would likely come through if access is put at Rodeo Flat. My four kids will never be allowed to walk up the hill from Combie upon dropoff by their bus with all the traffic that will likely be zipping down the hill.

I would hope that a proper EIR study will be conducted for the impact this development will have on this community. The EIR needs to address every detail of population density and parking availability in relation to the loads of daily employees needed to run a place like this and the actual numbers of residents themselves.

One of the arguments made in favor of the project being built by someone supposedly living in the area is that more jobs would be created in the development of this project. I don't at all believe that to be true. You can bet that most of the supplies and laborers for this project will be brought in from out of the Placer and Nevada Counties. I highly doubt the Youngs will be utilizing local contractors and builders living in these counties.

Another concern of mine relating to this development is the amount of water needed to serve the people living there. It's been said that NID refuses to guarantee to existing ranchers in the area enough fresh water for their livestock. How can there be water then enough for hundreds more people living there? And if there's not water, that certainly poses a fire danger, and mainly to the homes in the Ranchos as the winds blow upwards in this direction. It will also pose a risk to the inhabitants of this development to get out via the one lane or possibly the second emergency escape from the property.

A final reason this development stinks is because of where Rincon's sewage will end up. My understanding is its intended destination is to connect to the existing overloaded Combie sewer treatment plant. This is already at its capacity because of a recently added connection with Darkhorse. Adding to it again means enlarging the existing sewer treatment plant to accommodate it, which results in additional taxpayer burden. Having grown up near the 24-hour-a-day outrageously acrid Hyperion plant in El Segundo, California, I don't care to live near a very large, smelly treatment plant. P.U. This is yet another reason this development is not suited to be built in this area.

In closing, Mr. Foss, local residents and neighbors of the Youngs are against this project. Hearing of this project has forced me to seek the support of my neighbors to unite against this project. It is not fair that the Youngs, lone property owners in the area, can attempt to deprive adjoining neighbors of their privacy and peaceful living we all paid for when we bought into this rural neighborhood. It is not fair that their project would substantially depreciate our property values and create an unsafe neighborhood with increased traffic and unknown people coming into it daily. The additional tax revenue created by this nightmarish development to the county will also mean a decrease in tax revenue to it with our lowered property values forever. We are real people with legitimate concerns about this project. Please help us to keep our rural neighborhood rural. Perhaps there is a more suitable place for this proposed "city."

Very truly yours,

Susan Kirk

Brian Foss

From: Mark Mills [coolmini@att.net]
Sent: Thursday, June 09, 2011 2:01 PM
To: County.Counsel
Cc: Brian Foss; Nathaniel Levine Sac Bee; Nevada County Fire Marshall; Ed Scofield
Subject: Calif Section 11135 Code violation
Attachments: header.htm

Importance: High

June 9, 2011

Mark A. Mills
24220 Timber Ridge Dr.
Auburn, CA 95602
Ph: 530-268-0120
coolmini@att.net

Michael S. Jamison
Nevada County Counsel
Eric Hood Administration Center
950 Maidu Ave. Suite 240
Nevada City, CA 95959
county.counsel@co.nevada.ca.us

It saddens me, Mr. Jamison, to see the taxes of the Nevada County Citizens going to the Legal defense of Nevada County. I see in the May 24, 2011 Supervisors meeting \$1,225,000 were allocated to two difference attorneys in the case of AtPac vs. Nevada County.

Additionally, I'm sure you are aware of the three part series by Nathaniel Levine from the Sacramento Bee stating, "*The problem of hard money is particularly pronounced in Nevada County.*" There appears to be multiple allegations of malfeasance by multiple Nevada County agencies/individuals and more pending litigation.

Sadly, I have personally observed an additional issue that will ultimately end in yet more litigation and would like to help save Nevada County Citizens Taxes by taking preemptive actions.

A Public Scope meeting for the Rincon del Rio EIR Project was held on May 25, 2011 by the Nevada County Planning Department at Bear River High School. Supervisor Scofield arrived late for the meeting and entered by the back door. Mr. Jamison, the room for the meeting was on the second floor and had attendance **far in excess** of what the room was designed for. I'll be contacting the Nevada County Fire Marshall regarding this matter as well. Maybe that's why Scofield entered by the back door as the front door was blocked by standing individuals. This meeting was held in direct violation with Federal Laws and **California Government Code Section 11135** as well as the Americans with Disabilities Act (ADA)

Additionally, the **Bagley Keene Open Meeting Act and the Brown Act, as amended by AB 3035**, specifically require that a public meeting ensure that individuals with disabilities are not denied physical or communication access to public meetings. Furthermore, a public entity must ensure that its communication with members of the public with disabilities is as effective as its communication with others. Those without

disabilities could not enter the room as it was clearly over capacity!

Page 1 of 2

I find it doubtful that the Planning Department at a public meeting with the attendance of Supervisor Scofield would violate California Law as that would constitute willful neglect and grounds for criminal prosecution, potential termination and in the case of Supervisor Scofield, recall. The fact remains however, that the meeting was held in violation of Federal and California Laws.

Therefore, the Public Scope meeting for the Rincon del Rio EIR Project held on May 25, 2011 by the Nevada County Planning Department at Bear River High School was invalid as it did not abide by California Law.

The EIR process for Rincon del Rio should be postponed until a new meeting, in a room with proper advanced notification, attendance capacities and handicap access is arranged. I'm confident that if this doesn't happen that additional litigation will be filed against Nevada County and that the decision for Rincon del Rio Project will be immediately contested as due process was not exercised.

I sincerely appreciate your attention in this matter and am confident that you will advise the appropriate entities that a new meeting must be scheduled to avoid future litigation against Nevada County and that the Rincon Del Rio Project EIR be placed on hold until such a time that a new meeting is held in accordance with Federal and California State Laws.

This correspondence should be considered part of the Public Record for the Rincon del Rio Project.

Sincerely,

Mark A. Mills

Cc: Nevada County Fire Marshall
Supervisor: Ed Scofield
Brian Foss: Planner
N. Levine: Sac Bee

Page 2 of 2

Brian Foss

From: Sietske Rauwendaal [sietske@rauwendaal.com]
Sent: Thursday, June 09, 2011 12:12 PM
To: Brian Foss
Cc: Pat & Benton Seeley; 'Karen Abbott'
Subject: Rincon del Rio

Dear Brian,

This letter is to state my opposition to Rincon del Rio and my fear that the Young's money and Nevada County's need for money has bought approval for this project.

I am aware that the project entitlements that are requested are:

- General Plan Text Amendment (this should be up for a vote as it would affect the whole county)
- General Plan Land Use Diagram Amendment (this should be up for a vote as it would affect the whole county)
- Zoning Text Amendment (there is a reason the area was zoned the way it was, it is rural and the area could not support the traffic the plan proposed)
- Zoning Map Amendment (there is a reason the area was zoned the way it was, it is rural and the area could not support the traffic the plan proposed)
- Tentative Map (need more info)
- Use Permit (need more info)
- Development Agreement (need more info)
- Management Plan (need more info)
- Road Grade Standard Exception (we should hold the supervisor voting for project liable for accidents caused by these folks driving these roads that are not designed for this amount of traffic, particularly older folks. Most senior citizens do not know when to stop driving. I personally know that we had to remove my dad's car from him when his eye sight went. He was a drivers license examiner who had lost his granddaughter in a car accident and he still did not know when to quit and he knew all the loopholes to keep his license. This was in Europe where there is good availability of public transportation. He looked at it as losing his freedom.)
- Annexation into Sanitation District. (need more info)

You are planning to commercialize one of the most pristine areas in Nevada County for one familie's financial gain. They gambled on building a big house and selling it at a financial gain but the market crashed. Locals cannot afford to live in this facility and you would be pulling from the metropolitan areas. I doubt that if Nevada County residents where aware of the impact of the changes for the general plan as well as the traffic if they would vote for this project and it should be up for a vote with all the entitlements needed. This project is in the wrong place. The roads are too steep and too curvy for safe

travel. The fire road should have a gate which can only be accessed by fire trucks. An unlocked gate is an open road. On the Rincon side it would create a dangerous intersection coming onto 49. Even if there was a no left turn sign where would they safely make a U-turn. At the Combie Rd light it would create even greater congestion, especially at the time the schools are starting and ending. Let's also take a good look at what happened to other commercial endeavors in the area such as Dark Horse all these projects suffered bankruptcy. I am completely aware that the Young's goal it to get all the permits and sell it off for future investors to suffer the consequences. They will not be around for that.

Environmental impact on wildlife should be studied. A count of wildlife and wildlife and plant species should be done.

This place should be in or near a city and shouldn't have to create a city to function. "please add this to the public record in reference to the Rincon del Rio planning project"

Kind regards,

Sietske Rauwendaal

This email and any attachments are confidential and privileged. If you are not the named recipient, please notify sender immediately and do not disclose the contents to another person, use it for any purpose, or store or copy the information in any medium

Brian Foss

From: Sherman [shermanjktv@gmail.com]
Sent: Thursday, June 09, 2011 11:28 AM
To: Brian Foss
Subject: Rincon del Rio EIR Comments

Brian Foss
Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959

RE: Rincon del Rio

Dear Mr. Foss,

We are South Nevada County residents living in Lake of the Pines Ranchos and wish to express our opposition to the County's approval of the Rincon del Rio project proposed by the Youngs and located at 10358 Rincon Way, Auburn, California.

The subject property is currently zoned RA-3-PD as it was designed in the last General Plan update. For the most part and with few exceptions the surrounding parcels on Rincon, the Hidden Ranch subdivision and the Lake of the Pines Ranchos in South Nevada County are at least five acres. To our knowledge the parcels in North Placer County along the Bear River are also at least five acres.

Most of us have lived in South Nevada County for many years and we purchased our property in Nevada County in large part for the rural, unspoiled, scenic and quiet lifestyle which we have enjoyed and hope to be able to continue to enjoy. The Rincon del Rio project is not in keeping with the surrounding land use in South Nevada County and North Placer County nor is it appropriate for the topography. We have no objections to the Youngs developing their property within the confines of the existing zoning designation of RA-3-PD which was in effect when they purchased the property a few years ago. This project when fully developed will destroy the very lifestyle that brought us here in the first place and will have a negative impact on our property values and our quiet enjoyment. It will create additional noise, light and other pollution and put an added strain on existing fire and ambulance resources. We feel that the current three-acre designation should remain in effect and is more appropriate in consideration of the surrounding parcels as well as the topography of the land and the proximity to the Bear River.

Rincon Road is a private road over which the Youngs have the right of ingress and egress and is not constructed to handle the projected 900+ additional vehicle trips in and out of Rincon Road if this project is built. Even if the road were widened and improved, the Highway 49/Rincon Road access is already a dangerous intersection. In order to enter and exit Highway 49, it requires the residents to pull out in front of cars going 65+ MPH. The increased traffic from this project will only serve to worsen an already dangerous situation and put the lives of all who travel this corridor at a higher risk of serious injury or death. It will pose an especially serious threat to the lives of seniors who have to negotiate these dangerous traffic conditions. It will also create increased traffic and congestion on Highway 49 which has already reached undesirable levels.

The proposed fire road exit connecting to Rodeo Flat Rd in the Ranchos poses additional traffic problems as well. Rodeo Flat and Timber Ridge Rd are narrow, steep, curvy roads which are privately maintained and which are crossed at several locations by the LOP Ranchos deeded equestrian and hiking trails. Increased traffic on these roads would lead to safety issues for the residents who use these trails and roads for recreation.

While we are aware of the importance of affordable senior housing this project will not provide "affordable" senior housing as based on the projected development costs and the return on investment that will be needed. Rincon Road is not an appropriate location for a project of this magnitude nor is it in the best interest of any seniors or the existing neighbors and residents of South Nevada County. We feel that you, our elected officials, have a duty to protect not only the neighboring landowners, who already live and pay taxes here, as well as the public and should not capitulate to one property owner's desire to overdevelop their property and enrich themselves at our expense.

We have not attempted to address all of our concerns regarding this project as there are additional issues, however, we respectfully request that the County deny the application for this project and retain the current RA-3-PD zoning designation which is more in keeping with the surrounding parcels and the topographical nature of this area.

Sincerely,

Kathy Sherman
26393 Table Meadow Rd
Auburn, CA 95602

Brian Foss

From: Mark Mills [coolmini@att.net]
Sent: Thursday, June 09, 2011 4:23 PM
To: Brian Foss; Ed Scofield; Connie St. James LOP SEC; Clerk of Board
Subject: Rincon del Rio Opposition
Attachments: header.htm

June 9, 2011

Mark A. Mills
24220 Timber Ridge Dr.
Auburn, CA 95602
Ph: 530-268-0120
coolmini@att.net

District 2 Supervisor Ed Scofield
Nevada County, California
Eric W. Rood Administrative Center
950 Maidu Avenue
Nevada City CA 95959
ed.scofield@co.nevada.ca.us

As a resident of Nevada County since the mid 80s, I have grave concerns about the Rincon del Rio Project in South Nevada County. Let the record show Supervisor, I am not anti-growth. I've expressed no verbal or written opposition to the Bel Air Project, the failed Dark Horse and failed Winds Aloft projects.

Supervisor Scofield, a total of 10 Project Entitlements have been requested for Rincon del Rio. Wouldn't the fact that 10 Entitlements in contrast to existing laws and codes be grounds enough for a rejection of this project as proposed? I clearly understand and support the need for controlled growth in Nevada County but can 10 Project Entitlements in any way imply rational or controlled growth? I've seen plans in Nevada County for a small building flatly rejected because nail size was deemed incorrect!

One of the project entitlements is a request to change the Text of the General Plan. Are we to the point in Nevada County wear a single entity, or in this case, a single family can request a complete change in the General Plan? Is this Democracy?

Most of the close to 100,000 citizens residing in Nevada County are here because we enjoy the rural country setting now protected by the General Plan. Therefore, I hereby request and ask to be part of the Rincon del Rio Public Project Record that any change in the Nevada County General Plan become a Nevada County Ballot Issue. The Rincon del Rio Project should be placed on hold until such a time that the Voters of Nevada County express their desires regarding a major modification to the General Plan. I'm sure you would agree this is clearly in the best interest of all the citizens of Nevada County.

Additionally, let it be part of the Rincon del Rio Public Record that based on information received at a Nevada County Town meeting held on May 12, 2009 at the Higgins Lions Center, that Performance Bonds were not required by Nevada County on either the Dark Horse or Winds Aloft projects. A representative of the Planning Department was specifically asked by a meeting attendee why they were not issued and the reply was, "It's a sore subject with us". No further questions regarding this issue were answered.

As the citizens of South Nevada County have now been left with the results of two failed developments, Dark horse & Winds Aloft, I hereby request that all future Nevada County developments require Performance Bonds so that in the event of project bankruptcy, the project will be completed to such a state that the citizens of Nevada County will not be left with the eyesores and depreciated property values of bankrupt projects.

Lastly Supervisor, the Lake of the Pines Ranchos Roads have been verified as "Private Roads with Public Access" per Nevada County Public Works, Tom Burton. An exception to the Excessive Road Grades has been requested by the Rincon del Rio Project. Eminent Domain by Nevada County for a Private Project can not be exercised and should therefore have LOP Ranchos Roads be specifically eliminated as a Fire Emergency Exit. Let the record show opposition to the use of eminent domain, use of Lake of the Pines Ranchos Roadways and the request for Road Grade Exception.

Thank you for your attention in these matters.

Sincerely,

Mark A. Mills

Cc: Brian Foss: Planner

Cathy Thompson: County Clerk

Connie St. James: Secretary LOP Ranchos Community Services District

**ART RANGEL
24511 RODEO FLAT RD.
AUBURN, CA. 95602**



June 9, 2011

Mr. Brian Foss, Principal Planner
Planning Department
Community Development Agency
950 Maidu Avenue
Nevada City, Ca 95959-8617

**RE: RESPONSE TO NOTICE OF PREPARATION FOR AN ENVIRONMENTAL
IMPACT REPORT FOR THE RINCON DEL RIO CONTINUING CARE
RETIREMENT COMMUNITY PROJECT**

Dear Mr. Foss;

Following are my comments regarding the above referenced matter which I would like incorporated into the public record. I went to the Nevada County portal for the Rincon del Rio project at

<http://www.nvada.gov/development/ceqa/ceqa.html> where we were told all documents would be located. I was specifically looking for the nine (9) applications for entitlements the project proponents are seeking. The only item I was able to find there was the "Petition for Exceptions". Other items within the "Current Application Material" link on this website were completed by the project proponents. I tried to get copies of the other applications for entitlements from you and Jory Stewart but was unsuccessful. As a result, I could not review the applications against the County codes and more accurately assess the impacts of the requested entitlements. In addition Section 15063 of the California Environmental Quality Act Guidelines CEQA requires an initial study. Initial studies are extremely useful in determining which issues to address in an EIR. I presume because the Initial Study for the Rincon del Rio project was not on the County's web site one was not prepared.

Most of my comments will address the environmental impacts of the "Petition for Exceptions" and my understanding of the requested General Plan amendments.

The Notice of Preparation is inadequate pursuant to Section 15082 of the CEQA Guidelines. While the notice provides great detail of the proposed amenities and perceived attributes of the proposed project, it does not adequately describe the "potential environmental effects" of the project from the nine associated applications for entitlements.

Because of the phasing component of the project and the potential number of General Plan Amendments needed for General Plan consistency, a Master EIR should be prepared.

The EIR needs to assess the impacts of any General Plan Text Amendment and Zoning Code Text Amendments for all affected properties within Nevada County.

GENERAL PLAN CONSISTENCY

Section 65300.5 of the California Government Code requires that:

"65300.5. In construing the provisions of this article, the Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency."

Approval of the proposed General Plan Amendment GPA 11-002 will render the following General Plan Land Use policies internally inconsistent because it would be in conflict with the 5 acre (RUR-5) rural designation of the surrounding area. As a result these policies should be changed to be consistent with Amendment GPA 11-002 and the EIR should provide an analysis of the impacts of these changes countywide:

- Policy 1.1
- Policy 1.5.f
- Policy 1.6
- Policy 1.8
- Policy 1.14
- Policy 1.17
- Policy 1.18
- Policy 1.22
- Policy 1.24
- Policy 1.36

The General Plan is also internally inconsistent as reflected in Policy 1.35.

Policy 2.7 requires that the County shall require an economic analysis as an integral part of all General Plan amendments, addressing the impact on the County Economic Policy and its supporting policies and programs. The EIR needs to include this analysis.

Policy 2.12 states "In support of the County Economic Policy, develop and implement a program that analyzes the existing and potential public services available to all job-generating land uses. Where the analysis determines a lack of a facility or facility or service that restrict development potential, an action program to provide the needed facility or service shall be implanted". The EIR needs to include this analysis.

Approval of the proposed General Plan Amendment GPA 11-002 will render the following General Plan Public Facilities and Services Element policies internally inconsistent because these facilities and services are not provided at adequate levels to

service the proposed project. As a result, the EIR should assess the impacts of complying with or changes to these policies:

- Policy 3.3
- Policy 3.10
- Policy 3.14
- Policy 3.16

Approval of the project will result in an increase of existing LOS for affected streets. The following Circulation Element Policies appear to be inconsistent with the approval of the proposed GPA 11-002 amendment. The EIR needs to include analysis these changes.

- Policy LU-4.1.3
- Policy LU 4.1.7
- Policy MV 4.2.5
- Policy MV 4.2.10
- Policy MV 4.2.11
- Policy MV 4.2.12
- Policy MV 4.2.13

Approval of the Rincon del Rio project would be inconsistent with the following Open Space Element Policies. The EIR needs to analysis changes to these policies:

- Policy 6.3
- Policy 6.4
- Policy 6.9

Approval of the Rincon del Rio project could or would be inconsistent with the following Noise Element Policies. The EIR needs to analysis changes to these policies:

- Policy 9.1
- Policy 9.7
- Policy 9.8
- Policy 9.9
- Policy 9.11

Approval of the Rincon del Rio project could or would be inconsistent with the following Safety Element Policies. In addition some of these policies should be incorporated into the Development Agreement. The EIR needs to assess necessary changes to affected policies:

- Policy EP-10.1.1.1 (the Multi-Jurisdictional, Multi-Hazard Mitigation Plan does not appear to be an implementation document).
- Policy FH-10.3.1.1
- Policy HM-10-5.1.1
- Policy FP-10.7.2.1
- Policy FP-10.8.5.3
- Policy FP-10.11.11
- Policy FP-10.11.1.2
- Policy FP-10.12.1.14
- Policy FP-10.12.1.19

Policy 18.8A

The EIR should make certain all provisions of Policy 19.1, Policy 19.4 and Policy 19.6 of Cultural Resources Element are complied with.

The Nevada County General Plan includes Implementation Measures which provide for Completion dates from time of adoption for Policies found within the different Elements of the General Plan. According to the Nevada County web site, the Nevada County General Plan was adopted in 1996. The Safety Element was amended in 2008. The Circulation Element was amended in 2010. The Housing Element was certified in 2010. It is unclear when the Implementation Measures were approved if at all. If implementation measures were not approved within the time frames shown in the Implementation Measures document, the General Plan is internally inconsistent.

EXCERPTS FROM CALIFORNIA GENERAL PALN GUIDELINES REGARDING GENERAL PLAN CONSISTENCY

INTERNAL CONSISTENCY

The concept of internal consistency holds that no policy conflicts can exist, either textual or diagrammatic, between the components of an otherwise complete and adequate general plan. Different policies must be balanced and reconciled within the plan. The internal consistency requirement has five dimensions, described below.

Equal Status Among Elements

All elements of the general plan have equal legal status. For example, the land use element policies are not superior to the policies of the open-space element. A case in point: in *Sierra Club v. Board Supervisors of Kern County (1981) 126 Cal.App.3d 698*, two of Kern County's general plan elements, land use and open space, designated conflicting land uses for the same property. A provision in the general plan text reconciled this and other map inconsistencies by stating that "if in any instance there is a conflict between the land use element and the open-space element, the land use element controls." The court of appeal struck down this clause because it violated the internal consistency requirement under §65300.5. No element is legally subordinate to another; the general plan must resolve potential conflicts among the elements through clear language and policy consistency.

Consistency Between Elements

All elements of a general plan, whether mandatory or optional, must be consistent with one another. The court decision in *Concerned Citizens of Calaveras County v. Board of Supervisors (1985) 166 Cal.App.3d 90* illustrates this point. In that case, the county land use element contained proposals expected to result in increased population. The circulation element, however, failed to provide feasible remedies for the predicted traffic congestion that would follow. The county simply stated that it would lobby for funds to solve the future traffic problems. The court held that this vague response was insufficient to reconcile the conflicts.

Also, housing element law requires local agencies to adopt housing element programs that achieve the goals and implement the policies of the housing element. Such programs must identify the means by which consistency will be achieved with other general plan elements (§65583(c)).

A city or county may incorporate by reference into its general plan all or a portion of another jurisdiction's plan. When doing so, the city or county should make sure that any materials incorporated by reference are consistent with the rest of its general plan.

Brian Foss

From: Mark Mills [coolmini@att.net]
Sent: Thursday, June 09, 2011 5:19 PM
To: Brian Foss
Cc: Ed Scofield
Subject: Rincon del Rio: Traffic & Performance Bonds
Attachments: header.htm

June 9, 2011

Mark A. Mills
24220 Timber Ridge Dr.
Auburn, CA 95602
Ph: 530-268-0120
coolmini@att.net

Nevada County Planning Department
Brain Foss: Principal Planner
950 Maidu Ave.
Nevada City, CA 95949
Rincon del Rio Traffic Studies & Performance Bonds

As a resident of Nevada County since the 80s, I recall Highway 49 when it was a small two lane highway. Serious traffic accidents and multiple deaths were a common occurrence.

In a letter dated May 15, 2009 from William Davis, Chief, Department of Transportation addressed to Jessica Hankins, Nevada County Planning Department regarding the Rincon del Rio Project states: *"The bonuses that are proposed would allow the increase in the number of dwelling units from 72 single family homes to 312 retirement units. This is a significant increase in the number of potential number of residents and would almost double the potential number of trips generated from this property using the Nevada County trip generation rates for rural homes."*

The letter further states: *"This development as proposed, would generate about 940 daily trip ends, with practically all of them using Rincon Way to reach SR49. The traffic study conclusions are acceptable. Although left turns onto the highway may be difficult at peak times, the median acceleration lane will make this turning movement less difficult."*

Ref: https://public.nevcounty.net/proj/rincon/commentltrs/Caltrans_051509.pdf

The traffic study was apparently contracted by the developer thru KD Anderson and Associates. It apparently considers only the increase in residential traffic and does not include vendor & medical support trips that would be integral to a retirement community. I respectfully request that it be entered into the Rincon Del Rio Project Public Record that a single traffic study executed by a single agency contracted by the developer in 2009 does not constitute an accurate evaluation of the realistic impact of ingress & egress for this project.

Nevada County Planning should require three (3) independent studies of traffic **including** vendor (taxi, food service, contractors, cable, landscapers, linen services, etc.) and medical support (care providers, ambulance, occupational therapy, physicians) traffic impact to HWY 49 by non partial entities to gain better insight as to the impact of traffic and congestion as I believe the impact to ingress and egress to the project from HWY 49 is greatly understated and hereby contest the study on record. Furthermore, these studies should be evaluated by both Caltrans and DOT for accuracy.

Additionally, no mention is made anywhere in the Rincon del Rio Project Scope for "Surety" or "Performance Bonds". The Miller Act requires such bonds.

Performance Bonds are defined by the Federal Publications 1996 as:

Federal Publications' February 1996 CONSTRUCTION BRIEFINGS entitled *Surety Bond Basics*, copyright 1996 by Federal Publications, Incorporated, written by Messrs. Donohue and Thomas states:

PERFORMANCE BONDS

A performance bond guarantees the owner that the principal will complete the contract according to its terms including price and time. The owner is the obligee of a performance bond, and may sue the principal and the surety on the bond. If the principal defaults, or is terminated for default by the owner, the owner may call upon the surety to complete the contract. Many performance bonds give the surety three choices: completing the contract itself through a completion contractor (taking up the contract); selecting a new contractor to contract directly with the owner; or allowing the owner to complete the work with the surety paying the costs. The penal sum of the performance bond usually is the amount of the prime construction contract, and often is increased when change orders are issued. The penal sum in the bond usually is the upward limit of liability on a performance bond. However, if the surety chooses to complete the work itself through a completing contractor to take up the contract then the penal sum in the bond may not be the limit of its liability. The surety may take the same risk as a contractor in performing the contract.

Please enter into the Rincon del Rio Public Record that a request for Performance Bonds be an integral and mandated part of the Rincon del Rio Project Proposal.

Sincerely,

Mark A. Mills

Brian Foss

From: Martin Mortensen [mmortensen@suddenlink.net]
Sent: Thursday, June 09, 2011 6:34 PM
To: Brian Foss
Cc: Ed Scofield
Subject: Rincon del Rio Project Concerns

Brian Foss

Nevada County Planning Department

Dear Mr. Foss,

I was very concerned with the actions of the NC Planning Department at the May meeting at Bear River High School. I attended with the intent of having your department objectively listen to the taxpayers that will be affected by your decision to implement this del Rio Rincon Project. It was apparent to me (within 30 minutes and just after your Power Point presentation) that the Nevada County Planning Department is moving full steam ahead and the public be damned. I left the meeting in total frustration.

It was obvious to me that the County Supervisor's are also on board to allow this project to precede regardless of how the local residents objectively disagree with the plan. There are factual, unbiased and supportable reasons why this project should never be built in our rural community and my two concerns are listed below for your review:

1.) The Road Grade Standard Exception for Rodeo Flat Road.

Addressing this road proposed for fire safety access to the Lake of the Pines Ranchos via Rodeo Flat, I fear this connection will become a true thoroughfare to Combie Road from Highway 49 through the Rincon del Rio property. Our roads in the Ranchos were ONLY designed to handle our local resident traffic. What guarantee will be given by Nevada County that this road connection will NEVER be a thoroughfare?

2.) The Annexation into the LOP Sanitation District by digging up Timber Ridge Drive for the proposed sewer line. As a 25 year resident of Timber Ridge Drive, I am very concerned that our (already poor conditioned) road will never recover from a major dig of installing a sewer line down our road. Upon completion of the sewer line, I am also afraid that the County will next require our homes to be connected to this sewer line at a major cost to the Timber Ridge and Rodeo Flat residents.

Mr. Foss, I am imploring you and the other planners (along with the County Supervisors) to do the right thing and shutdown this del Rio Project as soon as possible or find another more suitable area to build the project.

Thanking you in advance,

Martin W. Mortensen
Gail I. Mortensen
24040 Timber Ridge Drive
Auburn (LOP Ranchos), CA 95602-8933

Brian Foss

From: Laura Thorne [wayyumsushi@sbcglobal.net]
Sent: Thursday, June 09, 2011 10:25 PM
To: Brian Foss
Subject: Hi Brian, I was at the Rincon meeting and I would like this put in your files.

Hello. My name is Laura Thorne and I've been involved in this community for over 25 years as a volunteer and a supporter of many important causes. I grew up on the east coast watching my mom in her glory, working and then retiring from an amazing retirement community for over 22 yrs. A retirement community is such an asset to any community because as a group, they can do all the things they couldn't do living alone. They tutor children, they help with local events, and they absolutely enrich the lives of everybody around them. One imprint I have growing up around the retirement community is learning about random acts of kindness. I have raised my children with that and shared what we learned with many other people and still participate in that today. They built this community financially and spiritually and I feel they have the right to grow old here and continue to support this community.

Nevada County Libraries and arts programs such as Music in the Mountains and the Center for the Arts are a very important part of our environment. To a great extent, these activities are supported, both financially and with volunteer effort, by our senior citizen community. Where will these seniors go when there is no housing available to take care of them when their needs change?

Will the EIR address the Senior Migration out of the county and how this exodus impacts the non-profit segment as well as the general financial situation in the County?

Thank you for your time and consideration.

Have the best day ever!

June 9, 2011

Jim & Kathy Sherman
26393 Table Meadow Rd
Auburn, CA 95602

Brian Foss
Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959

RE: Rincon del Rio

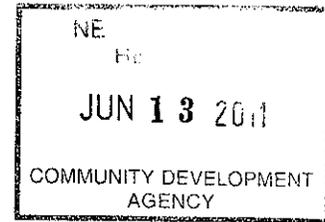
Dear Mr. Foss,

We are South Nevada County residents living in Lake of the Pines Ranchos and wish to express our opposition to the County's approval of the Rincon del Rio project proposed by the Youngs and located at 10358 Rincon Way, Auburn, California.

The subject property is currently zoned RA-3-PD as it was designed in the last General Plan update. For the most part and with few exceptions the surrounding parcels on Rincon, the Hidden Ranch subdivision and the Lake of the Pines Ranchos in South Nevada County are at least five acres. To our knowledge the parcels in North Placer County along the Bear River are also at least five acres.

Most of us have lived in South Nevada County for many years and we purchased our property in Nevada County in large part for the rural, unspoiled, scenic and quiet lifestyle which we have enjoyed and hope to be able to continue to enjoy. The Rincon del Rio project is not in keeping with the surrounding land use in South Nevada County and North Placer County nor is it appropriate for the topography. We have no objections to the Youngs developing their property within the confines of the existing zoning designation of RA-3-PD which was in effect when they purchased the property a few years ago. This project when fully developed will destroy the very lifestyle that brought us here in the first place and will have a negative impact on our property values and our quiet enjoyment. It will create additional noise, light and other pollution and put an added strain on existing fire and ambulance resources. We feel that the current three-acre designation should remain in effect and is more appropriate in consideration of the surrounding parcels as well as the topography of the land and the proximity to the Bear River.

Rincon Road is a private road over which the Youngs have the right of ingress and egress and is not constructed to handle the projected 900+ additional vehicle trips in and out of Rincon Road if this project is built. Even if the road were widened and improved, the Highway 49/Rincon Road access is already a dangerous intersection. In order to enter and exit Highway 49, it requires the residents to pull out in front of cars going 65+ MPH. The increased traffic from this project will only serve to worsen an already dangerous situation and put the lives of all who travel this corridor at a higher risk of



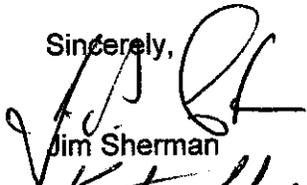
serious injury or death. It will pose an especially serious threat to the lives of seniors who have to negotiate these dangerous traffic conditions. It will also create increased traffic and congestion on Highway 49 which has already reached undesirable levels.

The proposed fire road exit connecting to Rodeo Flat Rd in the Ranchos poses additional traffic problems as well. Rodeo Flat and Timber Ridge Rd are narrow, steep, curvy roads which are privately maintained and which are crossed at several locations by the LOP Ranchos deeded equestrian and hiking trails. Increased traffic on these roads would lead to safety issues for the residents who use these trails and roads for recreation.

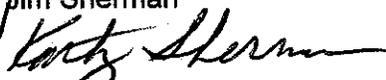
While we are aware of the importance of affordable senior housing this project will not provide "affordable" senior housing as based on the projected development costs and the return on investment that will be needed. Rincon Road is not an appropriate location for a project of this magnitude nor is it in the best interest of any seniors or the existing neighbors and residents of South Nevada County. We feel that you, our elected officials, have a duty to protect not only the neighboring landowners, who already live and pay taxes here, as well as the public and should not capitulate to one property owner's desire to overdevelop their property and enrich themselves at our expense.

We have not attempted to address all of our concerns regarding this project as there are additional issues, however, we respectfully request that the County deny the application for this project and retain the current RA-3-PD zoning designation which is more in keeping with the surrounding parcels and the topographical nature of this area.

Sincerely,



Jim Sherman



Kathy Sherman

Angie Williamson
20406 Tiger Tail Road
Grass Valley, CA 95949



June 9, 2011

Brian Foss
Nevada County Planning Department
Rood Center
950 Maidu Avenue
Nevada City, Ca 95959

Dear Mr. Foss,

I attended the Rincon del Rio Scoping Meeting and wanted to be certain my comments were included in the EIR Scoping.

I work for a trails organization and really appreciate the value of including lots of walking and hiking trails in this project. I encourage the EIR to examine how trails will be protected by this project vs. how 72 separate property owners potentially fencing or otherwise restricting access to the existing trails could impact the well being of the hiking, biking and equestrian community.

As I understand it, the PD zoning (which this project falls under) is intended to ensure maximum conservation and efficient use of open space, protection of sensitive environmental resources, and sensitivity to environmental constraints. Rincon del Rio positively addressed each of these issues and I would like that to be reflected in the EIR.

Thank you for your consideration.

Sincerely,


Angie Williamson

Robert N. Joehnck
26955 Table Meadow Road
Auburn, CA 95602



Mr. Brian Foss
County of Nevada
Planning Department
950 Maidu Avenue
Nevada City, CA 95959

Re: Rincon Del Rio Project

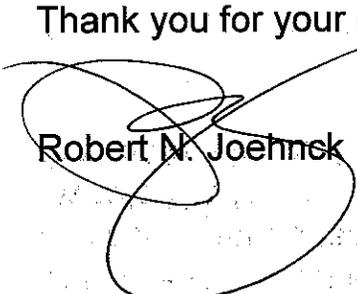
Dear Mr. Foss:

This is a follow-on letter concerning scoping issues relating to the Rincon Project. I sent a lengthier letter to you earlier today on the same subject. I would like to add the following three issues to those I previously noted, that should be part of any analysis (be it planning analysis or EIR related)

1, Scope of the project in terms of the length of time for build-out of the project, particularly as they relate to construction issues such as dust, traffic, etc. The recently approved 835 unit senior housing project in Auburn has a build-out estimate of 15 years.

2. Night lighting issues (otherwise known as dark sky issues) and the changes that this project, both in its construction phase and occupancy phases, will have on residents, and the fauna of the area.

Thank you for your courtesies.


Robert N. Joehnck

Brian Foss

From: lillian ash [lillian.ash53@gmail.com]
Sent: Friday, June 10, 2011 8:41 AM
To: Brian Foss
Cc: bdotsupervisors; kmabbott@mac.com
Subject: Rincon del Rio Project, Continuing Care Retirement Community

I emailed this last night. The content below was an attachment however some could not open it so here it is again- Joyce Ash.

June 9, 2011

Brian Foss, Nevada County Planning Department

Brian.foss@co.nevada.ca.us

950 Maidu Ave.

Nevada City, CA 95959-8617

Fax: 530 265 9851

Regarding: Rincon del Rio Project, *Continuing Care Retirement Community*

Mr. Foss:

I live at 24278 Timber Ridge Drive, Auburn, in Lake of the Pines (LOP), the Ranchos. I am writing this letter as a result of hearing about the Rincon del Rio Project, *Continuing Care Retirement Community*. **I oppose this development on Rincon Road** for a number of reasons as outlined below.

- **Environmental:** I bought my 5+ acre property with a house and horse stalls approximately two years ago. I bought it in LOP, the Ranchos, to live and to house my horses in a peaceful, rural neighborhood with space; and to utilize the 22 acres of equestrian trails that surround my house and the Ranchos. I moved out of a suburban, city neighborhood in Yuba City and invested in Nevada County- moved my horses out of Colusa to reside with me in a rural neighborhood on Timber Ridge Drive. The reason I relocated is to live in a rural, equestrian environment. I made this move to get away from people, noise, cars, lights, and traffic.
- **Re-zoning:** Now I learn about a potential re-zoning, and the potential of an amendment to the general plan to put this huge Rincon development in, which borders the Ranchos. I am surprised and extremely disappointed. There will be more people, noise, cars, lights, and traffic in my neighborhood!
- **Safety:** I am concerned about safety issues with more traffic. In the Ranchos, our private roads are narrow and steep. The only people that use these roads are the neighbors who live in the Ranchos and pay for the roads. We do not want more traffic and noise as we are riding our horses around the area from trail to trail. The developer's plan is to use the privately owned and maintained roads on Rodeo Flat and Timber Ridge Drive as the project's means of

leaving the Rincon del Rio Retirement Community. These are private roads, paid for and maintained by the residents of Lake of the Pines, Ranchos and have been specifically disallowed into the Nevada County Road System due to their substandard construction, narrow roadways and grades exceeding 16%.

- **Fire-** How will the fire department evacuate approximately 795 Rincon del Rio residents and guests/employees?
- **Public utilities** needed for the project, such as water and sewage.

Sewer: The new project requires public sewer and all the neighboring homes are on septic.

Water: The water the new project plans to access was recently paid for by Lake of the Pines Ranchos Citizens at approximately \$30,000 per household with a total cost of close to a million dollars. The homes in the Rincon area are on wells and the homes on Rodeo Flat and Timber Ridge Dr. have paid a significant fee per household in order to NID water brought to the properties. What is the plan for the project to bring water to the proposed new facilities?

Will the Ranchos roads will be torn up for the provision of water and sewage for this new project? Really.....??!! This project and its representatives need to come to the road board- the *Lake of the Pines Ranchos Community Services District* and ask permission to encroach!

As I understand it, there will be an amendment to the Nevada County general plan. For one family (the Youngs), consideration is being given to rezone the area??!! The Ranchos and Rincon landowners pay the taxes and will be stuck with the problems this will create! The Youngs and the County will walk away with the money!

It is not that I oppose a *Continuing Care Retirement Community* for the elderly. I just think it is in the **wrong place**. It needs to be planned and built in another location in town, such as Auburn, where the zoning allows, and where there is shopping, doctors, and hospitals close by for easy access for senior citizens- and not in a remote rural area that is not zoned for such a development.

Respectfully,

Lilian Joyce Ash

Cc: Board of Supervisors email: bdofsupervisors@co.nevada.ca.us

Karen Abbott email: kmabbott@mac.com

NOTE: Please also forward letter to all appropriate parties and add it as part of the public record in reference to the Rincon del Rio planning project.

Brian Foss

From: Jim & Helen [hjp2quadz@suddenlink.net]
Sent: Friday, June 10, 2011 9:29 AM
To: Brian Foss
Subject: rincon del rio project

Mr. Foss, as residents of Lake of the Pines Ranchos we want to express our **STRONG OPPOSITION** to the proposed Rincon del Rio project which would allow access via the Ranchos. These are private roads that are paid for and maintained only by Ranchos residents. The proposed traffic would dangerously increase traffic in a residential area where the roads are narrow, steep and not designed for heavy traffic. Also it would make traffic on Combie Road even more congested which already experiences very heavy traffic from 4 schools in the immediate area and the substantial increase from Dark Horse residents their golf course. We hope you seriously consider the negative impact this proposed project would have on the area. Sincerely, Jim and Helen Pachaud

STEVE P. MURPHY, D.M.D.

LORI A. MURPHY

10693 STARFIRE COURT

AUBURN, CA 95602

June 10, 2011

Mr. Brian Foss
Nevada County Planning Director
Nevada County Planning Department
950 Maidu Ave.
Nevada City, CA 95959

RE: Rincon del Rio Proposed Development

Dear Mr. Foss:

As residents of the Rincon/Hidden Ranch community, we are writing to submit our thoughts concerning the Rincon del Rio proposed development project. In general, we are not opposed to new development projects. Despite the fact that the Rincon del Rio proposed project site is right up against our backyard, we have not taken an inherently "NIMBY" attitude. In fact, when we bought our house nearly two years ago and were told that "everyone in the community is against this project," we were determined to investigate the details of this project for ourselves and come to our own conclusions. After careful consideration, we have become deeply concerned and whole-heartedly opposed to the development of Rincon del Rio.

We believe there are sites that are right for development and there are sites that are not right for development. Sites that are right for development are those that do not have an adverse effect on the character of a community. The character of the Rincon/Hidden Ranch community includes peacefulness, privacy, safety and an overall slowed-down way of living, to name a few. It is the epitome of country living. It is why we chose to buy a home here. A commercial property tucked back in the serenity of this neighborhood would surely strip away its beloved qualities.

A site that is right for development can safely and efficiently accommodate traffic, especially any additional traffic that a commercial property would bring, and does not adversely affect the current traffic flow or have a negative impact on the surrounding residents. A commercial property at the end of Rincon Way that would include many shift-work employees, deliveries, hundreds of new residents and their visitors, as well as other random vehicles, would potentially turn a quiet, infrequently traveled private road into a thoroughfare. This would present a new flow of traffic past the residences on Rincon and Hidden Ranch, bringing with it noise and safety concerns, as well as posing

EMAIL & CELL PHONES:

murphy.steve@hormail.com / 412.855.9914 (Steve)

lmurphy.ca@gmail.com / 412.855.9915 (Lori)

HOME PHONE: 530.269.1650

an even greater challenge/wait time for turning onto Highway 49, particularly southbound turns (not to mention inconvenience if southbound turns are no longer allowed, as it has been suggested.) Turning right onto Rincon from Hidden Ranch is already somewhat of a blind turn, requiring a very cautious yield by drivers, though vehicles coming out of Rincon are currently rare. This would surely be transformed into a dangerous turn should Rincon del Rio be developed. Currently residents in this neighborhood can take walks up to the mailboxes on Rincon without concern for many vehicles coming or going, knowing that those we do encounter are generally our neighbors and pass by in slower speeds and with caution. We can feel safe to explore our neighborhood knowing that the majority of drivers who travel our private roads care about them as much as we do. The additional traffic that would be generated by Rincon del Rio is of utmost concern to us as it would certainly result in increased vehicular and pedestrian safety concerns.

We searched for six months for our perfect home in the country. Our priorities in our search had more to do with the neighborhood we'd be buying into than the house itself. In fact, the house we bought needed an extreme amount of work – more than we really wanted to take on – but we felt that the neighborhood fit our priorities in such a way that made it worth turning the house into our home. It fit the bill for country living for us. We enjoy taking walks with our three-year-old daughter, appreciating the lack of cars on the roads that allow us (especially our daughter) to meander and explore along the way. The safety we feel being tucked away on quiet private roads confirms this as an ideal location to raise our daughter. We feel no need to escape further up the mountains to experience lovely views, bright starry skies, and peaceful ambience – as we have it all right here. If these characteristics were not important to us, we would have purchased a home in town where lights, noise and traffic are the norm. A zoning change and approval for Rincon del Rio to be developed would not only deprive current residents of the type of community we all chose to live in, but it would also set a dangerous precedent for all those in Nevada County who enjoy country living.

We appreciate the opportunity to express our concerns to you. If you have not yet visited our neighborhood for yourself, we'd like to invite you – even urge you and the other County officials who will have a vote in this matter to do so. Explore our roads by car and also by foot; visit during the day and again at night appreciating the characteristics that make this community an ideal place to live and how it would be negatively transformed with the addition of a commercial property. We believe that the only logical outcome for this proposed project is that it is deemed unsuitable for this community, that the site is not right for commercial development.

Sincerely,

Handwritten signatures of Steve P. Murphy and Lori Murphy in cursive script.

Dr. & Mrs. Steve and Lori Murphy

Brain Foss, Principal Planner

Planning Department

950 Maidu Ave.

Nevada City, CA 95959-8617

RE: Rincon del Rio Continuing Care Retirement Community Project

Dear Sir,

I am writing to you regarding my opposition to the proposed project plan named **Rincon del Rio - Continuing Care Retirement Community** located at the eastern end of Rincon Way Auburn CA 95602.

I am very familiar with multi-level care facilities as my mother has been a resident in a multi-level care facility located in Santa Barbara, Ca. for the past 10 years. I visit her monthly and am have knowledge of the impact this type of facility can have on the surrounding neighborhood. For anyone to say that that my opposition to the Rincon del Rio project is because I do not want such a facility in my back yard is the far from the truth. The facility my mother resides is in the back yard of my sister's home.

The land in question is zoned RA-3-PD for single-family homes not for commercial use. However, this project appears to be a commercial project since the plans include but not limited to: on-site shopping, support services such as: café, exercise, post office, recycling center, bakery, theater, ice cream parlor, pub, spa, pharmacy, public restroom, market/deli, bank, dry cleaning, restaurant, medical, and conference/meeting center.

The following are my concerns regarding this project:

Noise: There will be continuous noise from ambulances, fire department, police, para-transit vehicles, delivery trucks of every kind, cars from tenants, their families and friends. This I can verify from the 10 years of staying with my mother at the Val Verde facility.

Lights: Currently this is a rural community where there are no lights on the roadways. It will be necessary to have highway lights installed, which will detour from the rural environment.

Roads: There are number of issues related to the roads:

Whose property will taken over in order to widen Rincon Way and Hidden Ranch Rd and for utility easements? What about the impact to the roads in the Lake of the Pines Ranchos? All the roads are privately owned and the county has not had any involvement in these roads and in such cannot have any legal authority over the roads. The roads are not sufficient to handle the high rate of traffic that will occur if the project is approved.

No 2nd outlet/exit: The proposed plan is to use Rodeo Flat Rd. and Timber Ridge Dr. which is privately owned roads and the roads are under the jurisdiction of the Community Services Board. Only Community Service Board have the authority to grant access through a permit process to the roads for construction.

Road repairs: The residents pay a yearly fee of \$200 to the Community Service Board, which oversees the roads in the Ranchos. With the increased traffic how will the \$200 fee cover the needed repairs to the road? Is the county going to assume the responsibility for the roads on Rincon and the Ranchos and if so, will the fee rate increase?

The rural atmosphere in the LOP Ranchos is the reason I purchased property two years ago. I have horses and love being able to access the 22 miles of horse trails throughout the Ranchos. The increase in traffic will be a huge accident ready to happen and a danger to the rider and the horse.

Steepness of the hill/roads: These are private roads, paid for and maintained by the residents of Lake of the Pines Ranchos and have been specifically disallowed into the Nevada County Road System due to their substandard construction, narrow roadways and grades exceeding 16%.

Traffic: Adding another 940 daily trips, not including additional support and service vehicles to Highway 49 without a stoplight or major highway improvements represents a clear hazard. My understanding to date, the EIR defines no such improvements or plan to do so.

The Petition for Exception for Rodeo Flat *should be denied* as these roads are clearly not able to provide any safe passage in the case of emergency within the Rincon del Rio Development.

Fires: It is a known fact that the fires in this area spread quickly especially on a hill encouraged by wind and dryness of the vegetation. How will the fire department evacuate approximately 795 Rincon del Rio residents and guests/employees? (543 residents which includes 216 Independent Living units, 208 Nursing Care beds, 21 Lodge Nursing care units, 98 Village Center units) and (252 guests/employees parking spaces.). This number will be higher due to visitors. Also add to that all the families (approximately 42) on Hidden Ranch Rd and Rincon Way who will have to evacuate. This does not include all the families in the LOP Ranchos.

Waste: The developer's claim, as stated from their Project Rationale Flyer, is that the General Plan must be modified

The County's newly adopted General Plan Housing Element, Programs for Development of Housing (HD), Program HD-8.1.6 states: "The County shall amend the Zoning Regulations to create a definition and development standards to allow for Continuing Care Residential Communities or Life Care residential facilities in the PD and SDA designated areas where it can be determined that the PD/SDA has access to adequate infrastructure (public sewer and water service and adequate ingress/egress)."

The fact is that they do not have public sewer as all the neighboring homes are on septic. The water service they plan to access was recently paid for by Lake of the Pines Ranchos Citizens at approximately \$30,000 per household with a total cost of close to a million dollars. The roads for egress are private and again paid for by LOP Rancho Citizens.

Water: The homes in the Rincon area are on wells and the homes on Rodeo Flat and Timber Ridge Dr. have paid a significant fee per household in order to NID water brought to the properties. What is the plan for the project to bring water to the proposed facilities? Again, it appears that the project will be accessing another service previously paid for by the community.

Why have laws, codes and regulations if we grant entitlements for exception with every project that comes to South Nevada County? The Project Entitlements requested are significant:

- General Plan Text Amendment
- General Plan Land Use Diagram Amendment
- Zoning Text Amendment
- Zoning Map Amendment
- Tentative Map
- Use Permit
- Development Agreement
- Management Plan
- Road Grade Standard Exception
- Annexation into Sanitation District

There are many issues that need to be addressed prior to the Board of Supervisors voting this project. It is my hope that the Board of Supervisors will take their time to implement a process and procedure that will address all the concerns outlined at the meeting at Bear River High School and the letters received by your office. I would like to suggest that the Board of Supervisors consider how Santa Barbara County deals with such requests and implement their process and procedures. It is imperative that all the "T's" are crossed and the "I's" are dotted by the supervisors which will require them to take their time to do their homework on the proposal rather than ramroding the project through which will result in another white elephant like Dark Horse or Winds Aloft projects. The county supervisors have a legacy of approving projects without all the appropriate and mandates regulations being in place and this is an opportunity to for the county officials to demonstrate responsibility which was the charge when elected.

Sincerely,

Debra A. Brown
24278 Timber Ridge Dr.
Auburn, Ca. 95602

CC:

Board of Supervisors email: bdofsupervisors@co.nevada.ca.us

Karen Abbott email: kmabbott@mac.com

NOTE: Please also forward letter to all appropriate parties and add it as part of the public record in reference to the Rincon del Rio planning project.

E. John Vodonick
Attorney at Law

P.O. Box 763
Nevada City, California 95959
Telephone: (530) 478-1078
Facsimile: (530) 687-6304



June 10, 2011

Brian Foss, Principal Planner
950 Maidu Avenue
Nevada City CA 95959-8617

Dear Mr. Foss,

I'm very interested in the Rincon del Rio retirement community as a new home for my parents. They live in Southern California, and I currently commute via air several times a month to see them.

Although my father is doing well, my mother has dementia and I need to monitor them on a more frequent basis than the distance between us allows. I'd like to bring them to Nevada County, but there is no suitable place here for them at this time.

At this time, I have to drive to the airport, fly to Los Angeles, rent a car, and drive for two hours to see my parents. Then I have to reverse the process to return home. I don't like using so much fuel and creating so many greenhouse gases just to visit my parents. Please include the offsetting effects of air travel vs. having a local facility for senior citizens such as my parents in the EIR. Thank you.

Yours truly,

E. John Vodonick
EJV/s

June 10, 2011

Bill Abbott
22595 Hidden Ranch Road
Auburn, CA 95602

Nevada County Planning Department
Brian Foss, Principal Planner
950 Maidu Avenue
Nevada City, CA 95949

Dear Mr. Foss:

My requests below are to be entered into and considered part of the Public Record for the Rincon Del Rio Notice of Preparation for the EIR

The EIR must include the maximum population including **all on-site employees.**

The County of Nevada Project Information Questionnaire states "...maximum population of 415 people". The EIR must state how the County will enforce this maximum population and what actions it will take if exceeded. As already stated in item 1 above, the maximum population must include nursing staff, store employees, on-site administrators, security personnel and all other ancillary on-site personnel, since they will have a direct impact on traffic, public services and utilities.

The EIR must include a CUMULATIVE impact analysis of emergency services such as local hospitals and first responders. Contributing to the cumulative impact is the Timberline CCRC Project in North Auburn. The Timberline Project is a "reasonably anticipated future project in the project area" and thus, must be included.

The Economic Report dated May 2009 claims 60-70% of the project residents "will be drawn from Western Nevada County". Further, the report states the average income of households living in the project will be \$50,000. To substantiate these claims, the EIR must include in its Economic Characteristics an **independent analysis** of affordability. The report must clearly show the planned full financial cost (i.e., both entry fee and monthly fee) of living in Rincon Del Rio and compare that cost to the average income of Western Nevada County senior households.

The Questionnaire response also states "... the project is compatible with the density/intensity anticipated for this site with the General Plan and current zoning. Please explain how 415 residents plus 43 full-time employees is "compatible" to 72 single family homes.

The EIR must address Tom Martin's, County Surveyor, statement in his May 18, 2009 review: "the project does not comply with the General Plan Policy 4.19 (Access via lowest classified roadway). The EIR should therefore include a safety analysis to identify potential mitigations for non-compliance of this policy".

7. The EIR must fully evaluate the cumulative impact to traffic onto and off of Highway 49 and include all traffic - including full-time staff, store employees, service deliveries, etc. The Traffic Impact Analysis Report dated December 23, 2008, states "the westbound approach falls ...to a LOS F with the project". The Department of

Transportation's response dated May 15, 2009 states, "...left turns onto the highway could be prohibited." The EIR must address these significant impacts and specifically, the corrective actions to avoid them.

8. The EIR must include an analysis of reasonable project alternatives, including alternative location. The analysis must detail the significant impacts associated with each alternative. I'm confident the analysis will clearly conclude that the proposed location is NOT the preferred location. There are other locations in Nevada County for a CCRC that do not have significant unavoidable impacts; parcels that are nearer to emergency care facilities, have available infrastructure, and have no significant impacts on the environment. It's obvious that the proposed location is NOT the Environmentally Superior Alternative.

**BRIAN AND MARIA WIRTZ
25145 RODEO FLAT RD.
AUBURN, CA. 95602**

June 10, 2011

Mr. Brian Foss, Principal Planner
Nevada County Planning Department
Community Development Agency
950 Maidu Avenue
Nevada City, Ca 95959-8617

**RE: Response To Notice of Preparation for an Environmental Impact Report for
the Rincon Del Rio Continuing Care Retirement Community Project**

Dear Mr. Foss;

Following are my comments regarding the above referenced matter, which I wish to have made a permanent part of the project record. I have based these comments on the documents that are available on the Notice of Preparation for an Environmental Impact Report for the Rincon Del Rio Continuing Care Retirement Community Project (herein, "Notice of Intent") Nevada County portal for the above project at <https://public.nevcounty.net/proj/rincon/commentltrs/Forms/AllItems.aspx>. I have attempted to organize these comments into matters of general / procedural nature, and matters specific to the project site and its vicinity.

COMMENTS ON GENERAL AND PROCEDURAL CEQA ISSUES

1. The Notice of Preparation is Inadequate.

The Notice of Preparation and the attached Project Description are inadequate to conduct a proper EIR Scoping Process as required by Section 15082 of the CEQA Guidelines. While the notice provides great detail of the proposed amenities and perceived attributes of the proposed project, it does not adequately describe the potential environmental effects of the project from the nine associated applications for entitlements.

It is critical to a proper EIR analysis that the Notice of Preparation and Project Description provide adequate information. If these initial documents are inadequate, the entire subsequent EIR process could be found by courts to be inadequate as well. Following are specific deficiencies noted.

a. The Notice of Preparation is Inadequate in its Description of the Probable Environmental Impacts.

The Notice of Preparation contains a detailed description of the project's amenities. The map enclosed in the Notice shows what appears to be a final design for the facility, and there are even renderings of what the actual buildings will look like. In stark contrast to the excellent discussion of the amenities, there was very limited and for some resources, no discussion of the probable environmental impacts. The NOP must, at a minimum, contain, among other items, a statement of the project's probably environmental effects (*See CEQA Guidelines, §15082, subd. (a)(1).*)

The specific possible effects are discussed in the site-specific issues portion of this comment letter, below. These effects must be included in the Notice of Preparation in order for commenting agencies and the public to provide adequately detailed input.

b. The Project Description is Inadequate in its Description of the Specific Entitlements and Exceptions That Would be Necessary.

It appears that the project proponents will be seeking nine (9) entitlements for the project. However, the only documentation provided in the County's web portal that has any detail for these entitlements is the Petition for Exception for Rodeo Flat Road. Since the Notice of Preparation is lacking in any reasonable details as to the entitlements needed, proper scoping of the possible impacts of these entitlements cannot be conducted, and I am unable accurately assess the potential impacts.

c. The Notice of Preparation is Inadequate Because no Description of the Required General Plan Amendments Were Included.

Although the Notice of Preparation states that a General Plan Amendment will be required, it does not state what changes to the General Plan are being contemplated or would be needed for project approval. Amendments to a General Plan could potentially cause environmental effects on a County-wide scale. Without an adequate description of what the amendments would be, parties who would be compelled to comment on a General Plan Amendment which would presumably add a new type of land use would not be properly notified by the Notice of Preparation that was issued.

I have reviewed and fully concur with the comments of Mr. Art Rangel, who discusses the inadequacy of the documents as they pertain to the General Plan; as a result, a repeat of Mr. Rangel's discussion is not necessary here. In short, and unless these entitlements are discussed in more detail, it is impossible for individuals and agencies to provide meaningful comments. This, in turn, will

result in an inadequate EIR analysis, and will make it much less likely the EIR will withstand a legal challenge.

d. The Notice of Preparation is Inadequate Because no Description of the Required Zoning Text Amendments Were Included.

Although the Notice of Preparation states that a Zoning Text Amendment will be required, it does not state *what* changes are being contemplated or would be needed for project approval. Amendments to the County's Zoning Ordinance will likely result in changes to other areas of the County. Without an adequate description of what the amendments would be, or the probable county-wide implications of changing the Zoning Text, the Notice of Preparation that was issued does not provide proper notice to all citizens of Nevada County of these changes. Since they would have no reason to know how this change could impact the county, these other individuals would have no reason to provide comments on this issue.

2. A Master EIR is required for the General Plan amendment.

A Master Environmental Impact Review (MEIR) is authorized for the preparation of specific kinds of projects involving broad policy decisions. The legislature has stated that the purpose and function of MEIR "shall evaluate the cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent project to the greatest extent feasible. (Cal. Publ Res. Code §21156.) Given that the proposed Rincon Del Rio project requires a General Plan Amendment and a Zoning text amendment, a Project-Specific EIR would not be adequate to analyze the potential effects to other similarly-zoned areas in the County that would also become eligible for this type of development.

It appears, given the detailed depiction of the project, down to the drawings showing the appearance of the buildings, that the decision to build this facility was made long before the County was even involved. Further, it appears that the developer, rather than working from a conceptual "do we need a new land use designation for this type of facility", which is what CEQA requires, has instead designed a project in detail, and is now trying to fit that project into an incompatible location, given the current General Plan designation and Zoning.

What is required prior to any project being contemplated is for the County to perform an analysis of this type of facility *in general* and, *in general*, the potential environmental effects on the County as a whole. If, after that, the decision is to allow that type of use in that particular zoning designation, only then can the Rincon Del Rio project be looked at in light of the new classifications. In short, analyzing the project-specific effects as a way to generate an analysis for changes that may affect land uses County-wide is improper, and could result in a court overturning any project approval.

3. No Initial Study Was Located In the County's Web Portal.

Section 15063 of the California Environmental Quality Act Guidelines requires an initial study. Initial studies are extremely useful in determining which issues to address in an EIR. I presume because the Initial Study for the Rincon del Rio project was not on the County's web site one was not prepared.

**COMMENTS SPECIFIC TO THE PROPOSED
RINCON DEL RIO PROJECT**

Following are comments that are specific to the potential effects of the proposed Rincon Del Rio project. I have read and concur with virtually every comment made by Virginia Akers as to the project's effects on the environment and the surrounding neighborhood, and will attempt to limit my comments to those not already being provided.

1. The County Should Not Grant ANY Permit until ALL Entitlements are Obtained.

If the County approves the project, it is essential that NO site preparation work, grading, heritage oak cutting, etc. be allowed by the applicant until such a time as all entitlements are approved, and adequate financial surety has been provided. Any approval of on the ground work, such as vegetative clearing or grading, could be seen as a tacit approval of the project in violation of CEQA. "Legislative action in regard to a project often constitutes approval" EWQA Guidelines, §15352, subd. (a). "With private projects, approval occurs upon the earliest commitment of the public agency to issue or grant the entitlement or other request for discretionary action (CEQA Guidelines, §15352, subd. (b)) We don't need another half-completed development in our neighborhood where some of the work is done, and then sits fallow for years on end.

2. The Existing Traffic Study is Inadequate for Assessing the Impacts to Rodeo Flat Road.

Given the woefully inadequate facility used for the public meeting, I was unable to hear the answer to the question regarding whether or not a fire/emergency access road must remain unlocked. If so, what statute requires this? In fact, when reading the agency comments on the County's web portal, the comment letter from the Fire Department assumes that there will be a locked gate.

If the gate must remain unlocked, it will not remain closed on a consistent basis. As a result, Rodeo Flat Road will no longer be used as just an emergency access road – it will be a secondary access road. If this is the case, the traffic study must analyze Rodeo Flat Road as a secondary access road, especially when traffic backups begin to occur at the Highway 49/Rincon Way intersection during peak traffic hours.

Also, if the gate is to remain unlocked, and Rodeo Flat becomes a secondary access road, then the question raised by many of my neighbors regarding road width, grade, and maintenance becomes that much more relevant.

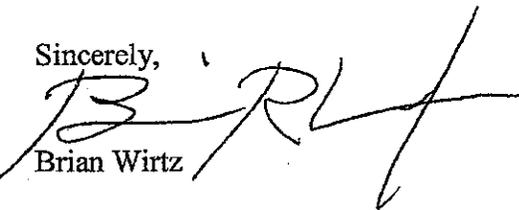
3. Other Alternative Emergency Access Roads Must Be Analyzed.

I would like to briefly add to the insightful comments of Mr. Peter Guilbert regarding fire danger. Any CEQA analysis must analyze using Rodeo Flat Road as an emergency access road in light of prevailing wind direction. It seems less than logical to send semi-ambulatory individuals uphill on a steep road directly in the path of the prevailing winds. Given that CEQA requires analyzing alternatives, any EIR must also take other emergency access alternatives into account, realizing that cost of implementing an alternative not a prohibition against analyzing that alternative.

In short, it appears that the project applicant has come up with what they feel is a wonderful project, and now is attempting to change the General Plan and zoning ordinance to make them fit the project. Mitigating adverse impacts does not necessarily mean amending the General Plan so that the project would then be allowable; instead, the project should be amended to fit the General Plan. That's why the County and its elected officials approve General Plans.

Please add these comments to the project file for consideration during the planning process. I look forward to reviewing a more detailed and legally adequate Project Description.

Sincerely,


Brian Wirtz

June 10, 2011

Bill Abbott
22595 Hidden Ranch Road
Auburn, CA 95602

Nevada County Planning Department
Brian Foss, Principal Planner
950 Maidu Avenue
Nevada City, CA 95949

Dear Mr. Foss:

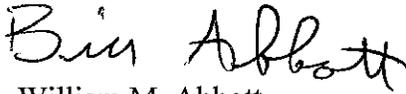
My requests below are to be entered into and considered part of the Public Record for the Rincon Del Rio Notice of Preparation for the EIR

1. The EIR must include the maximum population including **all on-site employees**.
2. The County of Nevada Project Information Questionnaire states "...maximum population of 415 people". The EIR must state how the County will enforce this maximum population and what actions it will take if exceeded. As already stated in item 1 above, the maximum population must include nursing staff, store employees, on-site administrators, security personnel and all other ancillary on-site personnel, since they will have a direct impact on traffic, public services and utilities.
3. The EIR must include a CUMULATIVE impact analysis of emergency services such as local hospitals and first responders. Contributing to the cumulative impact is the Timberline CCRC Project in North Auburn. The Timberline Project is a "reasonably anticipated future project in the project area" and thus, must be included.
4. The Economic Report dated May 2009 claims 60-70% of the project residents "will be drawn from Western Nevada County". Further, the report states the average income of households living in the project will be \$50,000. To substantiate these claims, the EIR must include in its Economic Characteristics an **independent analysis** of affordability. The report must clearly show the planned full financial cost (i.e., both entry fee and monthly fee) of living in Rincon Del Rio and compare that cost to the average income of Western Nevada County senior households.
5. The Questionnaire response also states "... the project is compatible with the density/intensity anticipated for this site with the General Plan and current zoning. Please explain how 415 residents plus 43 full-time employees is "compatible" to 72 single family homes.
6. The EIR must address Tom Martin's, County Surveyor, statement in his May 18, 2009 review:
"the project does not comply with the General Plan Policy 4.19 (Access via lowest classified roadway). The EIR should therefore include a safety analysis to identify potential mitigations for non-compliance of this policy".

7. The EIR must fully evaluate the cumulative impact to traffic onto and off of Highway 49 and include all traffic - including full-time staff, store employees, service deliveries, etc. The Traffic Impact Analysis Report dated December 23, 2008, states “the westbound approach falls ...to a LOS F with the project”. The Department of Transportation’s response dated May 15, 2009 states, “...left turns onto the highway could be prohibited.” The EIR must address these significant impacts and specifically, the corrective actions to avoid them.
8. The EIR must include an analysis of reasonable project alternatives, including alternative location. The analysis must detail the significant impacts associated with each alternative. I’m confident the analysis will clearly conclude that the proposed location is NOT the preferred location. There are other locations in Nevada County for a CCRC that do not have significant unavoidable impacts; parcels that are nearer to emergency care facilities, have available infrastructure, and have no significant impacts on the environment. It’s obvious that the proposed location is NOT the Environmentally Superior Alternative.

Thank you for the opportunity to voice my concerns.

Sincerely,


William M. Abbott

Peter D Guilbert
23189 Hidden Ranch Rd
Auburn, California 95602



June 10, 2011

Nevada County Planning Department
Brian Foss: Principle Planner
950 Maidu Ave
Nevada City, CA 95949

Re: Rincon Del Rio Project

Dear Mr. Foss:

I want to bring up the issue of fire safety for the residents of this project and the current citizens of southern Nevada County. I am very concerned that the extreme fire conditions during late Fall have not been adequately examined and addressed to provide for the safety of the residents of Rincon Del Rio as well as the residents of southern Nevada County.

I am a retired Division Chief from the California Department of Forestry and Fire Protection (now called CalFire). My expertise has been analyzing and preparing for extreme fire weather conditions in relation to wildland fuel and weather conditions. I have been an instructor for national level courses on Fire Danger and Fire Behavior for 10 years before I retired. I have represented California and western states on the Fire Weather and Fire Danger committees for the National Wildfire Coordinating Group. I have toured many large fire incidents with the Board of Forestry to learn from the situations that contributed to large damaging and deadly fires. I was a Fire Captain on an engine that arrived within an hour after the 1988 49er fire started and experienced firsthand the extreme fire conditions for the first 3 days of that fire.

Nevada County very often experiences Extreme Fire Danger situations every Fall. The county has been very fortunate to only experience one devastating fire in recent history. I am referring to the 1988 49er Fire where 33,000 acres and 312 structures were destroyed. The same conditions occurring at this fire are experienced several times each Fall period of the annual fire season. The county has been very fortunate not to have the ignition source in the right place since that 1988 fire. The 49er fire in Placer County in 2010 provides a taste of the potential danger from the high wind and low humidity conditions that occur on a regular basis. The Tunnel Fire in Alameda County is an example of a high concentration of people placed in fire harm's way with deadly results. 25 people died trying to escape the fire on narrow roads even though they were less than ¼ of a mile from a major Interstate Freeway. A major difference to the Rincon Del Rio project is that the Tunnel Fire had several of the largest fire departments in the state within a ½ hour response to this fire.

I admire the Higgins Fire District and CalFire in responding quickly to emergencies and containing most fires before they get too big and endanger our citizens. The Rincon Del Rio project is placing a large population of elderly, semi-ambulatory and non-ambulatory people in the middle of a potentially dangerous and deadly wildfire situation. The project wants to ignore fire road standards which will impede the response time of emergency vehicles. If a large fire were to occur fairly close, the equipment necessary to evacuate the residents of this project would take hours to arrive. Once the evacuation starts, the same conditions that caused the deaths on the Tunnel Fire would occur for this project. One big difference being that even with mutual aid from area fire departments, fire equipment would not be timely or adequate to protect the Rincon Del Rio residents, structures as well as the 60+ residences already in the general area. Hwy 49 is not easy to navigate on the best conditions, but with the large evacuations due to fire it will be impossible.

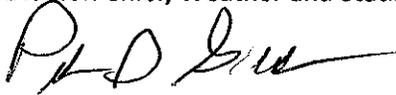
The Rincon Del Rio type project is a wonderful concept, but it should be placed in a location where adequate emergency equipment can service the residents effectively.

I have many other concerns with this project that others have addressed. I am writing this letter to express my concern from the perspective of my expertise.

I request this letter be entered into and considered part of the Public Record for opposition to the Rincon Del Rio project and for purposes of the EIR report.

Peter Guilbert,

Division Chief, Weather and Statistics (Retired)

A handwritten signature in black ink, appearing to read "P. D. Guilbert", written in a cursive style.

Virginia A. Guilbert
23189 Hidden Ranch Road
Auburn, CA 95602

June 10, 2011



Nevada County Planning Department
Brian Foss: Principal Planner
950 Maidu Ave.
Nevada City, CA 95949

Re: Rincon Del Rio Project

Dear Mr. Foss:

I attended the most recent "scooping" meeting on May 25, 2011 which was held in a small, upstairs room at Bear River High School. My first objection to this meeting is that it was not held in a room that was ADA accessible which is required by State and Federal laws. I am particularly sensitive to this situation since I work for an attorney who handles ADA cases and as such, have a keen awareness of ADA accessibility issues. In fact, one of the attendees who is an older gentleman had great difficulty in negotiating the stairs to even attend the meeting and very nearly left but persevered due to the importance of these issues and their impact on the surrounding neighborhoods and Lake of the Pines residents.

My second objection is that the EIR is being prepared before the property on which this inappropriate project will be located has even been properly zoned for such a project. If this project is so "perfect" for this area, why are the Youngs asking for the following Project Entitlements:

- General Plan Text Amendment
- General Plan Land Use Diagram Amendment
- Zoning Text Amendment
- Zoning Map Amendment
- Road Grade Standard Exception
- Annexation into Sanitation District

This project violates the County's own Housing Element that was just completed last year. I realize this is not the time or forum for going into the myriad reasons as to why this project is so grossly inappropriate for this location and I will try to focus on the issues I think need to be addressed in the EIR although I am not waiving any objections to the timeliness or notice requirements nor any other violations of State and Federal law that may affect the outcome of either the EIR or the project in general. The entire demeanor of this "scooping" meeting, the Youngs and Supervisor Scofield reinforce the commonly held belief among the surrounding neighbors that the "fix" is in and this is a "done deal" with the County merely going through the motions to attempt to satisfy the

law. As a point of fact, over two years ago Carol Young proudly announced at one of her meetings that this "Del Webb on steroids" project was going to happen whether we wanted it or not. What guarantees do we have that this EIR will be unbiased, honest and comprehensive? What guarantees do we have that the County will not just issue negative declarations for any issue they simply want to ignore?

With that said, I have grave concerns and would like to see the following issues address fully in this EIR.

1. **Traffic.** Aside from fire issues, traffic ranks number one. Because I am a working senior, I negotiate Highway 49 every morning and evening. Due to the timing of the lights at Dry Creek and Combie Road, there is almost never a time when traffic is clear from both directions and the use of the acceleration lane is imperative. When there is more than one car attempting to enter Highway 49, the wait time increases dramatically. I believe the previous traffic report done in 2009 by a company chosen by and paid for by the Young's is gravely flawed. When taking into consideration the number of residents, workers, guests, delivery persons, shop owners and employees, utility deliveries, medical emergency personnel (i.e. fire and ambulance) and every other trip into and out of Rincon on a daily basis will overwhelm public safety onto what is already a very dangerous roadway. This does not take into account impairments, either age-related or alcohol-related (there are two "pubs" in this project). Most seniors I know and for that matter, most people I know, do not appreciate how many feet per second a car traveling at 65-70 miles per hour travels. Cal Trans has stated emphatically that they will not put a traffic light at the intersection of Rincon and Highway 49. If Cal Trans further decides that the only way to mitigate this increase in traffic is to prevent left turns into or out of Rincon, this will only exacerbate the situation. It would then require even more dangerous left turns onto Linnett by southbound traffic or a right turn north on Highway 49 with a U-turn at Gautier. Both of these intersections are probably more inherently dangerous than Rincon. There is no acceleration lane at Linnett and making a U-turn at Gautier would require turning across southbound traffic. None of these scenarios address what would happen if there was a fire in this area. As far as I can determine, this situation CANNOT be mitigated.

2. **Overburden of the easement.** The Youngs have an easement for ingress and egress to their property over Rincon Road just as all of us have. We each use this easement to serve our individual parcels which contain single-family dwellings and one or two granny houses. The building of a virtual city on this property would grossly overburden the easement afforded to the Youngs. Coinciding with this easement is the responsibility to pay for upkeep of the roadway (State law). To my knowledge, after the Youngs brought in a great deal of construction equipment to build their very large 14,000 square foot house and outbuildings, they have never paid one penny to repair Rincon Road despite promises to the contrary. Couple this with the fact that Rincon Road is literally falling apart and shows new potholes every day. This road was never brought up to State fire code standards when built and has done nothing but deteriorate ever since despite our attempts to stay ahead of the potholes. One can only imagine the sort of damage that will be caused by the construction equipment and worker's vehicles during

the building phase and subsequent traffic after occupancy. What kind of bond will the Youngs be required to post to assure that the road will be repaired both during and after construction? Since the majority of the traffic that will be using Rincon Road will be for the Young's project, will the maintenance share be pro-rated? It is patently unfair that single family residents pay the same fee as Rincon del Rio for maintenance of the road. Overburdening the easement CANNOT be mitigated.

3. **Roadway width.** Rincon Road as currently built is not wide enough to accommodate emergency vehicles and local traffic. Furthermore, it is my understanding the Youngs do not have a wide enough easement on the east end of Rincon to allow the road to be widened to meet State Fire Codes or is this another exemption they are seeking? Unless local residents are willing to sell the Youngs enough property to widen the upper portion of Rincon, this road cannot be brought up to required fire standards. That leaves only one option which is Eminent Domain. I believe the citizens of California passed a proposition recently stating that private property may not be condemned to provide for a commercial enterprise. This is clearly a commercial enterprise for profit. How then, can Rincon Road be used for the primary ingress for this project?

4. **Public use of private road.** Rincon Road is a PRIVATE roadway over which we have easements. Maintenance and repairs of this roadway are done by the local residents. There is a recommendation in this project that the public be allowed to access and use the Bear River from Rincon del Rio. This means that the public (over and above the public using the roadway for Rincon del Rio) would be using our private road. More people equal more accidents. Who will be legally liable for these accidents, injuries, deaths? Will the public help maintain the roads or just use them? This also equates to more traffic and more potential for accidents, injuries and deaths at Highway 49 and Rincon. Who will be liable for those?

5 **Fire danger.** We lived in this County during the original 49er Fire in the late 1980's and in fact, my husband worked for the California Department of Forestry and Fire Protection and his engine was one of the first on the scene. That devastating fire burned many homes and scarred the landscape. The firefighters who fought that fire will tell you that the only thing that stopped that fire was that the weather and specifically, the wind changed. The most recent 49er fire in Placer County a couple of years ago was also swept by the wind and had that fire reached more rugged terrain in north Auburn or reached the Bear River canyon, the results would have been even more devastating especially if it had reached Lake of the Pines. Once again, the wind died down and allowed the firefighters to extinguish the fire. As more houses have been built in forested areas, when fires occur, engines and personnel are diverted to protecting structures rather than fighting fire. Considering that the worst fires occur in late summer when it is hot and dry and are usually wind-driven, more valuable resources needed to fight the fire would be diverted to protecting the Rincon del Rio project leaving fewer engines and personnel to protect other dwellings in the Hidden Ranch subdivision, Lake of the Pines, Lake of the Pines Ranchos, Darkhorse and Combie Lake not to mention the residents of the surrounding area. Rincon Road simply could not accommodate emergency vehicles

attempting to get in and evacuation vehicles attempting to get out onto what would surely be a very crowded Highway 49. Evacuation through Lake of the Pines Ranchos over very steep roads (notwithstanding that "exception" to road fire standards) would prove equally impossible since all of the Ranchos, Darkhorse, Combie Lake and other residences would also be evacuating over these same roads. The locked gates for Lake of the Pines would be opened and additional traffic would be attempting to evacuate on Combie Road where ALL of this traffic would end up. Fire races uphill and if a fire ever got into the bowl where this project is located, there would not be time to evacuate these seniors and the consequences would be catastrophic. The fire danger CANNOT be mitigated.

6 **Light pollution.** Despite the promise to use ecologically friendly lighting, the sheer amount of lights that will be used in this project will light the night sky. Because the Young's property is in a bowl, the light will be directed upward and destroy the beautiful night sky we all enjoy. We can see the light glow over Auburn from here and do not wish to have this happen here. Short of requiring a blackout after dark, I do not think this issue can be mitigated.

7. **Noise and noise pollution.** Due to the sheer number of people who will inhabit, work, visit, and service this project including the shops, restaurants and pubs, our tranquility will be shattered. This does not include the frequent ambulance and fire equipment that will be required when these seniors fall and break bone, have heart attacks or get bitten by rattlesnakes. We are not deceived by the assertion that these serious medical emergencies can be treated onsite!! Simply put, more people equal more noise. On a cold, clear night we can hear the train in Auburn six miles away. Sound tends to travel further in rural areas especially during the winter when the trees are bare. This concern CANNOT be mitigated.

8. **Air pollution.** Residents of South Nevada County are aware that smoke from wood burning stoves tends to hang in the Bear River canyon. Any sort of smoke or dust emanating from this project will tend to hang in the bowl and the canyon and create a pall over this entire area. For that matter, what effect will smoke from surrounding wood burning stoves have on the senior residents of Rincon del Rio many of whom may have breathing related health issues.

9. **Watershed protection.** With all of the buildings, concrete and pavement, more runoff will end up in the Bear River. Landscaping requires fertilizer which will end up running off into the Bear River. This will affect the fish habitat and the quality of the river water creating more algae and other toxins that will end up in the river. If the public is allowed to recreate at the river, this will stir up more sediment. What effect will this have on the mercury residue that is in the Bear River? How will this increased sediment or mercury affect the people downstream? Why has Placer County carefully restricted zoning along the Bear River to ten acres when Nevada County wants to place a city on the river's edge? What protections will be instituted to protect the NID canal that runs through the property? A sewage spill from a lift station could end up in the canal rendering it unusable to those who pay for ag water. Medical facilities require

sterilization chemicals, hazardous materials and biohazard material. What steps will be taken to insure these hazardous chemicals and materials do not end up in the Bear River?

10. **Construction related issues.** I have addressed this separately although it relates back to noise pollution, air pollution and watershed protection. Pre-construction clearing will require the cutting of heritage oak trees, moving dirt, excavating and possibly blasting. This will create noise and air pollution. Actual construction will entail incredible amounts of loud noise which will echo through the bowl and travel outward. We will be subjected to machinery, construction equipment, paving equipment, construction vehicles, workers talking, swearing and smoking. This will increase the fire danger even more. This additional noise, air pollution and fire danger will last longer than construction of a single family residence. What steps will be taken to prevent dirt from ending up in the Bear River? What steps will be taken to dampen the noise and prevent dust in the air? What steps will be taken to eliminate the fire danger from a carelessly tossed cigarette or match?

11. **Biohazard and hazardous material removal.** Medical facilities create biohazard and hazardous material that require special handling. Will any of this material be burned onsite? How will these hazardous materials be removed? Will they be trucked out over our road thereby creating a dangerous situation should they be involved in a vehicular accident? Can these biohazard and other hazardous materials escape into the air and expose those living in close proximity to Rincon del Rio, especially children? Who will be liable for injuring someone or causing illness among the residents, workers, guests, delivery people or surrounding neighbors from such exposure?

12. **Impact on infrastructure.** With so many seniors compacted into one location, fire and ambulance services will be strained. During the summer months at the height of fire season, Higgins Fire and Cal Fire engines are often committed to other fires leaving only one engine at Higgins to cover all other emergencies. Sutter Auburn Faith Hospital is the closest hospital to this project and all critical care patients (read heart attacks, compound fractures, etc.) will go to the closest hospital five miles away rather than 20+ miles away to Sierra Nevada Memorial. There is a proposed 850+ senior housing complex proposed for north Auburn that will also be served by Auburn Faith Hospital. What kind of burden will these two senior projects have on the resources at Auburn Faith Hospital? More accidents at Rincon and Highway 49 will require more law enforcement and with the State budget in the red, who will pay for more Highway Patrol officers? What will the delays be to surrounding residents when fire and ambulance equipment and personnel are tied up at incidents at Rincon del Rio or accidents at Rincon and Highway 49?

13. **Wildlife habitat.** Wildlife habitat for deer, foxes, coyotes and other native animals will be impacted. When the Youngs built their house, there were rattlesnake warning signs posted everywhere. We were told by workers that they were always on the lookout for rattlesnakes. Rattlesnakes are a very real threat in this area. Our dog was bitten by a rattler and the horse next door was bitten and eventually died as a result of the bite. There are lyme disease carrying ticks here. It is simply impossible and illegal to

kill all of these critters just so the seniors will be safe. This is the country, not the city, and we are encroaching onto the native species' habitat. How will they be protected?

14. **Impact on surrounding property values.** In this economy of falling home prices, the impact of this "city" will further drive home prices down in this area. We all moved here to enjoy a peaceful, quiet, rural lifestyle and atmosphere not one punctuated by noise, pollution, traffic, and wall to-wall people. The difficulty of getting onto Highway 49 with its heavy traffic has already negatively impacted buyers' decisions to purchase property in our area. People who seek a quiet, rural lifestyle will simply not want to live near this project for all of the foregoing reasons. When our property values drop to zero, will the County reduce our property taxes? Who will reimburse us for the loss in value to our property?

15. **Sewer facilities.** Those of us with wells are especially leery of any onsite sewage facilities. What will happen to the pumping stations if the power goes out for any extended period of time which occurred a number of years ago during a heavy snow. If it can't be pumped uphill, what will happen to it? Back-up generators for the lift stations and for the entire facility will create more noise and pollution. What are the chances that some of this sewage could overflow and end up in the Bear River? Who is going to pay for the sewer plant to be enlarged? Lake of the Pines has been paying very high assessments for many years to keep enlarging their plant so new projects can connect to it. Why should Lake of the Pines residents have to pay for this project to have sewer?

16. **Water.** NID has apparently issued a "will serve" letter for this project. Medical facilities require more water for frequent washing of sheets, towels and other items that come in contact with patients on a daily basis and certainly more water than a single family residence would use. As more and more projects siphon off treated water, NID will be unable to serve its agricultural customers who depend on NID water for irrigation. Treated water brings in more money than ag water so what would be NID's incentive to continue to provide ag water when they can make more money selling treated water? Will the landscaping be watered with treated water or irrigation water? Will this project demand so much water that the surrounding parcels who depend on ag water be cut back or cut off? Without ag water, thousands of dollars worth of our landscaping would die and further lower our property values.

17. **Mosquito abatement.** Mosquitoes are a fact of life here. They carry diseases and inflict painful bites. Will Nevada County now provide mosquito abatement to protect the seniors from bites and potential diseases carried by insects?

18. **Taxpayer burden.** It is our understanding that the Youngs may be asking for some sort of reduction in the impact fees for this property. Building 72 single family homes per the current zoning would bring impact fees into the County coffers. If this project is granted any sort of reduction or exemption from impact fees or property taxes, there would be less money flowing into the County. How will this loss of revenue be made up? Also, how will this project be assessed for property taxes? What special treatment will this property receive on these assessments? Why should this project get

any tax breaks when other seniors who live in Lake of the Pines, the Ranchos and on Hidden Ranch or anywhere else in Nevada County pay their full assessment? Isn't this a violation of the Equal Protection Clause of the U.S. and California Constitution?

19. **Overall safety for seniors.** With so many hazards to the senior residents of Rincon del Rio and especially to those who are Alzheimer's patients, what protections can or will be made to protect these vulnerable individuals from falls, bites, drowning (river, canal and large pond on property), becoming lost when wandering around the 215 acres, being hit by vehicles, etc. Who will be responsible for medical expenses for these residents if they do not have insurance? If Medicare does not cover these medical expenses, will it fall to Medi Cal or the Nevada County taxpayers?

20. **The REAL cost to the citizens of Nevada County.** Will this EIR address the real and hidden costs to the taxpayers of Nevada County? This includes additional fire and ambulance services, more deputies, increased crime from the sheer number and type of people who work and visit, more predators, bigger jail, higher sewer and assessment fees to Lake of the Pines residents, increased fire insurance costs, more traffic, longer lines at businesses and restaurants, more congestion on Combie Road, more danger to children who walk on Rincon to the bus stop, more people wandering around our private roads, etc. Will these hidden costs be addressed in the EIR?

This list is by no means exhaustive and further issues surrounding the violations of State law and County ordinances as well as other decisive negative factors that bode against this project will be addressed at a future and more appropriate time.

This letter is a demand that a comprehensive, realistic and unbiased traffic assessment be performed by an independent entity and that the current EIR committee not rely on the gravely flawed traffic report that was previously commissioned by the Youngs.

I request this letter be entered into and considered part of the Public Record for opposition to the Rincon del Rio project and for purposes of the EIR report.

Sincerely,



Virginia A. Guilbert

Brian Foss

From: mcdye [mcdye@genesisprocess.org]
Sent: Saturday, June 11, 2011 9:20 AM
To: Brian Foss
Subject: Del Rio Project.

to: Brain Foss, Principal Planner
Planning Department
950 Maidu Ave.
Nevada City, CA 95959-8617
RE: Rincon del Rio Continuing Care Retirement Community Project

Dear Sir, so many have written about the negative effects that the Del Rio project would have on our area, I don't want to repeat it all. I live in the last house at the bottom of Rodeo Flat rd. Our road is dangerous as it is, but if it became a through road from 49 it would be disaster. It is too steep (my bicycle altimeter shows 18% in some places, especially at my end) with several blind spots, I am sure there would be numerous accidents. My question is that would the county be liable for law suits because it ignored so many warnings and changed existing safety regulations. I assume it would.

This project violates so many codes, regulations etc. that it is obviously in the wrong place. It is planned as a very upscale retirement community so the affordability for locals will be minimal. Also a much larger project is forthcoming just down the road in Auburn, so this retirement community is really not needed.

What I would like is the following:

1. Updated (independent) impact reports as the present ones grossly underestimate the population density (just count the number of beds) and also the traffic numbers are not realistic.
2. Noise impact
3. Potential lawsuit liability.

I only ask that you look at this project as it is on its own merits without the pressure from those who have received money (better known as contributions) from the Young's to purchase favorable bias and votes for this project.

Michael Dye CADC , NCAC II
25363 Rodeo Flat Rd.
Auburn Ca. 95602
Tel/Fax 530 269-1072
Email. mcdye@genesisprocess.org
Web. www.genesisprocess.org

Ron, Sandee, Katee, and Erik Gustavson
24102 Timber Ridge Drive
Auburn, CA 95602
530.268.9730

June 11, 2011

Mr. Brian Foss
Nevada County Planning Director
Nevada County Planning Department
950 Maidu Ave.
Nevada City, CA 95959

RE: Rincon del Rio Proposed Development

Dear Mr. Foss:

My wife and I are small business owners trying to survive and don't really have the time or energy to be writing you and other people involved with this project to stop it. But you know what, here I am writing a letter on my 17th wedding anniversary because this whole project is wrong and needs to be stopped. We moved to Lake of the Pines Ranchos in 2001 because it was away from congestion and traffic, and to have a peaceful place for our family to wake up to and come home to. Well, it seems Nevada County has already ruined half our time here pertaining to the wake up and sleeping peacefully part. Your waste water treatment plant took years to construct, woke us up early everyday Monday through Friday, and then continued to have noise problems at all hours of the night (yes, even 3:00 a.m.!) until it took our neighbor, Marty Martensen, and I requesting all problems to be addressed for over a year until they finally subsided. Then, there was recent construction done to "improve the water lines" (no doubt access for Rincon) above our property. Guess what, here came more noise with semi trucks traveling up and down Timber Ridge Drive for months and months and it seems like they just (finally) finish that project. Now that we have experience living through the hell of two major projects in our area, you better believe we won't stand for another. We had no way of knowing how disruptive these projects would be to our lives until we experienced them first hand on a day to day basis. I'm sorry, my family, neighbors, and I are not willing to deal with that type of disruption again and there is no way this project is going to put us through that kind of headache, sleeplessness, and disturb our Rancho way of life again.

And I am sure that once the construction is done to this massive project, then (inevitably) the people living on Timber Ridge Drive and Rodeo Flat would have to deal with traffic traveling up and down our beloved "thoroughfare" because we are not buying into the term "fire access road" at all. There are too many possibilities for this "fire access only" road to be short lived. Besides the fact, we

live on roads that are maintained by us, the people of the Ranchos (not the county!). Why do other people think they can just come in here and have access to our roads is just wrong on so many levels. Had these current issues been known years ago, I'm sure things would have been written better in the original development to protect the homeowners in the Ranchos.

There are so many other reasons why this project should never happen; environmental, safety, noise, (even more) decreased home values, sewer, water, on and on I could go. I could continue to write about the negative impact the Rincon del Rio project would bring to our community, but right now I need to take my wife out to dinner and only hope this letter will not fall upon deaf ears. We are writing this letter because this project will affect the lives of families in our community in such a negative way it must be known we want the Rincon del Rio project to be stopped before our way of living in the Ranchos, and our community, is permanently ruined.

Thank you for your time.

Sincerely,
Ron, Sandee, Katee, and Erik Gustavson

Note: Please also forward this letter to all appropriate parties and add it as part of the public record in reference to the Rincon del Rio planning project.

Karen M. Abbott
22595 Hidden Ranch Road
Auburn, CA 95602

June 11, 2011

Nevada County Planning Department
Brian Foss: Principal Planner
950 Maidu Ave.
Nevada City, CA 95949

Re: Rincon del Rio Project – EIR Scoping Meeting – Notice of Preparation comment period

Dear Mr. Foss:

I am writing this letter today to discuss some very serious concerns with regard to the proposed Rincon del Rio project. Let me preface with this; I am not against growth and am all for **sensible** and affordable development in our County, but I do not believe this project represents either. This letter speaks mostly to what I believe to have been breaches in project planning protocol and due process thus far, along with some of the effects of those breaches. This letter in no way reflects all of my serious issues and concerns related to the project, many of which have recently been discussed verbally and in writing by neighbors and other County residents. There will be much additional correspondence and discussion as the project details are researched and scrutinized throughout the bureaucratic process.

That said; my first point of contention is in regard to the EIR Scoping Meeting held at Bear River High School on May 25th 2011. I would like to know why this was the **first** public outreach meeting regarding the Rincon del Rio project. The County's Incomplete Application letter from Planning Director Jory Stewart dated May 20, 2009, that is posted on the County's website and was sent to the applicant (SCO Engineering) states the following:

Project Planner Jessica Hankins advised you on April 27, 2009, that this project would need a minimum of three public outreach meetings during the project process, with the first held once the project application is "complete" and the project description has been more accurately defined. The purpose of the first meeting would be to describe the project and the planning process to the public. The second meeting would be a scoping meeting for the environmental document in order to gather comments for analysis in the CEQA document. The third meeting would be held during the CEQA document review period to gather comments on the CEQA document itself. Planning staff would be available at all meetings to facilitate and provide project and planning/environmental review process information. Additional meetings may also be advisable throughout the process depending on project changes and specific issues that may arise.

I was also told by County Planner Jessica Hankins that meeting protocol is such that each of the meetings will provide opportunities for questions and commentary from the public during the meetings, and then allow for additional written comments to be sent to the Planning Department

and various County officials regarding the project for a designated period of time after the meetings. After each written commentary time period has elapsed, the Planning Department will then accumulate and “digest” all of the commentary they received from the public during that period, post those letters on the County’s website, thereby adding them as part of the permanent public record related to the project, and then use the information gathered to evaluate and address any issues brought forth regarding the project.

From what I understand this project’s application was deemed “complete” back in August of 2010, though no introductory meeting was forthcoming. That was probably due to the fact that after the project was deemed “complete” some further issues surfaced with regard to density and General Plan consistency. To remedy those issues, the applicant (SCO Engineering) likely needed to revise the project description, so the application was put “unofficially on hold.” That in itself is a point of contention, how can a project’s application be deemed “complete” for processing when there are issues with regard to two **essential** project development points such as density and General Plan consistency?

The incomplete application issue aside, I was told that whenever the application was actually deemed “officially” complete was when the introductory meeting would take place, yet still it did not happen. Having an EIR Scoping Meeting as the very first public forum for a large planning project, especially one as involved and problematic as Rincon del Rio is like being invited to a stranger’s birthday party and being expected to know the **perfect** gift to bring that stranger when you know absolutely nothing about that person. How can the general public, who for the most part may not have even heard of a project, be expected to provide educated commentary and suggestions related to project impacts that may seriously affect them and will need to be addressed in a crucial document such as an EIR for that project, when they may not have heard anything about the project until that very meeting?

Many people do not even know what EIR stands for or what it involves, let alone how important the document actually is. People need time to process, evaluate and share information before they can make thorough and educated suggestions or requests, especially with something as important as the possible environmental **impacts** of a project on themselves, their neighborhood, their family and friends and the community as a whole. An introductory meeting provides just that, an introduction, a description and rationalization, an opportunity to hear views from all sides and go away with information to share with others who may not have known about that first meeting, but who will be directly impacted by the project and would want to be involved in the next **very** important meeting; the EIR Scoping Meeting, the meeting that deals with the most **crucial** element in regard to the planning and approval process involved when developing our rural lands...the **Environmental Impact Report**.

Add to all of that, the fact that the EIR Scoping Meeting that took place on May 25th was held in a non ADA approved location (on the second floor of a building with an out of service elevator) that was not large enough to accommodate the number of attendees, disabled or otherwise. That violates **California Government Code Section 11135**, the **Americans with Disabilities Act (ADA)** and the **Bagley Keene Open Meeting Act and the Brown Act**, as amended by **AB 3035** and further invalidates that meeting because it did not abide by California law.

There is currently an overwhelming sense of unease being felt within the general public (especially for those of us who will be the most seriously impacted by this project) that rules are being bent, laws broken and procedures overlooked or circumvented in an attempt to rush an enormous development project that is totally **inappropriate** for it's proposed location through the County's planning and approval processes. Our impression of the situation is that it is already a "done deal" and that there is **nothing** that can be done to stop it, no matter how many incontrovertibly serious issues and concerns are brought forth. I do hope that this is not the case, and that going forward the County Planning Department and the Board of Supervisors will be diligent in regard to all proper planning protocol and due process. We look to you now for impartial consideration of all issues brought forth, open honest communication, procedural transparency (no hidden agendas or behind the scenes handshake agreements) and finally to provide to the citizens of Nevada County an **irrefutable** approval **OR** denial of the Rincon del Rio development project.

I think you will agree that due to the above mentioned lapses in protocol and violations of California law in regard to the May 25th EIR Scoping Meeting, the EIR process for the Rincon del Rio project must be **postponed**, and therefore the Notice of Preparation comment period which closes on June 13, 2011 must be **extended**, until a new EIR Scoping Meeting with proper advanced notification, attendance capacities and handicap access can be arranged. Anything else could be considered blatant disregard for due process and California law and result in litigious action.

Thank you for your time and for the opportunity to voice my concerns. I look forward to your timely response and prompt assistance with this matter.

Sincerely,

A handwritten signature in black ink that reads "Karen M. Abbott". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Karen M. Abbott

Please forward this letter to all appropriate parties and enter it as part of the Public Record with regard to the Proposed Rincon del Rio Development Project's Environmental Impact Report - CEQA

cc: Ed Scofield, District Supervisor

Brian Foss

From: mcdye [mcdye@genesisprocess.org]
Sent: Sunday, June 12, 2011 9:41 AM
To: Brian Foss
Subject: Del Rio Project

to: Brian Foss, Principal Planner
Planning Department
950 Maidu Ave.
Nevada City, CA 95959-8617
RE: Rincon del Rio Continuing Care Retirement Community Project

Something I forgot to mention in my last letter is the problem with FIRE. We in the rancho live in fear of a fire coming up the Bear River Canyon. especially those of us who live at the end of Rodeo Flat. We pay 2 to 3 times the normal fire insurance premiums because we are in a "sever fire danger zone". I have talk to 2 local firemen , one whom I bought my house from and one who came up to evaluate my property. Both said exactly the same thing, if a fire comes up the canyon "run for your life" because it will hit hard and very fast. Fire burns very fast in canyons with a hot , dry SW wind, and it likes to burn up hill. In the summer we get a strong afternoon wind form the southwest that funnels right up the Bear River Canyon, Right in the path where the Rio Rio project is proposed.

Here are some problems to consider:

1. The proposed fire road up Rodeo Flat would one of the first areas to be hit hard and fast by a fire. It would not be a reliable exit
2. How would they evacuate 400 -500 people from low mobility to no mobility out from a fast moving fire in a timely manner. Many would require ambulances etc. and where would they take them.

If the county ignores these many safety warning that are on record (especially fire) and there was a loss of life, the county would be liable for muti-million dollar law suit that they would most likely loose do to prior knowledge. I think it would be prudent to fund an independent study to evaluate the above issues.

There is also the issue of putting a gate at the Rodeo Flat entrance for the so called fire road. To avoid accidents and the road being used a through road the Ranchos would like it locked. A president would be Lake Of the Pines which has many locked fire exits. I argument is that they have security 24 - 7 to unlocked the gates. If the guards went around to unlock the gates it would take probably at least 15-20 minutes. the Higgins Fire Dept could unlock the Rodeo Flat gate in 5 min. or less. So the restriction to not lock the gate doesn't make sense unless there are other motives involved.

Thanks you for considering the above concerns and entering them in the public records.

Michael Dye CADC , NCAC II
25363 Rodeo Flat Rd.
Auburn Ca. 95602
Tel/Fax 530 269-1072

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
703 B STREET
P. O. BOX 911
MARYSVILLE, CA 95901-0911
PHONE (530) 634-7616
FAX (530) 741-5346
TTY (530) 741-4509



*Flex your power!
Be energy efficient!*



June 8, 2011

032011NEV0004
Rincon Del Rio CCRC
NEV-49 PM 00.464
SCH #2011052030

Brian Foss
Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959-8617

Dear Mr. Foss:

Thank you for the opportunity to review and comment on the Notice of Preparation (NOP) for the Rincon Del Rio Continuing Care Retirement Community (CCRC) project Draft Environmental Impact Report (DEIR). This project is located on Rincon Way just east of State Route (SR) 49 and just south of the Lake of the Pines Community in Nevada County. We would like to provide the following comments for review and consideration:

General Comments

This project was initially received by our office for review on April 27, 2009. A letter dated May 15, 2009 was submitted to your agency for review and consideration. Due to minor project changes, our office received this project for a subsequent review on June 15, 2010. The nature of the project changes did not necessitate any alteration of our comments provided in May of 2009.

At this time we respectfully request consideration be given to our original comment letter provided in May of 2009 in addition to the comments provided below. A copy of the May 15, 2009 letter is enclosed for your reference.

Traffic Operations

- Any traffic analyses completed for this project should focus on improvements at the intersection of SR 49 and Rincon Way as previously stated in our May 15, 2009 comment letter.

Hydrology

- Please provide our office with any hydrologic modeling (HEC-HMS, HEC-RAS, WMS, etc.) completed for this project as well as the design of drainage/detention facilities designed to ensure post-project runoff does not exceed pre-project runoff as SR 49 is downstream of the project site.

Encroachment Permits

- All work proposed and performed within the State Highway right-of-way must be in accordance with Caltrans' standards and requires a Caltrans Encroachment Permit prior to commencing construction. For more information on encroachment permits, the requirements, and an application form, please visit our web page at www.dot.ca.gov/doingbusiness and then click on "Encroachment Permits" or contact the Caltrans District 3 Office of Encroachment Permits at (530) 741-4403.

Please provide our office with copies of any further actions regarding this project.

If you have any questions regarding these comments, please do not hesitate to contact the Nevada County Intergovernmental Review (IGR) Coordinator, Shannon Culbertson, by phone at (530) 741-5435 or by email at shannon_culbertson@dot.ca.gov.

Sincerely,



RICHARD HELMAN, Chief
Office of Transportation Planning – North

Enclosure

c: Scott Morgan, State Clearinghouse
Jim Brake, Traffic Operations
Teresa Limon, Traffic Operations
Gurdeep Bhattal, Hydraulics

Brian Foss
Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959



RE: Rincon del Rio

Dear Mr. Foss,

We are Nevada County residents living in Lake of the Pines Ranchos and wish to express our opposition to the County's approval of the Rincon del Rio project proposed by the Youngs and located at 10358 Rincon Way, Auburn, California.

We bought our home over 3 yrs ago and we purchased our property here in Nevada County in large part for the rural, beautifully unspoiled, scenic and quiet lifestyle which we love and hope to be able to continue to enjoy. The Rincon del Rio project is not in keeping with the surrounding land use in South Nevada County and North Placer County nor is it appropriate for the topography. We have no objections to the Youngs developing their property within the confines of the existing zoning designation of RA-3-PD which was in effect when they purchased the property a few years ago. This project when fully developed will destroy the very lifestyle that brought us here and will have a negative impact on our property values and our quiet enjoyment of the area. It will greatly increase the noise level, light and other pollution and put an added strain on existing fire and ambulance resources. We feel that the current three-acre designation should remain in effect and is more appropriate in consideration of the surrounding parcels as well as the topography of the land and the proximity to the Bear River.

The subject property is currently zoned RA-3-PD as it was designed in the last General Plan update. For the most part and with few exceptions the surrounding parcels on Rincon, the Hidden Ranch subdivision and the Lake of the Pines Ranchos in South Nevada County are at least five acres. To our knowledge the parcels in North Placer County along the Bear River are also at least five acres.

Rincon Road is a private road over which the Youngs have the right of ingress and egress and is not constructed to handle the projected 900+ additional vehicle trips in and out of Rincon Road if this project is completed. Widening and improving the road would not improve the safety needed. Highway 49/Rincon Road access is already a dangerous intersection. In order to enter and exit Highway 49, it requires the residents to pull out in front of cars going 65+ MPH. The increased traffic from this project will only serve to worsen an already dangerous situation and put the lives of all who travel this corridor at a higher risk of serious injury or death. It will pose an especially serious threat to the lives of seniors who have to negotiate these dangerous traffic conditions. It will also create increased traffic and congestion on Highway 49 which has already reached undesirable levels.

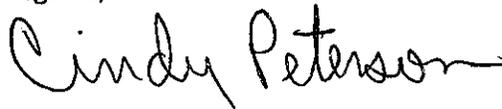
The proposed fire road exit connecting to Rodeo Flat Rd in the Ranchos poses additional traffic problems as well. Rodeo Flat and Timber Ridge Rd are narrow, steep, curvy roads which are privately maintained

and which are crossed at several locations by the LOP Ranchos deeded equestrian and hiking trails. Increased traffic on these roads would lead to safety issues for the residents who use these trails and roads for recreation.

While we are aware of the importance of affordable senior housing this project will not provide "affordable" senior housing as based on the projected development costs and the return on investment that will be needed. Rincon Road is not an appropriate location for a project of this magnitude nor is it in the best interest of any seniors or the existing neighbors and residents of South Nevada County. We feel that you, our elected officials, have a duty to protect not only the neighboring landowners, who already live and pay taxes here, as well as the public and should not capitulate to one property owner's desire to overdevelop their property and enrich themselves at our expense.

We respectfully request that the County deny the application for this project and retain the current RA-3-PD zoning designation which is more in keeping with the surrounding parcels and the topographical nature of this area.

Regards,

 6/10/11

Cindy Peterson
25748 Table Meadow Rd.
Auburn, Ca 95602

Brian Foss
Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959
RE: Rincon Del Rio



Dear Mr. Foss,

We are South Nevada County residents living in Lake of the Pines Ranchos and wish to express our opposition to the County's approval of the Rincon del Rio project proposed by the Young's and located at 10358 Rincon Way, Auburn, California.

The subject property is currently zoned RA-3-PD as it was designed in the last General Plan update. For the most part and with few exceptions the surrounding parcels on Rincon, the Hidden Ranch subdivision and the Lake of the Pines Ranchos in South Nevada County are at least five acres. To our knowledge the parcels in North Placer County along the Bear River are also at least five acres.

Most of us have lived in South Nevada County for many years and we purchased our property in Nevada County in large part for the rural, unspoiled, scenic and quiet lifestyle which we have enjoyed and hope to be able to continue to enjoy. The Rincon del Rio project is not in keeping with the surrounding land use in South Nevada County and North Placer County nor is it appropriate for the topography. We have no objections to the Young's developing their property within the confines of the existing zoning designation of RA-3-PD which was in effect when they purchased the property a few years ago. This project when fully developed will destroy the very lifestyle that brought us here in the first place and will have a negative impact on our property values and our quiet enjoyment. It will create additional noise, light and other pollution and put an added strain on existing fire and ambulance resources. We feel that the current three-acre designation should remain in effect and is more appropriate in consideration of the surrounding parcels as well as the topography of the land and the proximity to the Bear River.

Rincon Road is a private road over which the Young's have the right of ingress and egress and is not constructed to handle the projected 900+ additional vehicle trips in and out of Rincon Road if this project is built. Even if the road were widened and improved, the Highway 49/ Rincon Road access is already a dangerous intersection. In order to enter and exit Highway 49, it requires the residents to pull out in front of cars going 65+ MPH. The increased traffic from this project will only serve to worsen an already dangerous situation and put the lives of all who travel this corridor at a higher risk of serious injury or death. It will pose an especially serious threat to the lives of seniors who have to negotiate these dangerous traffic conditions. It will also create increased traffic and congestion on Highway 49 which has already reached undesirable levels.

Since this proposed project will affect every resident in our county driving the Highway 49 /Placer County corridor, all residence & home owners should have been sent notices of this proposed development so that they could weigh in with their opinions before a vote is taken by the Board of Supervisors.

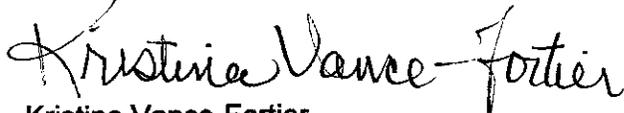
The proposed fire road exit connecting to Rodeo Flat Rd in the Ranchos poses additional traffic problems as well. Rodeo Flat and Timber Ridge Rd are narrow, steep, curvy roads which are privately maintained and which are crossed at several locations by the LOP Ranchos deeded equestrian and hiking trails. Increased traffic on these roads would lead to safety issues for the

residents who use these trails and roads for recreation. As well as all residence of Lake of The Pines Ranchos, Lake of the Pines and Dark Horse that incase of fire may need evacuate using Combie Road, the added burdened of Rincon Del Rio evacuates would put a dangerous strain on an already normally congested roadway.

While we are aware of the importance of affordable senior housing this project will not provide "affordable" senior housing as based on the projected development costs and the return on investment that will be needed. Rincon Road is not an appropriate location for a project of this magnitude nor is it in the best interest of any seniors or the existing neighbors and residents of South Nevada County. We feel that you, our elected officials, have a duty to protect not only the neighboring landowners, who already live and pay taxes here, as well as the public and should not capitulate to one property owner's desire to overdevelop their property and enrich themselves at our expense.

We have not attempted to address all of our concerns regarding this project as there are additional issues, however, we respectfully request that the County deny the application for this project and retain the current RA-3-PD zoning designation which is more in keeping with the surrounding parcels and the topographical nature of this area.

Sincerely,

A handwritten signature in black ink that reads "Kristina Vance-Fortier". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Kristina Vance-Fortier
Homeowner/LOPR



Dear Brian Foss,

I live in the LOP Ranchos neighborhood. I don't know if you are able to work independently, or if your supervisors have already told you how to proceed on this project.

Either way, I feel sorry for the pressure you must be under. However, please do the right thing! I am sure you moved to this area for the same reason I did. We love the mountains and the trees and the beauty of this place.

Big money developers are very good at "working the room" so to speak. They have said that this is already a "done deal" and there is nothing for neighbors to do. Maybe this is true, but I couldn't just sit back and stay silent. They want to turn our neighborhood into a major access road from hwy 49. Young's first step is to get approval to make it a "fire road" and then turn it into a major thoroughfare. He told me years ago that old people would not want to drive onto 49 to go to the grocery store.

Please help us!

Amanda Joe

amandjoe@cebridge.net

June 13, 2011

Brian Foss
Nevada County Planning Director
Nevada County Planning Department
950 Maidu Ave.
Nevada City, CA 95959

Dear Mr. Foss:

My husband and I reside at 25198 Rodeo Flat Rd. (near the dead end that overlooks the Rincon Del Rio Project. We are writing you this letter in opposition to this project that will greatly impact not only our property values and way of life in this quiet neighborhood, **but it will put us in greater danger should a fire occur in Rincon Valley.** If this project becomes reality, the population there will be much denser increasing the chance of human error and fire. A fire would sweep up our hill to our homes faster than the fire department could get to the fire. (This happened to us years ago with the Taylor Crossing fire off Dog Bar) But where would they start their evacuation? Rincon Del Rio! They have to go to greatest density of people (which would also be the least capable requiring greater need), putting all the rest of us as lesser priority. Higgins Fire Dept. alone could not evacuate **all of them** fast enough. The rest of us would have to wait for Grass Valley, Auburn and Colfax to arrive to save OUR homes. **From the signal light at Combie and Magnolia all of us down Combie Rd have only one way out in the event of a fire. Without immediate assistance we would be trapped in our own traffic because Rincon Del Rio would take precedence.**

When we bought this property in 1999 we only considered buying on the hill again because there were so few people below us. We would never have bought up here with so many in Rincon if this project were there. This has to be given great consideration-lives may weigh in the balance.

Also, it is our understanding there is a rather new law in the state or county preventing any fire roads from being gated. (I will try to find that to be true or not.) Regardless, our concern is once Rincon is built and occupied, traffic accidents on Hwy 49 into Rincon for lack of traffic light will "force" the fire gate to be opened, providing safer return to Rincon via Timber Ridge and Rodeo Flat Rd. from shopping center and Grass Valley, not to mention public access over private roads for the 3 restaurants and bars planned. There goes the quiet neighborhood; our private road used for public service and Youngs' gain. (What about responsibility for road maintenance?) And our property values will decline even more.

It also has given us concern in that we finally got NID to get water to us up here, only to find out the pipes were put in big enough to provide for a project such as Rincon. We all will have paid close to \$35,000 for water. What are the Youngs going to pay for the trunk service? They should have to pay up front (like we did) their **percentage** of trunk use.

There was recently a big article in the Sacramento Bee about corruption in the dealings in Nevada County. Most of us opposing this project were already very concerned with the " power and ability" of the Youngs within the county. It is our hope that you are a man of integrity and honor. We are asking for your serving the greater good for our community as a "public servant".

And I humbly ask that you would consider being in our shoes? Please come to the top of our hill to the end of Rodeo Flat Rd. Get out of your car and enjoy what we have up here. It's peaceful, quiet, kids are safe to ride their bikes. At night it is dark and quiet. Rincon's lights, ambulances, service trucks would destroy all that. We paid a lot of money to have this peaceful solitude and quiet. If it were yours, you would fight this, too.

For the record, we agree with all the other reasons mentioned in many other letters for opposing this project.

Please forward this letter to all appropriate parties and add it as part of the public record in reference to the opposition of Rincon Del Rio Project.

Sincerely,
Charlene and Mike Moule

We would like to add ourselves to all the other objections raised against Rincon Del Rio: Noise pollution, land conservancy on the pristine Bear River,

June 13, 2011

Via email

Nevada County Planning Department
Brian Foss: Principle Planner
950 Maidu Ave
Nevada City, CA 95949
Brian.Foss@co.nevada.ca.us

Re: Rincon del Rio

I request this letter be entered into and considered part of the Public Record for opposition to the Rincon Del Rio project and for purposes of the EIR report.

Dear Mr. Foss ,

I am in full agreement and support of all the letters submitted by my neighbors, the people in the Ranchos and others in the community opposing the Rincon del Rio Project. The proposed location is not appropriate for all the reasons so eloquently explained in those letters. I will offer a few more reasons here.

For the 30+ homes off of Hidden Ranch Road, I am willing to bet that collectively we kill over 100 rattlesnakes each year. Many others are seen and not killed due to varying circumstances (e.g. the rattlesnake is in a place where they can't be bludgeoned or shot; some are encountered at night when they can't be seen but they are heard). Rattlesnakes do not vacate an area just because humans move in. Landscaping, water and cool places to escape the heat with which we humans surround our homes are very attractive to the rattlesnakes as well. Over the 11 years I have lived here, I have lost count how many rattlesnakes I have found in my lush, cool gardens and around my dog's little pool that she enjoys on our hot summer days. I also enjoy a nice walk on the NID irrigation canal that goes through the property owned by the Youngs and I have seen several rattlesnakes on this trail. The residents of Hidden Ranch Road have had numerous pets and livestock bitten by rattlesnakes. One resident's pony died of a rattlesnake bite. Annually, the area of the proposed Rincon del Rio Project will be a mecca for hundreds of rattlesnakes seeking water and cool places to lounge from early spring to mid fall. The elderly residents and their guests will be subjected to a never ending supply of rattlesnakes in the landscaping, their garages, shoes left out on doorsteps, gardens and on the proposed walking trails of the project. I should remind the Youngs to mention this in their brochures and website.

As if rattlesnakes were not enough to deal with, we also have mountain lions, black bear and coyotes. This past Easter, some friends of mine who live just outside of Lake of the Pines shot a Black Bear that raided their chicken coop. Three years ago, a mountain Lion killed my cat which it took off of my sidewalk 20 feet from my front door. Steve Jones, my neighbor on Hidden Ranch Road, loses several calves each year to mountain lions. Additionally, numerous pets have been lost to bold coyotes who are not afraid to come close to a house for a good meal. These animals pose a great danger to elderly people who might venture out of their homes alone, especially on the proposed walking trails. I never

let my daughter play outside alone for fear one of these animals could attack her. Remember the jogger, Barbara Schoener, age 40, who was killed by a mountain lion in 1994 in the Auburn State Recreation Area? If a 40-year old jogger cannot outrun a mountain lion, what chance does an elderly person have? Let us not forget also the elderly couple, Nell and Jim Hamm, who were walking in California's Prairie Creek State Park in 2007 when Jim was mauled and nearly killed by a mountain lion. The fact that the Hamms were together was not a deterrent to the mountain lion. I should remind the Youngs to mention this in their brochures and website.

As I mentioned earlier, I enjoy walking on the NID irrigation canal but I never go up there by myself. I always go with my German Shepherd dog, with a friend or I'm on my horse and I always have my cell phone with me in case I get into trouble. That area is no place for anyone to be out in alone or even in a small group if you are elderly.

The Young's property, the site of the proposed Rincon del Rio project, is in the heart of this very wild, untamed area that is no place for a population of elderly people. It would be irresponsible to put slow, infirm, or disabled people and people with poor eyesight, poor hearing, slow reflexes, or memory issues in this environment where they could easily fall victim to rattlesnakes, mountain lions, bear and coyotes.

For the health and well-being of the elderly clientele the Youngs hope to attract, the Rincon del Rio Project should be located in town where it is safe for the elderly to venture outside their homes.

I appreciate this opportunity to voice my concerns for the safety of the elderly and my support of all the other letters written in opposition to the Rincon del Rio Development Project.

Thank you,

Peggy LeMasters
22437 Hidden Ranch Road
530-269-8244

**LAKE OF THE PINES RANCHOS
COMMUNITY SERVICES DISTRICT
10556 COMBIE ROAD, SUITE 6603
AUBURN, CALIFORNIA 95602**

To: Brian Foss, Principal Planner
County of Nevada Planning Dept.
950 Maidu Ave.
Nevada City, CA 95959

Date: 13 June 2011 (revised)

Subject: Comments by the Lake of the Pines Ranchos (LOPR) Community Services District for the public record on the Rincon Del Rio Senior Living Project (Project)

Dear Mr. Foss:

The following comments on the above named project are offered on behalf of the Lake of the Pines Ranchos Community Services District (District), which will focus on the impacts the Project will have on the District, its constituents and the District's assigned obligations. The District is a special district created as a subdivision of the State California, making it subject to all the public codes and regulations as any other public agency such as the County of Nevada. The roads and right of ways within the District are dedicated to public use and are maintained by a fixed special assessment of \$200 per annum on the properties of residents of the District. As residents and property owners, our concerns are focused primarily on the preservation of the character and quality of our semi-rural neighborhood, all of which are zoned Residential-Agricultural. As constituents of the District, our primary obligation is to the safety and maintenance of the 6.2 maintained miles of roadway within our District boundaries, our primary concerns are with any impositions on these primary obligations of right of way safety and road maintenance.

The commencement of the Environmental Impact Review (EIR) process is the impetus for the preparation and submission of this list of impacts. There are four principal issues the District desires the EIR and the Project proponents to address:

1. Authority by which the Project is connecting to the District road system.
2. Impacts associated with connecting an emergency egress/ingress road to District road, Rodeo Flat Road.
3. Installation of public utilities in District right of ways.
4. Challenging authority having jurisdiction for issuing exception to road standards on portions of Rodeo Flat Road and Timber Ridge Road.

The first question that must be answered is under what authority the project is connecting to the District road system. Regardless of the characteristics of the proposed use that is connected, when a project proposes a connection to an existing system of roadways, regardless of whether public or private, some authorization for this connection must be offered up for making this connection. Typically this would be from the authority having jurisdiction over the system being connected to, in this case the District.

As a result of previous action by the Nevada County Board of Supervisors, locked and gated fire egress roads have been prohibited. Due to the local topography and code requirements, the fire egress route will have to be both paved and two lanes wide to appropriately accommodate both public and public safety vehicles traveling in both directions. All of these criteria conspire to transform Rodeo Flat and Timber Ridge Roads from an emergency egress/ingress route into a default thoroughfare between Combie Road and Hwy 49 much like Retherford Rd. is for the Dark Horse subdivision. This constitutes a cardinal change in character of the District's roadways and will create unimaginable havoc on the steep and narrow roadways never intended for the traffic that will traverse these routes going to and from Hwy 49 and Dark Horse and Lake Combie Estates and between Rincon Del Rio and the Lake Center market place.

From a public safety perspective, the first reaction is the impact the increase of traffic will have on the character of our neighborhood. The conversion of a minor, dead-end roadway into a connected thoroughway will have devastating impacts on the character of the local LOPR community. Recorded, non-motorized (equestrian/pedestrian/cycling) trails cross and parallel our entire network of roads creating a very desirable amenity for residents and non-residents alike. Increased traffic proximate to this trail system will certainly impose increased risk to trail users. Our road system is currently used frequently by walkers, runners and cyclists and increased traffic will certainly impose increased risk to this user group as well.

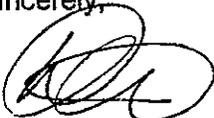
Nothing in the project description or any of the other submitted documentation indicates any preparations or mitigations for the reality of the impacts that will inevitably derive from such imposed traffic loads. Aside from the inherent safety concerns imposed by increased traffic loads, the District must maintain the roads from a fixed budget supported by the special assessment on the District residents' property taxes. Without the subject property being encompassed within the District's sphere of influence, it is unlikely that annexation is an option to offset the increased maintenance costs derived from traffic deriving from the Project and its collateral traffic impacts. It is also unlikely that the fixed assessment from the subdivision properties would meet the increased costs associated from offsite pass through traffic impacts imposed on District roads. Aside from the ongoing maintenance costs associated with increased traffic, there are also the additional capital expenditures for re-engineering, widening and structural rebuilding of the affected road sections to accommodate the unanticipated increased traffic and remediation of the excessive grade issues.

Item #3 is in reference to the Project's description of routing water and sewer services through the District's public utility easements (PUE's), which do in fact describe these utilities. Utility improvements impinging on District roads will require an Encroachment Permit and surety bonds to insure the restoration of the roadways is completed to the satisfaction of the District and consistent with the adopted Road Standards. As the responsibility for road maintenance rests with the District, it is expected that the developer will apply to the District for issuance of such permits and bonds that hold the developer responsible for restoration of the roadways. The Board of Directors must also review and approve the Developer's improvement plans and details for roadway restoration prior to issuance of any Encroachment Permits.

It appears that Item #4 is petitioning for exceptions to the Road Standards, but it does not indicate the authority having jurisdiction (AHJ) that is being petitioned for the exception and for what precise purpose. Even though the District roads have been dedicated to public use, the County of Nevada never accepted the road system into the County's system due to the substandard condition of the originally installed road sections. This rejection by the County was the impetus for the formation of the special district circa 1984. For the purpose of seeking exception to the County Road Standards, which the District has adopted by reference, on portions of Rodeo Flat and Timber Ridge Roads outside of the Rincon Del Rio project, the AHJ shall be the District and as such a petition for exception to the Road Standards must be made to the Board of Directors of the CSD.

Please enter these comments into the public record for the Project. If you have any questions or require further clarification of any of these comments, please feel free to contact me during normal business hours at 530/886-4981 or via email at dennis_m_salter@hotmail.com.

Sincerely,



Dennis M. Salter, Chairman
Board of Directors
Lake of the Pines Ranchos
Community Services District

Karen M. Abbott
22595 Hidden Ranch Road
Auburn, CA 95602

June 13, 2011

Nevada County Planning Department
Brian Foss: Principal Planner
950 Maidu Ave.
Nevada City, CA 95949

Re: Rincon del Rio CCRC Project – Notice of Preparation for an Environmental Impact Report

Dear Mr. Foss,

This letter is in response to the EIR Scoping meeting held at Bear River High School on May 25, 2011 for the proposed Rincon del Rio (CCRC) development project, and I would like it entered as part of the permanent public record with regard to that project. I will preface with the fact that I am in no way against sensible and affordable growth and development in Nevada County. However, I do not believe that the Rincon del Rio project being built in the proposed rural location represents either of those. I have based the comments and information herein on data available regarding the project on Nevada County's public website at <https://public.nevcounty.net/proj/rincon/default.aspx>. In some cases I also utilized the Rincon del Rio website at <http://www.rincondelrio.com/> as a secondary point of reference, along with my own personal knowledge of the project which has been obtained between 2008 and now. I have attempted, to the best of my ability, to present the information as accurately as possible based on information available from those sources. Please note that I was not able to be as precise as I would have preferred due to the exceedingly inadequate and conflicting nature of the information that was available. That being my first point of contention with the proposed project; **premature** preparation of an Environmental Impact Report without adequate and accurate information with regard to the project's scope and all potential impacts.

Though I feel confident that due to protocol and ADA issues regarding the May 25th meeting, the EIR Scoping process for Rincon del Rio will be postponed, and the Notice of Preparation comment period which closes on June 13, 2011 extended until after a new EIR Scoping Meeting can be arranged and held in a proper facility, I thought it best to include my most pertinent issues regarding the project's EIR in a letter written within the original June 13, 2011 comment period. I do however expect an extension of the comment period and will write additional letters focusing on my myriad concerns during that time frame.

This letter focuses on the inadequate nature of the information related to the Rincon del Rio project and the discrepancies and miscalculations I believe exist relating to some of the most pertinent project description details and information regarding the proposed development. I feel that going forward with the EIR process without first at least considering this relevant information would be premature at best and malfeasant at worst, as discrepancies or miscalculations could directly affect how accurately the EIR would be processed and the **legitimacy** of the resulting data, making it susceptible to a legal challenge.

Rincon del Rio - Population Densities in Relation to Infrastructure

Building Type	Qty	Unit Count	Unit Size in Square Footage		Bdrms Each Unit	Den or Ofc	Bdrms Beds Total	Den Ofc Tot
			lowest	highest				
House	78	78	1160	2000	2	1	156	78
Duplex	23	46	1143	1143	2		92	
4-Plex	10	40	1134	1143	2		80	
Co-Housing Duplex	6	12	900	900	2		24	
Co-Housing 4-Plex	2	8	900	900	2		16	
Group House 2-story	2	12	424	424	12		24	
Lodge (apts - independent)	2	14	1460	1460	2	1	28	14
Hospice 4-Plex	1	4	1134	1134	4		16	
Group House - Memory	2	6	424	424	6		24	
Lodge (Nursing Care)	1	21	900	900	1	1	21	21
Village Center Bldg 1	1	12	937	1815	2	1	24	12
Village Center Bldg 2	1	18	1320	1480	2	1	36	18
Village Center Bldg 3	1	23	1320	1815	2	1	56	23
Village Center Bldg 4	1	22	937	1480	2	1	44	22
Village Center Bldg 5	1	23	937	1480	2	1	56	23
Clubhouse	1	1	14000	14000	9	1	10	1
Pool House	1	1	4700	4700				
Community Barn	2	2	3600	7200				
Co-Housing Common House	1	1	2165	2165				
Neighborhood Common House	5	5	2165	2165				
Gatehouse	1	1	935	935				
Totals	143	350	42595	49663	54	9	707	212

Quantities in red unclear due to inadequate or conflicting information on County's and RDR's websites
 Other colored fonts: number of beds instead of bedrooms, public restrooms by number of toilets or single stalls, some kitchenettes/commercial kitchens, public/commercial laundry, likely single occupancy units

Rincon del Rio - Population Densities in Relation to Infrastructure

Building Type	Baths Each Unit	Baths Total Units	Kitchen	Laundry	Garage Parking	Outside Parking	Likely Resident Count
House	2	156	78	78	78	78	156
Duplex	2	92	46	46	0	62	92
4-Plex	2	80	40	40	0	54	80
Co-Housing Duplex	1	12	12	12	0	16	24
Co-Housing 4-Plex	1	8	8	8	0	19	16
Group House 2-story	7	14	14	2	0	16	24
Lodge (apts - independent)	2	62	30	30	70	0	56
Hospice 4-Plex	2	2	4	1	0	4	16
Group House - Memory	6	12	14	2	0	6	24
Lodge (Nursing Care)	1	21	22	21	35	0	21
Village Center Bldg 1	2	40	18	13	20	0	24
Village Center Bldg 2	2	40	19	18	26	0	36
Village Center Bldg 3	2	56	23	23	23	0	56
Village Center Bldg 4	2	46	23	23	61	0	44
Village Center Bldg 5	2	56	23	23	22	0	56
Clubhouse	10	10	1	1	2	8	
Pool House	4	4				4	
Community Barn		1				6	
Co-Housing Common House	2	2	1	1			
Neighborhood Common House	2	10	5	5			
Gatehouse	1	1					
Totals	55	725	381	347	337	273	725

Quantities in red unclear due to inadequate or conflicting information on County's and RDR's websites

Other colored fonts: number of beds instead of bedrooms, public restrooms by number of toilets or single stalls, some kitchenettes/commercial kitchens, public/commercial laundry, likely single occupancy units

The two pages preceding this one (pages 2 and 3 of 15) include data from a spreadsheet I prepared which reflects infrastructure related statistics regarding the Rincon del Rio project. I will be referring to this information throughout this letter in an attempt to justify my belief that the population density numbers declared by the applicant are seriously unrealistic and need to be adjusted before the EIR can be prepared in a manner that will accurately reflect ALL of the environmental impacts of the project. Deciphering the information related to this project was no easy task due to the plethora of conflicting information on the County's website as a result of the numerous project revisions that have occurred thus far. The calculations presented are *estimates* based on all of the information that was available to me, and I will now attempt to justify the logic herein:

That said; where two or three bedrooms are available I believe the infrastructure figures should reflect a minimum of two people per unit in relation to population density count. **The EIR must be based on total occupancy of at least two people per unit where applicable and likely.** The formula used by the applicant (60% of occupants in senior developments are single) should not apply since most units within this development look to be between 1000 and 2000 square feet, which is as large or larger than other non-senior residential family homes, and each of those units is likely (mostly due to price) to house at least two people. Most units have two bathrooms (725 total), kitchens/kitchenettes (381 total), laundry rooms (347 total), vehicle garages and or multiple parking spaces (610 total). Also, seniors certainly do not use one third less utilities than non-seniors in regard to sewer, water and electricity as the applicant claims when calculating their population density at 415 residents instead of the actual **725+ residents** that the project could likely support if it were built out and occupied as designed.

The applicant also states that there will be "employee housing" within the development, but specific details (how many? where? with family members? etc...) were unavailable. Employee "housing" negates the "senior only" neighborhood classification and any senior density bonuses associated with the project. All of the full time employees and services people must also be added into the population density count since they too will affect infrastructure, especially in reference to the excessive amount of traffic traveling on our private road and Highway 49 to and from the facility on a daily basis. I prepared a list (pages 5 and 6 of 15) reflecting full time employees likely to work at the Rincon del Rio CCRC in order to justify the additional employee related population density count within the development. Again, based on the inadequate information available I had to utilize logic and basic common sense and attempted to be as accurate and pragmatic as possible. After reviewing all of the documentation available regarding Rincon del Rio, I believe there will likely be a minimum of **78 full time employees** required (not 43 as claimed by the applicant in their County of Nevada Information Questionnaire) in order to operate the facility providing all of the related services and amenities that are being advertised by the developer. Add to those numbers the many part time and individually contracted employees such as multiple off-site doctors, physical therapists, occupational therapists, speech therapists, private housekeepers, college instructors, public speakers and sales people. Also, with regard to traffic, let's not forget about the constant influx of realtors and their clients (future residents) along with their family, friends and other decision makers, and the continuous flow of utility vehicles needed to support 350 units (PG&E, Propane, Phone and TV/Satellite Vendors) and last but not least, the noisiest and most dangerous traffic creators; busses, garbage trucks, hazardous waste disposal trucks and myriad supply delivery trucks (food and beverage, medical supplies, office/admin supplies, various retail/textile items and building grounds/maintenance supplies.) Make no mistake, **the EIR and all associated reports must reflect the environmental impact of ALL of these employees and service related people and their daily activities within the facility.**

Rincon del Rio Full Time Employees

Business / Function	Location	Employee / Responsibilities	Qty
Café	Building 1	Cashier / Hostess	1
		Waitress	1
		Short Order Cook	1
Bakery	Building 1	Cashier / Food Preparation	1
Pub	Building 1	Cashier / Hostess	1
		Waitress	2
		Short Order Cook	2
		Bartender	1
		Bus Person / Dishwasher	1
Market / Deli	Building 1	Cashier	1
		Food Preparation / Back Up Cashier	1
		Stock / Back Up Cashier and Food Prep	1
Theatre	Building 1	Cashier / Movie Presentation	1
Spa	Building 1	Receptionist / Scheduler / Cashier	1
		Massage Therapist	2
Beauty Parlor	Building 1	Receptionist / Scheduler / Cashier	1
		Hairdresser	1
		Manicurist	1
Post Office	Building 1	Clerk / Cashier	1
Foster's Freeze Ice Cream	Building 1	Cashier / Food Preparation / Bus Person	1
		Short Order Cook	1
Pharmacy	Building 1	Cashier / Stock	1
		Pharmacist	1
Bank	Building 1	Teller	1
		Loan Officer / Teller Back Up	1
Dry Cleaning	Building 1	Cashier / Clerk / Cleaner	1
Restaurant	Building 2	Cashier / Hostess	1
		Waitress / Food Preparation	2
		Chef / Food Preparation	2
		Bus Person / Dishwasher	1
Medical Office	Building 2	Receptionist	1
		Doctor	1
		Nurse / Physical Therapist	1
		Occupational Therapist	1
		Speech Therapist	1
		Nurse / Caregiver - Assisted	2
		Nurse / Caregiver - Hospice	1
Nurse / Caregiver - Memory	1		

Rincon del Rio Full Time Employees continued...

Business / Function	Location	Employee / Responsibilities	Qty
Administration	Building 2	Clerical / Accounting	2
		Certified Case Manager (CCM)	2
Kitchen / Dining	Building 4	Cashier / Bus Person	1
		Chef / Short Order Cook	1
		Food Preparation / Food Delivery	1
Administration	Building 4	Clerical / Accounting	2
Laundry / Cleaning	Building 4	Housekeeping / Janitorial	5
		Linen / Janitorial Back Up	1
		Village Building's Main Dishwasher	1
Transportation - 2 Vans	Various	Driver / Back Up Errand Runner	2
		Errand Runner	1
Security	Gatehouse	Gatekeeper / Security Guard	1
Grounds Maintenance & Operations	Various	Landscaping Maintenance	5
		Facility Operations / Security	3
Miscellaneous Services	Various	Exercise / Yoga Instructor	1
		Personal Trainer	2
		Lifeguard / Back Up Exercise Instructor	1
		Nutritionist	1
		Concierge / Event Planner	1
Total			78

One of my primary concerns is that this project is being prematurely rushed thru the EIR Scoping process with a blatantly flawed population density number and other critical information conspicuously omitted or totally ambiguous, making it **absolutely impossible** for the EIR to accurately identify ALL of the severe environmental impacts of the project. The population density is THE most important number when considering ALL environmental impacts of a proposed project. **The population density count that the EIR study is based on must be logical and realistic**, and the applicant's claim that Rincon del Rio's 350 units will only house 415 residents seems anything but logical or realistic.

That population count must also be calculated based on the highest possible occupancy of people...not with erroneous formulas counting people in fractions because they happen to be senior citizens. Every adult person (whether senior or non-senior) should count as a whole person when calculating human population and it's environmental impact. Every person needs to eat, use the bathroom, needs their clothes and dishes washed, uses electricity for lights, heaters, air conditioners etc. People equate to population, and population requires infrastructure and consumes energy and resources and **DEPLETES** and **POLLUTES**. The higher the density of the population, the more extreme the effect on everything involved with it. There are **VALID** reasons why **POPULATION** densities are set very low in the **RURAL** areas...infrastructure availability and limitations, traffic congestion and accidents, pollution (air, water, ground and light) and **THE MOST** important of all in our County...**FIRE!**

Another concern I have is that *whatever* figure the applicant claims will be the *maximum* population density of the development, there will be serious issues involved with Rincon del Rio's and especially the County's abilities to enforce that limitation *long term*. **The EIR should analyze and suggest maximum population density limitation enforcement protocol, up to and including the penalties and actions that will be taken if limitations are exceeded, and that protocol must contain verbiage that guarantees that the population density limitation (cap/ceiling) will NEVER expire.**

Being that the development as proposed could easily house conservatively up to 725+ people (937+ when utilizing den/ofc as additional bedrooms) it seems *unlikely* that only 415 people would live there. In theory a development half the size of the one being proposed would adequately house 415 people. **The EIR should also analyze the down-scalability of this project to a size that corresponds with the 415 headcount (including full time employees as part of that 415) and is more conducive to the rural character of the proposed location, thereby bringing it more in line with the Nevada County General Plan's zoning text and land use guidelines regarding the subject parcel.** A downscaled version of Rincon del Rio would definitely be more in line with the Nevada County General Plan, require less infrastructure and certainly decrease the negative environmental impacts of the project.

Now let's compare the substantial infrastructure requirements of the 350 residential/commercial unit Rincon del Rio with that of the modest requirements of the 72 residential units the property is currently zoned for:

	350 Unit Rincon Del Rio	72 Home Residential Neighborhood
Residents	725 (937 if den/ofc as bdrm)	216 if 3 people / 288 if 4 people
Bathrooms	725 (some public)	216 if 3 people / 288 if 4 people
Kitchens	381 (some commercial)	72
Laundry	347 (some commercial)	72
Parking/Cars	610	144 if 2 cars / 216 if 3 cars / 288 if 4 cars

Obviously it is unlikely that there would be four people in every household of the 72 unit single family residential development. There would certainly be retired couples and even some single residents living in many of those 72 country homes, just as there are living in the existing homes within the surrounding rural neighborhoods today. But then again, some of those homes, instead of housing 1 or 2 residents, might house 5 or even 6 residents. For example; large families, senior parent(s) living with their adult children and grand children, or the other way around. One thing is fairly certain though, those 72 homes (if they were ever even built...and that's a big IF based on our nation's dismal economic outlook with regard to real estate development) would house peace-loving families, couples and singles (many of which would be seniors) living peaceful rural lives, just like surrounding neighborhoods do now. At least that's the information my husband and I paid top dollar for our home in 2007 based upon. We moved to this particular area of Nevada County expecting (based on Nevada County's **rural zoning** of undeveloped land near us) that if (again...big IF) that undeveloped land were ever to be developed, though it was already *uncharacteristically* zoned for subdivision smaller than most surrounding parcels (3 acres instead of 5-20 acres) we would basically end up living near a neighborhood with a **slightly** higher density of homes than the existing neighborhoods in the immediate area...it would likely be a neighborhood similar to Christian Valley (lovely country homes built on 3 acre parcels), NOT a neighborhood that could be referenced to as "Del Webb on steroids!" (the developer Carol Young's catch phrase, not mine)

As for our area's property values and paying top dollar for homes in Nevada County; our home is now worth about half of what we paid for it four years ago, and I am certain Rincon del Rio will plummet it even further into the **negative equity** abyss. Nobody wants to buy a home in the country that is in a neighborhood where a veritable *city* is being planted in it's midst. If you doubt that fact, just ask any of the people that recently bought their homes in the area and were **not** told about Rincon del Rio before they did so. Or ask the people who are currently trying to sell their homes in the area how it's going for them, since at this point they should be "disclosing" Rincon del Rio to potential home buyers as a "reasonably anticipated" future project in the subject area. Then go ask their realtors about Rincon del Rio during an open house...you'll likely get a "deer in the headlights" gaze and they'll just offer you a snack (that actually happened to me.) Not that it was any big surprise that a realtor would avoid the topic, of course they don't want to talk about Rincon del Rio to potential homebuyers in this area, because it is obviously a dire enough situation that it would cause them to lose a sale on any home they're trying to sell anywhere near the project's proposed location. The worse part of all this is that even if we (all of us that live near and will be most directly impacted by the project) wanted to "just move away" (as one very rude non neighbor yelled out at the EIR Scoping Meeting) from this nightmare, we could not do so because we wouldn't be able to sell our homes without disclosing the nightmare next door "Rincon del Rio," and then nobody will want to buy them. I could not, with a clear conscience *and* prior knowledge, try to deceive a potential home buyer by "sugar coating" the facts in an attempt to portray Rincon del Rio as *beneficial for my neighborhood* in order to sell our home; and therefore our home's value and salability would be seriously impacted. It's an awful situation! **The EIR should analyze the extreme negative impact Rincon del Rio is currently having (when disclosed) and will have (when disclosed) on the already recessed property values and the salability of the surrounding homes and properties. That information should be examined and then compared with the lesser impacts the properly zoned 72 unit development would have on those same home and property values and salability.**

Returning to my population density reasoning; to date we've not had gangs of rowdy graffiti painting teens speeding up and down our **private** rural roads, as one *uninformed* neighbor at the EIR Scoping meeting had said he was worried about with regard to the 72 homes that *could* be built back there with the current zoning. I was told that is the logic used by the applicant to define the high population density of Rincon del Rio as "similar to or less than" what a *country family* neighborhood's population density and environmental impacts would be. Due to the power of that suggestion many people's misconception of the situation is such that they are worried the 72 unit *country family* neighborhood would be full of LOTS of people living in HUGE houses with HUGE families, with LOTS of cars and trucks, cause LOTS of noise with young kids roaring up and down their own roads and around their properties on ATVs day and night and LOTS of traffic with rowdy teenagers speeding up and down our private roads in their souped up cars. It would be hell back here, and Rincon del Rio could *save* us from all that with it's city full of quiet little 82 year old ladies and a fire "thoroughfare." Simply NOT true! Anyway, I figure an *average* of 4 people per household is a reasonable estimate for comparison here...again that is based on the average populations of the existing rural neighborhoods (3-10 acres each) in the area. Even with that generous number of residents in those 72 homes there are still **extreme** differences with relation to infrastructure requirements between the two developments...just look at all those bathrooms, kitchens and laundry rooms in Rincon del Rio! That development will be gobbling up it's treated NID water by the gallons and spewing sewage full force (it has to be lifted uphill twice on it's way out of the development and then sent miles away) in mass quantities. **Object 3.1 and Policy 3.1 of the General Plan states: a higher level of public services shall be directed to Community Regions and a lower level to Rural Regions.**

The EIR must justify the reasoning for allowing this project to violate the above stated policy by directing public services miles away from higher intensity developments in the nearby Lake of the Pines Community area where those public services could be provided much more efficiently.

The severity of the environmental impacts relating to high density population is fundamental in our vehement opposition to the County approving the excessively high density Rincon del Rio development being built in the low density rural location that is being proposed. We resolutely believe that the zoning should remain as is (RA-3-PD-EST) which is in keeping with the rural character of the area and with the rules and guidelines of The Nevada County General Plan, which was **intentionally** written in such a way as to protect those rural lands. A zoning change and General Plan amendment are not justifiable when the goal is to create *loopholes* allowing property owners to overdevelop their parcels of land in a manner that is not in keeping with all surrounding parcels...*loopholes* that will potentially affect the entire County. In fact, given that approval of the proposed project **requires** amendments be made to the General Plan and Zoning text that will impact the County as a whole, a Master Environmental Impact Report (MEIR) must be prepared to analyze all potential cumulative and growth inducing impacts of those policy changes. **The EIR must thoroughly investigate and address the disproportionate environmental impacts between the proposed high density populace Rincon del Rio and the lower density 72 unit rural residential estate development the property is currently zoned for, and must then analyze those impacts in relation to similarly zoned areas County-wide that would potentially be eligible for this type of development. By law, a MEIR must be prepared before ANY General Plan or Zoning text amendments that would potentially affect the County as a whole could be considered.**

The suggested CCRC verbiage and related text amendments are unnecessary and redundant, as there are already provisions for senior housing discussed within both the zoning text and the General Plan. There are currently several appropriate zoning designations for an "age in place" senior development such as Rincon del Rio. The proposed rural agricultural parcel is NOT an appropriate location for such a facility, as is clearly demonstrated by the numerous **exceptions** necessary for the project's approval. Our County's General Plan should not be arbitrarily changed simply to provide a *loophole* for one property owner, who because they have not been able to sell their extravagant "spec" house, and their land as currently zoned, wants to enrich themselves by overdeveloping that land to the detriment of all surrounding property owners. **The EIR should focus on adapting the project to be more in line with the Nevada County General Plan and our County's Zoning and land use guidelines, rather than altering those guidelines to be in line with the project. The approval of the project should be based on it's ability to abide by those policies, which were conscientiously designed to protect our County from wanton overdevelopment. An example is General Plan Policy 1.15 which discourages the extension of urban type services into rural areas in an effort to retain the planned rural nature of those areas.**

As I stated at the EIR Scoping meeting, Placer County has recently set a perfect example in regard to sensible CCRC development locations. Their 858 unit CCRC project Timberline is proposed to be built in an appropriately zoned and SAFE location, has existing infrastructure readily available (multiple safe Class A roads into and out of the facility with **lighted** intersections, water, sewer and electricity), hospitals, health care facilities and public services right next door, as well as all the basic amenities (many within walking distance) AND it will back up to open space (a green belt of sorts) that already has public access and will include pleasant walking trails. That public open space will allow the facility to have that rural feel without having to destroy prime agricultural lands or the rural environment of surrounding

neighborhoods. Most of the residents near the area that the Timberline CCRC is to be located already have city size residential lots and multi-story commercial businesses near them.

The Timberline development also will not put its residents or the surrounding neighbors at risk of serious injury or death if there were ever a wildfire, because there will be up to five **safe** Class A access roads into and out of the Timberline development for emergency situations. Such is most definitely not the case with the location proposed for Rincon del Rio, which is an isolated piece of land situated in one of the highest wild land fire hazard zones in the County. **It is a 911 Nightmare!** If a wildfire were ever to sweep thru the bowl shaped property (rolling terrain surrounded by steep heavily wooded hills) where they are proposing to build that project, most of the seniors in the assisted living, memory care and hospice units, along with many of those in the five large high density commercial/residential buildings in the Village Center would perish. In fact danger is imminent with only the two small exits being proposed for evacuation. Undoubtedly many more of Rincon del Rio's seniors and possibly some of the surrounding neighbors would also suffer serious injury or death due to the traffic congestion and chaos caused by nearly a thousand people (many of them immobile) trying to evacuate the area via those two small roads (one of which will be very windy and steep) as the fire engines and fire fighters are attempting to get in. We saw first hand how very fast a wild fire can move through a commercial and residential tract and the unfathomable devastation it can cause on August 30th, 2009 in Auburn along Highway 49...and that fire was in an area that would not normally be considered especially high risk for wild fires. There is no way around it; Rincon del Rio would be a catastrophe waiting to happen if it is allowed to be built on the subject property. As I stated earlier, there are valid reasons why low density limits are set for rural areas and fire is probably the **most** important one. For a very detailed **expert's** account of the extreme fire dangers related to the proposed location of Rincon del Rio, please see the insightful letter dated June 10, 2011 written to the County Planning Department by retired Division Chief, Peter Guilbert.

The EIR must thoroughly address ALL fire and safety related issues involved with evacuating a high density of people, many immobile via two small access roads. Those findings must then be scrutinized and justified when comparing them to the less hazardous evacuation of the lower density neighborhood of 72 single family homes the subject property is currently zoned for.

Incidentally, both of those exits are to be connected to **private** roads that are paid for and maintained by the surrounding neighbors. The ingress/egress easement that the applicant has on one of the roads (Rincon Way) will certainly be over burdened, and that road ravaged with the horrendous amount of traffic caused by the development. Both of these roads traverse along private property that would have to be "acquired" via eminent domain (which **Prop 98** prohibits) in order to widen and bring them up to Class A safety standards. To make matters worse, the applicant does NOT have an ingress/egress easement on the second road (Rodeo Flat Rd.) and yet is *assuming* to claim an "exception" to the fire safety standard because the road does NOT meet the class A safety standards with regard to 16% minimum grade limitations. So to recap, this developer believes they should not only be "entitled" to use a PRIVATE road they do NOT own or have easement to as a fire/SAFETY road, but they also believe they should be "entitled" to an EXCEPTION to the SAFETY standards of that SAFETY road. How can this preposterous suggestion even be considered? They *claim* the exception is "necessary for the preservation of a *substantial* property right, because without the exception, the developer of Rincon del Rio would not have a *feasible* alternative for secondary access." That is untrue, because not only are there other *feasible* alternatives, those alternatives could be safer and easement simpler to attain. Besides that, what about the *substantial* property rights of all the people that actually own that road...people who's private property would be "acquired" (stolen) and their safety threatened by this totally inappropriate assumption of entitlement?

The EIR must explore ALL reasonable alternate routes of ingress and egress that are available to the applicant that would not necessitate the *illicit* use of the eminent domain condemnation statute, which is prohibited in California by Proposition 98 for use by *private sector* developers, nor require an exemption be made in regard to road SAFETY standards; and if found, those alternate routes must be suggested as a “best case scenario” and a condition for final project approval.

Back to the positive attributes of the location proposed for the Timberline facility in Placer County. A very significant advantage of planting a huge senior community near the outskirts of a *city center* is the assurance that the local County’s commerce will thrive as local businesses scoop up the sales revenue that the residents, employees and even family and friends of both will be spending there. ALL that money will actually be spent in *their own* County, and *that* County will also collect the sales tax revenues produced from all of those sales and leisure activities. That will certainly NOT be the case with Rincon del Rio, because we all know that most everyone that lives on the extreme southern end of Nevada County travels the 5-10 miles south to Placer County for goods and services, NOT the 25-30 miles north to Grass Valley, and the residents of Rincon del Rio will be no different if they too are located that far south. **The EIR should analyze the local economic advantages of locating CCRC developments closer to public services and amenities within their own County rather than away from them. This analysis should also evaluate the substantial impact of the “convenience factor” that exists in the extreme southern portion of Nevada County where the project is being proposed, which encourages residents to travel south to Placer County for goods and services rather than north into Nevada County.**

A facility such as Rincon del Rio should most definitely be built somewhere just on the outskirts of Grass Valley or Nevada City just as the recently approved Wolf Creek Village senior co-housing development. That senior development (currently being built in our very own Nevada County) will feel secluded, like it’s miles out, but will in fact be within a couple blocks of public services and amenities. A “close to town” Rincon del Rio (just like Wolf Creek) would allow Nevada County to reap all of the *bona fide* economic rewards of such a project from **the ground up**, not *just* property taxes, but sales tax and local consumerism, as well as *local* jobs for people **in our County**, the first of which being the numerous construction related jobs, followed by those 78 full time employees and the many part time and contracted services people I mentioned earlier. All of those jobs would likely employ residents of Grass Valley, Nevada City and nearby areas as opposed to people from Auburn or the Rocklin/Roseville/Sacramento areas if the CCRC were placed centrally rather than on the farthest southern end of our County. Another advantage to a more County-centric CCRC location would be the **minimal** amount of highway traffic caused by the project, and since daily traffic traveling the Highway 49 corridor has already reached undesirable levels, this would be a **significant** benefit. A close to town location with it’s miles out (semi-rural) feel would also lessen the burden in regard to all infrastructure and emergency services. **The EIR must include an analysis of reasonable alternative locations for the project and suggest the Environmentally & Economically Superior Alternative. The proposed project’s extreme southern locale and hazardous road conditions existing at the non-lighted intersection of Rincon Way and Hwy 49 must be considered especially relevant when comparing the project’s proposed location to a more centralized location. Also particularly relevant is the significant decrease of negative impacts a more County-centric location would have on Highway 49 and it’s connecting arteries...less daily traffic, less commute hour congestion, less accidents and less automobile emissions.**

While we are on the subject of the infrastructure and public service related advantages of Rincon del Rio being built closer to Grass Valley or Nevada City, let's talk about hospitals and emergency care. Since the Rincon del Rio seniors would be taken to the nearest hospital for critical care, the facility being located in the farthest southern end of Nevada County would warrant them traveling the 5 miles south to Sutter Faith Hospital in Auburn rather than the 25 miles north to Sierra Nevada Memorial Hospital in Grass Valley. Because the seniors of the 858 unit Timberline facility would also be taken to Sutter Faith Hospital, there will be a serious impact on services provided by that hospital. If Rincon del Rio were built closer to Sierra Nevada Memorial Hospital in Grass Valley it would be beneficial in two ways; first, the response times and level of service would likely be superior at Sierra Nevada Memorial Hospital without the competition from well over a thousand Timberline seniors for the provider's services, which means more Rincon del Rio seniors could get the immediate attention they needed in a timely fashion. Second, ultimately if more healthcare professionals were needed at Sierra Nevada Memorial Hospital in order to support the increasing demand from Rincon del Rio's residents and from other senior development's residents, all of those new jobs would be *in Nevada County* rather than Placer County, and once again, the applicants would likely live in Grass Valley, Nevada City and nearby areas as opposed to traveling from Auburn or the Rocklin/Roseville/Sacramento areas. So, if you build Rincon del Rio closer to Grass Valley and Nevada City rather than as far south as you can possibly go in our County, more lives could be saved and more local jobs created. **The EIR must include a Cumulative Impact Analysis regarding hospital and emergency services, and the Timberline CCRC project in North Auburn must be included in that analysis since it is a "reasonably anticipated future project in the subject area" when evaluating the impacts on Sutter Faith Hospital in Auburn. This analysis should also evaluate the benefit of potential employment opportunities at Sierra Nevada Memorial Hospital in Grass Valley resulting from an increased demand for medical services for the Rincon del Rio seniors were that facility to be located County-centric as opposed to on the farthest southern end of the County.**

While we're talking money, let's talk about the financial profile of Rincon del Rio. First up, there is the affordability of living in Rincon del Rio for the *existing* Nevada County seniors. The applicant's Economic Report dated May 2009 claims that 60-70% of the project's residents will come from Western Nevada County. The report goes on to say that the average income of the households living in the project will be \$50,000. However, I could find no specific "cost of living" figures to substantiate that information on the County's website nor on the Rincon del Rio website. When the project was being presented during an informational meeting held at the location in 2008, the applicant stated that the entry fee would be \$700-750K. However, in 2009 that entry fee was decreased to \$400-500K due to the plummeting economy and seriously depressed housing market. If the entry fee to Rincon del Rio is still expected to be \$400-\$500K it is doubtful that it would be affordable to our *existing* Nevada County seniors, since property values have continued to decline and equity from home sales likely would not provide our *existing* Nevada County senior homeowners the necessary capital required for the entry fee, let alone for the monthly and service fees involved with living in what will surely be a high-end facility such as Rincon del Rio. **The EIR must include in it's Economic Characteristics an Independent Analysis of affordability which should include all expenses that would be incurred to live in the Rincon del Rio community (lump sum/entry fees, monthly fees and per service fees.) Those figures must then be compared to existing Nevada County senior developments' entry, monthly and service fees, and correlated to the average annual income of existing senior households in Nevada County.**

Next up is the financial sustainability and assurance that the project will not end up just another bankrupt scar on the southern Nevada County landscape. With our economy still seriously depressed, especially in regard to real estate and lending, and the glut of senior housing projects that have recently been landing on Planning Departments' desks, not just in Placer and Nevada Counties but throughout the nation (senior housing with its density bonuses and tax exemptions must be a developer's most easily approved and *profitably viable* way to subdivide land these days) there is serious concern whether all of those proposed senior residences will actually even be able to be sold and or occupied. I can find no reference on the County's website nor the Rincon del Rio website with regard to who (private investors, corporate entities, medical facilities, banks etc) will actually be funding the multi-million dollar Rincon del Rio development, and no mention is made in relation to financial sureties such as "Surety" or "Performance Bonds" which are an absolute **MUST HAVE**. Without the proper financial assurance instruments in place we could very likely end up with another Dark Horse or Saddle Ridge fiasco, and south County has had enough of those! Add to the obvious necessity for such bonds, the fact that **The Miller Act** requires them, and therefore **the EIR must require that any final project approval of Rincon del Rio be based on an assurance of financial sustainability in the form of "Surety" or "Performance Bonds" which would be provided to Nevada County by the developer and would insure the project in relation to all developmental/construction costs through to completion.**

While I am speaking of assurances I have another grave concern with the project, this one is in regard to the rezoning of the rural lands that currently have or could potentially have a PD or an SBA attached to them. Recently our nation's weakening economy has been forcing many in our *modern* society, due to the multitude of failing businesses, job losses and home foreclosures, to step backward in time, as families throughout the country are becoming three or four generation households like it was in "the old days." However, most of these current situations involve adult children with their own children moving in with their parents, rather than aging parents moving in with their kids. What guarantee is there that Rincon Del Rio (or any other CCRC in a similarly zoned area that would be eligible for this type of development) would not just become another **VERY** high density **multi-family** residential neighborhood as adult children are forced to move in with their senior parents due to our nation's continuing economic decline? It is plausible that if Rincon del Rio (or similar CCRCs) could not attract enough independent seniors (ones without extended family living with them) to keep occupancy at sustainable levels they could then be forced to allow seniors **AND** their extended families to move into the large residences in the developments, thereby increasing the already monumental negative environmental impacts ten fold?

In Rincon del Rio it appears that 190 of the 350 units would be large residences (1400-2000 sq ft with the option of a 3rd bedroom when utilizing the den/ofc) that could each easily house a family of 4+, which equates to **760+** people in just those units. There are 127 remaining mid-size 2 bedroom units that could also comfortably house a family of 3+, which equates to another **381+** people. The remaining units would likely be single people or possibly couples. If Rincon del Rio were at some point (for whatever reason) utilized as a single family residential neighborhood rather than a "**senior only**" residential neighborhood, the population density could easily rise to well over a thousand. That means that instead of ending up with a neighborhood of 72 single family homes as the property is currently zoned for, with a population of around 300 that infrastructure could easily support; it would instead be turned into a neighborhood of 350 **family** residences with a population of over a thousand, and let's not forget about all of the commercial business that would still be operating back there.

Imagine the detrimental environmental impact of a veritable **city** that size being planted in the middle of a very rural wildlife habitat and deadly fire trap such as the proposed location of Rincon del Rio, and remember, this could happen on a County-wide basis if the General Plan and Zoning text regarding the rural areas with a PD or SBA are amended to allow high density residential/commercial CCRCs to be built there. This must NEVER occur. There are already multiple **compatible** appropriately zoned areas throughout our County that could support such development. There is absolutely no **justifiable** rationale for ravaging the rural regions of our County by circumventing the very laws that were put in place to protect those lands from wanton overdevelopment, especially when the apparent objective is superfluous wealth with no regard for the consequence to surrounding property owners or the County in general.

Also, (and please keep in mind this is a worse case scenario in regard to over population) if a CCRC project were to go bankrupt (not that unlikely these days, just look around south County) and the County had to take over the development before completion, what assurance would there be that the development would be built out as **originally proposed** and remain a SENIOR retirement community? After all, with so many of our nation's bureaucratic decisions appearing to be based solely on *revenues* these days, the possibility that our County's future decision makers could succumb to the temptation of incentives related to monies available from myriad Federal Assistance and Welfare programs is not only undeniable, but likely. The CCRC acronym could in that case stand for Continuing Care **Rehab** Center, and could be turned into some sort of "support" facility easily able to house (calculating by bed *space* rather than by units or bedrooms) well over two thousand recovering addicts, alcoholics or mentally ill patients from anywhere in California. Imagine the extensive environmental impacts an institution of that magnitude would have on a very rural wildlife habitat if it were allowed to be built in such an area. In fact that facility could likely be expanded at a later date, *devouring* even more rural lands. I realize this might sound "far fetched" to some people, but recent catastrophic economic events, particularly with regard to the lack of essential regulatory controls and the consequential corruption, fraud and scandal have shown us that pretty much ANYTHING is possible in our *modern* society today, especially in the *political arena* where REVENUES rule the roost. That said; **the EIR must include a policy with stringent terms and conditions (including a "no residency under 60 years of age" clause) assuring that the development will be built as and ALWAYS remain a senior ONLY community, and that any violation of that policy will result in serious consequence up to and including immediate eviction.**

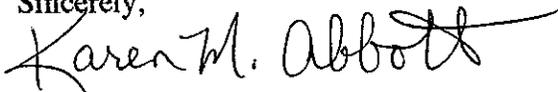
In summary, there are myriad complex issues and serious concerns involved with the size and scope of the Rincon del Rio project and it's proposed rural location that extend far beyond this email. I intend to address many of those topics in a separate letter, the most significant of which being the multiple public safety issues involved with using our **private** roads Hidden Ranch Rd/Rincon Way and an **extremely** dangerous *non-lighted* intersection of Highway 49 as access to and from the project's site, the legitimate **thoroughfare** concerns related to Rodeo Flat Rd, and the applicant's fatally flawed and inaccurate Traffic Impact Analysis Report prepared in December of 2008, which should be thrown out and totally redone. **The EIR should require from the applicant; a new traffic study utilizing a realistic population density reflective of the markedly high residential unit count, inherent senior driver concerns and especially the commercial aspects of the project. It should analyze present day statistics related to the excessive amount of traffic already traveling the Highway 49 corridor, and must examine peak hour flows for BOTH the AM and PM rush hours, not just the PM rush hour as the applicant's 2008 study had done. Those statistics should then be compared to that of the lower density 72 unit neighborhood (residential with NO commercial business) that the property is currently zoned for.**

That future correspondence will also include more specific details regarding my suggestion (as discussed with you during our phone conversation today) of an **alternate** more *effective* ingress/egress route and *safer* emergency fire road solution for the development. **IF (great big IF)**, after all of our significant efforts to the contrary, up to and including litigation, for some totally implausible reason, the County's Planning Department and Board of Supervisors are dead set on project approval for the proposed location, I believe the only way that could possibly be justified is with a "**downscaled**" version of the project utilizing the alternate route that I suggested, which would bring the development more in line with The General Plan zoning and land use guidelines with regard to our rural lands, and reduce myriad public safety issues related to traffic and fire hazards. The alternate route certainly would not diminish all of the project's numerous *significant* negative environmental impacts to an *insignificant* level, but it might make the project more *palatable* for many of the opposed, especially those residents that live on Rodeo Flat Road, Timber Ridge Road and likely even Rincon Way.

Until then, please also refer to the very detailed and expansive letter dated June 10, 2011 written to the County Planning Department by Virginia A. Guilbert for a more inclusive synopsis of our most pertinent issues and concerns regarding the Rincon del Rio project and the pending Environmental Impact Report CEQA, many of which we believe simply can NOT *honestly* be mitigated. I agree wholeheartedly with every single thought provoking concern Virginia addressed in her letter. I believe that all of those opposed to Rincon del Rio (myself included) have made it perfectly clear that our preference is the project NOT be approved to be built in the proposed **incompatible location** for the many fundamental and legitimate reasons stated throughout our correspondence. I am hopeful that the information we have all provided during this Notice of Preparation comment period will be viewed as relevant by the Planning Department and the Board of Supervisors, will be worthy of serious consideration during the exhaustive planning process related to the problematic Rincon del Rio project, and will ultimately contribute to a reasoned and irrefutable decision being made by our County's elected officials with regard to the approval *or* denial of the Rincon del Rio project being built in the proposed location.

Once again, thank you for the opportunity to voice my opinions, concerns and suggestions regarding the Rincon del Rio project and Environmental Impact Report CEQA. Please forward this letter to all appropriate and concerned parties, and enter it as part of the permanent public record with regard to the Rincon del Rio project's application for development and impending EIR-CEQA.

Sincerely,



Karen M. Abbott

cc: Jory Stewart, AICP, Planning Director
Nate Beason, District 1 Supervisor
Ed Scofield, District 2 Supervisor
Terry Lamphier, District 3 Supervisor
Hank Weston, District 4 Supervisor
Ted Owens, District 5 Supervisor

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
703 B STREET
MARYSVILLE, CA 95901-0911
PHONE (530) 741-4233
FAX (530) 741-4245
TTY 711



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June 14, 2011

Mr. Mark A. Mills
24220 Timber Ridge Drive
Auburn, CA 95602

Dear Mr. Mills:

This is in response to your letter dated June 3, 2011 wherein you expressed concerns regarding the proposed Rincon Del Rio Continuing Care Retirement Community project. This project is located on Rincon Way, east of State Route (SR) 49 and south of the Lake of the Pines Community in Nevada County.

You indicated that the added vehicle trips generated by this project from Rincon Way onto SR 49 may pose a traffic hazard. You also expressed concern that the local residents of the proposed project would use the existing privately owned roads, specifically Rodeo Flat Road and Timber Ridge Drive, to access the project site and you have requested the project be denied.

Caltrans has reviewed the Draft Environmental Impact Report and traffic study, prepared for this project, and has provided comments to Nevada County (Lead Agency). We concur with the Study's findings and recommendations to mitigate traffic impacts, as follows:

- Provide separate right and left turn lane striping
- Provide a left turn median acceleration lane on the Rincon Way approach to SR 49
- Place stop sign and pavement markings at the existing frontage road intersecting with Rincon Way just east of SR 49

Caltrans also informed the County that if left turn movements onto SR 49 become a safety problem in the future, left turns onto the highway may be prohibited. The amount of traffic projected to use the intersection of Rincon Way with SR49 does not warrant a traffic signal.

With regard to your concern for the potential use of privately owned roadways, Caltrans does not have legal authority or jurisdiction over roadways that are not part of the State Highway System. Finally, you requested that we deny the project. Caltrans does not have the legal authority over land use to approve or deny this project. Nevada County, as the Lead Agency, has this authority.

Mr. Mark A. Mills

June 14, 2011

Page 2

If you have any further questions, please contact Richard Helman, Chief, Transportation Planning - North, at (530) 634-7616 or richard_helman@dot.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Jody Jones".

JODY JONES
District Director

c: Brian Foss, Nevada County Planning Department

DEPARTMENT OF TRANSPORTATION

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June 14, 2011

Mr. Jay Adamson
Seeley Insurance Services
10988 Combie Road, #101
Auburn, CA 95602

Dear Mr. Adamson:

This is in response to your letter dated June 3, 2011 wherein you expressed concerns regarding the proposed Rincon Del Rio Continuing Care Retirement Community project. This project is located on Rincon Way, east of State Route (SR) 49 and south of the Lake of the Pines Community in Nevada County. You indicated that the added vehicle trips generated by this project from Rincon Way onto SR 49 may pose a traffic hazard.

Caltrans has reviewed the Draft Environmental Impact Report and traffic study which were prepared for this project, and have provided comments to Nevada County (Lead Agency). We concur with the Study's findings and recommendations to mitigate traffic impacts, as follows:

- Provide striping on separate left and right turn lanes on the Rincon Way approach to the highway
- Provide a southbound median acceleration lane on SR 49 from Rincon Way
- Place stop sign and pavement markings at the existing frontage road intersecting with Rincon Way just east of SR 49

Caltrans also informed the County that if left turn movements onto SR 49 become a safety problem in the future, left turns onto the highway may be prohibited. The amount of traffic projected to use the intersection of Rincon Way with SR 49 does not warrant a traffic signal.

If you have any further questions, please contact Richard Helman, Chief, Transportation Planning - North, at (530) 634-7616 or richard_helman@dot.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Jody Jones".

JODY JONES
District Director

c: Brian Foss, Nevada County Planning Department

DEPARTMENT OF TRANSPORTATION

DISTRICT 3

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May 15, 2009

09NEV0004

Rincon Del Rio

NEV-49 PM 00.464

County File No. FM09-001

Jessica Hankins

Nevada County Planning Department

950 Maidu Avenue, Suite 170

Nevada City, CA 95959-8617

Dear Ms. Hankins:

Thank you for the opportunity to review and comment on the Rincon Del Rio Project Application/Early Consultation located on Rincon Way just east of State Route (SR) 49 in Auburn. The following are our comments:

Traffic Operations

- This proposal would require a significant amendment of the Zoning Ordinance to allow this type of retirement community in existing RA zoning. The density bonuses that are proposed would allow an increase in the number of dwelling units from 72 single family homes to 312 retirement units. This is a significant increase in the potential number of residents and would almost double the potential number of trips generated from this property using Nevada County's trip generation rates for rural homes.
- This development, as proposed, would generate about 940 daily trip ends, with practically all of them using Rincon Way to reach SR 49. The traffic study conclusions are acceptable. Although left turns onto the highway may be difficult at peak times, the median acceleration lane will make this turning movement less difficult. If these turn movements become a safety problem in the future, left turns onto the highway could be prohibited. Signal warrants would not be met with the forecast volumes in this traffic study.
- The traffic study recommends striping separate left and right turn lanes on the Rincon Way approach to the highway as a mitigation measure for this project. In addition to this, the County should consider requiring the upgrading of Rincon Way from the highway to the site, including a striped centerline. The existing frontage road that intersects Rincon Way just east of the highway should also be controlled with a stop sign and pavement markings along with the improvements to Rincon Way. An

encroachment permit from Caltrans would be necessary for modifying the striping on the Rincon Way approach.

Hydraulics

- The proposed project is within the lower reaches of the Bear River watershed tributary area near the Nevada/Placer County line up stream of the PLA-49 Bridge crossing of the Bear River (Bridge No. 19-22). Development of this site will increase impervious surface area through the construction of roads, driveways, homes, garages, etc. with a corresponding increase in surface water runoff. Any cumulative impacts to Caltrans' drainage facilities, bridges or other State facilities arising from effects of development on surface water runoff discharge from the peak (100-year) storm event should be minimized through project drainage mitigation measures. All grading and/or drainage improvements must perpetuate, maintain, or improve existing drainage pathways and may not result in adverse hydrologic or hydraulic conditions within the State's highway right of way or to Caltrans' drainage facilities. Means of accomplishing this, if necessary, shall be identified and backup calculations supporting this conclusion provided to Caltrans District 3 Hydraulics Branch. Please identify proposed runoff pattern and outfall.
- Increases in peak runoff discharge for the 100-year return storm event to the State's highway right of way and to Caltrans' highway drainage facilities must be reduced to at or below the pre-construction levels. All runoff from the project area that will enter the State's highway right of way and Caltrans' highway drainage facilities must meet all Regional Water Quality Control Board (RWQCB) water quality standards. The cumulative effects on drainage due to development within the region should be considered in the overall development plan of this area.
- No net increase to 100-year storm event peak discharge may be realized within the State's highway right of way and/or Caltrans' drainage facilities/bridges as a result of the project. Further, the developer must maintain or improve existing drainage patterns and/or facilities affected by the proposed project to the satisfaction of the State and Caltrans. This may be accomplished through the implementation of storm water management Best Management Practices (BMPs) (i.e., detention/retention ponds or basins, sub-surface galleries, on-site storage and/or infiltration ditches, etc.) as applicable. Once installed, the property owner must properly maintain these systems. The proponent/developer may be held liable for future damages due to impacts for which adequate mitigation was not undertaken or sustained.
- Runoff from the proposed project that will enter the State's highway right of way and/or Caltrans drainage facilities must meet all Central Valley RWQCB water quality standards prior to entering the State's highway right of way or Caltrans' drainage facilities. Appropriate storm water quality BMPs (i.e., oil/water separators, clarifiers, infiltration systems, etc.) may be applied to ensure that runoff from the site meets

Jessica Hankins
May 15, 2009
Page 3

these standards (i.e., is free of oils, greases, metals, sands, sediment, etc.). Once installed, the property owner must properly maintain these systems.

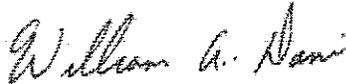
- No detailed drainage plans, drawings, or calculations, hydrologic/hydraulic study or report, or plans showing the "pre-construction" and "post-construction" coverage quantities for buildings, streets, parking, etc. were received with the application package. In order to adequately evaluate project impacts upon the State's right of way and Caltrans' drainage facilities, we recommend that you request these documents from the project proponent and send them to the above address for review and comment prior to final project approval.

Encroachment Permits

- All work proposed and performed within the State Highway right-of-way must be in accordance with Caltrans' standards and requires a Caltrans Encroachment Permit prior to commencing construction. For more information on encroachment permits, the requirements, and an application form, please visit our web page at www.dot.ca.gov/doingbusiness and then click on "Encroachment Permits" or contact the Caltrans District 3 Office of Encroachment Permits at (530) 741-4403.

Please provide our office with copies of any further actions regarding this project. If you have any questions regarding these comments, please do not hesitate to contact Shannon Culbertson by phone at (530) 741-5435.

Sincerely,



WILLIAM A. DAVIS, Chief
Office of Transportation Planning – East

c: Jim Brake, Traffic Operations
Mike DeWall, Hydraulics
Tim Hart, Travel Forecasting

DEPARTMENT OF TRANSPORTATION

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June 21, 2011



Ms. Sherry Warren
22355 Hidden Ranch Road
Auburn, CA 95602

Dear Ms. Warren:

Thank you for your letter dated June 8, 2011 wherein you expressed concerns regarding the proposed Rincon Del Rio Continuing Care Retirement Community project. This project is located on Rincon Way, east of State Route (SR) 49 and south of the Lake of the Pines Community in Nevada County.

You indicated that the added vehicles generated by this project from Rincon Way onto SR 49 may pose a traffic hazard, expressed concern as to who would be financially responsible for improvements to Rincon Way, and requested that the Department of Transportation (Caltrans) deny the project.

Caltrans has reviewed the Draft Environmental Impact Report and traffic study which were prepared for this project and have provided comments to Nevada County (Lead Agency). We concur with the study findings and recommendations to mitigate traffic impacts as follows:

- Provide striping of separate left and right turn lanes on the Rincon Way approach to the highway
- Provide a southbound median acceleration lane on SR 49 from Rincon Way
- Place a stop sign as well as pavement markings at the existing frontage road intersecting with Rincon Way east of SR 49

Caltrans also informed the County that if left turn movements onto SR 49 become a safety problem in the future, left turns onto the highway may be prohibited. The amount of traffic projected to use the intersection of Rincon Way and SR 49 does not warrant a traffic signal.

With regard to your concern for payment of these improvements, the County, in their role as the Lead Agency is responsible for addressing impacts to areas within their legal purview. If mitigation is required, payment and/or construction requirements are detailed in the conditions of approval or other project approval document prepared by the Lead Agency at the time of project approval.

Finally, you requested that we deny the project. Caltrans does not have the legal authority over land use to approve or deny this project. Nevada County, as the Lead Agency, has this authority.

Ms. Sherry Warren
June 21, 2011
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If you have any further questions regarding this project, please contact Richard Helman, Chief, Transportation Planning – North at (530) 634-7616 or by email at richard_helman@dot.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Jody Jones".

JODY JONES
District Director

c: Brian Foss, Nevada County Planning Department

