

# Dennis M. Salter

## ARCHITECT & CONTRACTOR

Date: 17 June 2010

Subject: Rincon Del Rio Senior Living Project

Dear Ms. Hankins:

I am offering the following comments on the above named project as both a resident and property owner of the Lake of the Pines Ranchos (LOPR) subdivision and as an individual Director of the LOPR Community Services District (CSD). As a resident and property owner, my concerns are focused primarily on the preservation of the character and quality of our semi-rural neighborhood. As a Director of our CSD, whose primary obligation is the safety and maintenance of the 6.2 maintained miles of roadway within our District boundaries, my main concern is with any impositions on these primary obligations of right of way safety and road maintenance.

Two recent events raise grave concerns with regard to all of these areas of concern. The first triggering event was action by the Nevada County Board of Supervisors prohibiting gated fire egress/access roads. The second event was the re-submittal of the Rincon Del Rio Senior Living project for consideration of 1) a Tentative Final Map; 2) a Use Permit; 3) a Zoning Text Amendment; 4) a Rezone; 5) a Management Plan; 6) a Petition for Exceptions to Road Standards on portions of Rodeo Flat Road that exceed 16% grade; and 7) a Development Agreement.

The combination of these two events will inevitably conspire to transform Rodeo Flat and Timber Ridge Roads from emergency egress routes into thoroughfares between Combie Road and Hwy 49. This constitutes a cardinal change in character of these 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.

As a resident and property owner, my 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 the imposed traffic loads. Aside from the inherent safety concerns imposed by increased traffic loads, the CSD must maintain the roads from a fixed budget supported by a special assessment on the District residents' property taxes. Without the subject property being encompassed within the CSD's sphere of influence, it is unlikely that annexation is an option to offset the increased maintenance costs derived from traffic deriving from the new subdivision. It is also unlikely that the increased assessment from the subdivision properties would meet the increased costs associated from offsite pass through traffic impacts imposed on CSD roads. Aside from the ongoing maintenance costs associated with increased traffic, there are also the additional capital expenditures for re-engineering,

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widening and structural rebuilding of the affected road sections to accommodate the anticipated increased traffic and remediation of the excessive grade issues.

It appears that Item #6 is petitioning for exceptions to the Road Standards, but is not clear who is the authority having jurisdiction (AHJ) that is being petitioned for the exception. Even though the CSD roads have been dedicated to public use, to my knowledge the County has never accepted the road system into the County's system due to the substandard condition of the installed road sections. As a result, it is unclear what agency constitutes the regulating authority. It is my opinion that for those portions of Rodeo Flat and Timber Ridge Roads outside of the Rincon Del Rio project, the AHJ is the LOPR CSD and as such a petition for exception to the Road Standards must be made to the Board of Directors of the CSD.

Utility improvements impinging on District roads will require an Encroachment Permit and surety bond 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 CSD, 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.

With regard to Item #7 and considering recent, highly publicized and notorious developer failures, it is surprising that the developer would request the County entertain a Development Agreement other than that which requires the developer to install every part and parcel of the requisite infrastructure prior to individual permits being let. Without such a level of commitment, the County would be subject to the same extenuating level of risk as encountered with the Dark Horse Estates development and the impositions on property owners that resulted.

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](mailto:dennis_m_salter@hotmail.com).

Sincerely,

A handwritten signature in black ink, appearing to be "Dennis M. Salter", written over a circular scribble.

Dennis M. Salter