

PETITION FOR EXCEPTION
To waive Road Standards
Rincon del Rio – Rodeo Flat Road

Standard to be Waived: We are requesting a Petition for Exception to the Nevada County Road Standards for secondary emergency access via existing Rodeo Flat Road. Standard specifications for secondary emergency access are outlined in Table II, Section L-XVII 3.4 of the Land Use Development Code (LUDC) which include an overall width of 18' plus 1' shoulders and a maximum grade of 16%. Rodeo Flat Road meets the standard width specifications but may exceed the maximum grade specifications at one location. An inclinometer was used over the entire stretch of Rodeo Flat Road from Combie Road intersection to Rincon del Rio property boundary. Rodeo Flat Road road grades primarily range from flat to 16%, however there is a short stretch of the roadway (100' – 150') that appears to have a gradient between 16% - 17%. It is impractical to reconstruct the existing roadway due to existing driveway encroachments, steep terrain on each side of the road, and a longer stretch of road (before and after) that only has a slightly lesser gradient of near 16%.



Portion of Rodeo Flat Road – Approx. 17% Grade

Rodeo Flat Road currently connects to both Timber Ridge Drive and Combie Road and terminates at the northeast property boundary of Rincon del Rio. During Phase I of the project, secondary emergency access will be constructed on the project site connecting Rincon Way at the west property boundary to existing Rodeo Flat Road at the northeast corner of the property. The existing Rodeo Flat Road is a public road and is currently accepted as emergency access for that area. The newly constructed access on site will meet the standard specifications as outlined in the LUDC. Rodeo Flat Road is proposed to be gated at the northern property boundary and will be used for **emergency purposes only**.



Rodeo Flat Road / Combie Road Intersection



Rodeo Flat Road / Rincon del Rio Property Boundary

Recognizing the above, we respectfully submit the following findings to support the request:

1. There are special circumstances or conditions affecting the subject property.

Secondary emergency access is required per Section L-XVII 3.4 I of the LUDC. Rodeo Flat Road is a paved roadway and is contained within a public right-of-way, contiguous to the Rincon del Rio property boundary. Connection to Rodeo Flat Road is the most feasible alternative for secondary emergency access and is the Higgins Fire Districts' preferred alternative.

2. The exception is necessary for the preservation of a substantial property right of the petitioner.

The zoning and General Plan designation of the site allow for development. Any development on the site will result in a dead-end roadway that exceeds the maximum allowable cumulative length per Section L-XVII 3.4 I of the LUDC; therefore, secondary emergency access will be required. The exception to the road gradient standard is necessary for the preservation of the owners property rights because without the exception, the developer of Rincon del Rio would not have a feasible alternative for secondary emergency access and would not be able to meet the maximum dead-end roadway length requirement.

3. The exception will not be detrimental or injurious to other property in the area.

The exception will not be detrimental or injurious to other properties in the area because the existing use of Rodeo Flat Road will not be altered in any way. In fact, the connection will provide a public health and safety benefit to the property owners in the area by providing an alternative access route in the event of an emergency.

4. The exception will not constitute a grant of special privilege inconsistent with the limitations upon similar properties.

Allowing the use of Rodeo Flat Road for secondary emergency access does not grant a special privilege to Rincon del Rio. The every day use of the existing roadway will not change, however the connection improves public health and safety by providing appropriate and needed emergency circulation in the area. Residents of Rincon del Rio will not be able to utilize the emergency access road as a thorough-fare or to access their property for any other means except for emergency purposes. If Rodeo Flat Road were proposed to be the primary access point, it would be a grant of special privilege. However, the roadway connection is proposed to be utilized only in the event of an emergency and will benefit the region as a whole by providing better circulation and safety to the existing property owners within the area.

5. In the case of waiving a State Fire Safe Road Standard, cite the health, safety, environmental, historical or physical site limitation reason that prevents the standard from being provided.

Rodeo Flat Road is an existing paved roadway with multiple homes and driveway accesses. Since a long stretch of the roadway is at or near 16%, a large portion of the road and several driveways would require reconstruction in order to modify the one short stretch that is slightly steeper than 16%. Major reconstruction of the roadway is not feasible. However, connection to the roadway will provide better overall emergency circulation to the area and is the recommended emergency route of the Higgins Fire District.