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**DEVIATION REQUEST
AND DECISION FORM**

Updated: 6/26/2019

PROJECT INFORMATION

Project Name : Walker Reserve
 Schedule No.(s) : 6111000019
 Legal Description : NE4SW4 SEC 11-11-11-66 TOG W/ RW EASEMENTS AS DESC IN BK 2747-82 SEC 11-11-66

APPLICANT INFORMATION

Company : Associated Design Professionals, Inc.
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ENGINEER INFORMATION

Company : Associated Design Professionals, Inc.
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OWNER, APPLICANT, AND ENGINEER DECLARATION

To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial. I have familiarized myself with the rules, regulations and procedures with respect to preparing and filing this application. I also understand that an incorrect submittal will be cause to have the project removed from the agenda of the Planning Commission, Board of County Commissioners and/or Board of Adjustment or delay review until corrections are made, and that any approval of this application is based on the representations made in the application and may be revoked on any breach of representation or condition(s) of approval.

Signature of owner (or authorized representative)

Date

Engineer's Seal, Signature
And Date of Signature



DEVIATION REQUEST (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or in Section **2.3.2 Design Standards by Functional Classification** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Typical Rural Local Road cross section (Figure 2-8): 60 foot right-of-way with 2-12 foot paved through lanes, 4 foot shoulders, roadside ditches, and 5 foot public improvement easements on each side.

State the reason for the requested deviation:

A deviation from the criteria is requested to allow the continued use of an existing 20 foot wide private gravel road that services approximately 13 single family residences and has functioned without problems. The creation of 2 additional residential lots does not warrant the road to be upgraded to county standards at this time.

Explain the proposed alternative and compare to the ECM standards (May provide applicable regional or national standards used as basis):

The existing private gravel road is 20 feet wide. The County criteria for a Rural Local Road has two 12 foot wide paved through lanes with a 4 foot shoulder on each side. The total width of drivable surface is 32 feet (28 ft. pavement with 2 ft. each side of gravel). That is a difference of 12 feet of drivable surface when comparing the existing private road to the county standard. A 30 foot right-of-way dedication and 5 foot public improvement easement will be provided to the County for the possible upgrade of the road to County standards if and when the County deems it necessary.

LIMITS OF CONSIDERATION

(At least one of the conditions listed below must be met for this deviation request to be considered.)

- The ECM standard is inapplicable to the particular situation.
- Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.

Provide justification:

This is an existing private gravel road that is currently the only means of access for these lots to the County's transportation network. The road has been operating without problems and is not in a high traffic area. The creation of 2 additional residential lots will have a minimal impact on the road and does not warrant an upgrade of the road by the applicant as only 19 additional daily trips will be added to the roadway.

CRITERIA FOR APPROVAL

Per ECM section 5.8.7 the request for a deviation may be considered if the request is **not based exclusively on financial considerations**. The deviation must not be detrimental to public safety or surrounding property. The applicant must include supporting information demonstrating compliance with **all of the following criteria**:

The deviation will achieve the intended result with a comparable or superior design and quality of improvement.

The existing roadway will achieve the intent of the County standard in that it provides access for these lots to the County's transportation network without affecting safety or operations.

The deviation will not adversely affect safety or operations.

The existing road has currently been providing access for these lots to the County's transportation network safely and without problems.

The deviation will not adversely affect maintenance and its associated cost.

Ownership and maintenance of this private road is a shared responsibility of the property owners that access it. There will be no adverse effects to maintenance cost with the approval of this deviation.

The deviation will not adversely affect aesthetic appearance.

This road will not be changed, therefore there will be no adverse effects to the aesthetic appearance with approval of the deviation.

The deviation meets the design intent and purpose of the ECM standards.

The existing roadway will achieve the intent of the County standard in that it provides access for these lots to the County's transportation network without affecting safety or operations.

The deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable.

The County's MS4 permit is not applicable in this deviation as there is no construction activity proposed.

REVIEW AND RECOMMENDATION:

Approved by the ECM Administrator

This request has been determined to have met the criteria for approval. A deviation from Section _____ of the ECM is hereby granted based on the justification provided.

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Denied by the ECM Administrator

This request has been determined not to have met criteria for approval. A deviation from Section _____ of the ECM is hereby denied.

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ECM ADMINISTRATOR COMMENTS/CONDITIONS:

1.1. PURPOSE

The purpose of this resource is to provide a form for documenting the findings and decision by the ECM Administrator concerning a deviation request. The form is used to document the review and decision concerning a requested deviation. The request and decision concerning each deviation from a specific section of the ECM shall be recorded on a separate form.

1.2. BACKGROUND

A deviation is a critical aspect of the review process and needs to be documented to ensure that the deviations granted are applied to a specific development application in conformance with the criteria for approval and that the action is documented as such requests can point to potential needed revisions to the ECM.

1.3. APPLICABLE STATUTES AND REGULATIONS

Section 5.8 of the ECM establishes a mechanism whereby an engineering design standard can be modified when if strictly adhered to, would cause unnecessary hardship or unsafe design because of topographical or other conditions particular to the site, and that a departure may be made without destroying the intent of such provision.

1.4. APPLICABILITY

All provisions of the ECM are subject to deviation by the ECM Administrator provided that one of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.
- Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.

1.5. TECHNICAL GUIDANCE

The review shall ensure all criteria for approval are adequately considered and that justification for the deviation is properly documented.

1.6. LIMITS OF APPROVAL

Whether a request for deviation is approved as proposed or with conditions, the approval is for project-specific use and shall not constitute a precedent or general deviation from these Standards.

1.7. REVIEW FEES

A Deviation Review Fee shall be paid in full at the time of submission of a request for deviation. The fee for Deviation Review shall be as determined by resolution of the BoCC.