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**DEVIATION REQUEST
AND DECISION FORM IN
ASSOCIATION WITH A
REQUEST FOR A PUD
MODIFICATION FROM
THE ECM**

Updated: 6/26/2019

Pursuant to the El Paso County Land Development Code, the Board of County Commissioners may approve as part of the Planned Unit Development (PUD) approval a Modification to the Engineering Criteria Manual standards provided the Board can make the findings listed Section 4.2.6.F.2.h of the Land Development Code:

The proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

The review and approval of this Deviation does not authorize construction of the requested improvements until and unless the Board of County Commissioners approves the Modifications in association with the Planned Unit Development request, the applicant has received approval of all associated engineering documents, the applicant has provided the necessary financial assurances, and a construction permit has been issued by the Planning and Community Development Department.

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

A deviation from the standards of or in Section **ECM 2.3.8** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Roadway terminations

State the reason for the requested deviation:

The unique urban residential community being proposed combines townhomes, small lot single family residential and small lot accessory dwelling unit homes. While the main community access is from standard public local roadways, the use of the private roadways is limited to closed looped areas that will be signed as being private. Very short dead-end private roadways stubs are proposed (all under 100' in length) for seven (7) locations throughout the community. Adequate emergency vehicle backing and maneuvering areas are provided.

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

The proposed two and three narrow lot dead end stubs allow the continuation of the garage rear loaded community design concept to continue with no adverse impacts to resident maneuverability.

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:

The unique community attributes include a high percentage of open space (22%) that is the result of the private street use and rear garage access. The front doors of the applicable communities all face green belt open space corridors. The continuation of the concept with the very short dead end private streets allows this concept to continue without having any unit directly facing or backing to Briargate Parkway (side loaded only).

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 proposed private short dead ends stubs allows an increase in open space corridors with no access limitations.

The deviation will not adversely affect safety or operations.

Due to Metro District maintained access, no adverse safety or operations impacts are anticipated as the seven locations will be signed as "Dead end". The fire district, Black Forest Fire Protection District, did not express any concerns or provide any comments related to the proposed private roadway terminations during their review of the PUD/PP.

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

As maintenance of the proposed private roads will be by the metropolitan district, no adverse maintenance or its associated costs will be realized for the county.

The deviation will not adversely affect aesthetic appearance.

The private roadway (accessing the garages) results in front facing homes along public streets and green belt corridors resulting in a better less garage fac, aesthetic appearance.

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

Providing individual lot access is still proposed with the proposed private streets.

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.

All impervious areas (public and private) are being treated in accordance with the County MS4 permit.

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:

The Deviation is only valid until and unless the Board of County Commissioners approves the Planned Unit Development Modifications.

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.