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DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

PROJECT INFORMATION

Project Name :	FLYING HORSE NORTH FILING NO. 5
Schedule No.(s) :	6136000005, 6136004037, 6136003004, 6136000003
Legal Description :	TWO TRACTS OF LAND WITHIN SECTIONS 30 & 31, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6 TH PM

APPLICANT INFORMATION

Company :	PRI #2, LLC.
Name :	DREW BALSICK
	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor
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ENGINEER INFORMATION

Company :	HR GREEN DEVELOPMENT, LLC.	Colorado P.E. Number :	53921
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SF2427

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** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

2.3.2 Design Standards by Function Classification, Table 2-7
Requested is a rural local roadway within a varied public right-of-way width (near 60') to accommodate a raised median. The roadway lanes are 12' in paved width with 2' gravel shoulders which deviates from the typical 14' paved width for a local rural roadway. The reduced lane width is sufficient for the slow traffic around the raised median containing 6" vertical curb Type B with a landscaped area reserved for a monument structure or statue within a licensed encroachment area.

State the reason for the requested deviation:

There is precedent within the Flying Horse North subdivision to have medians and roundabouts with statues and monument signs and structures for aesthetic appeal. This requested raised median roadway is in keeping with the theme of the rest of the subdivision.

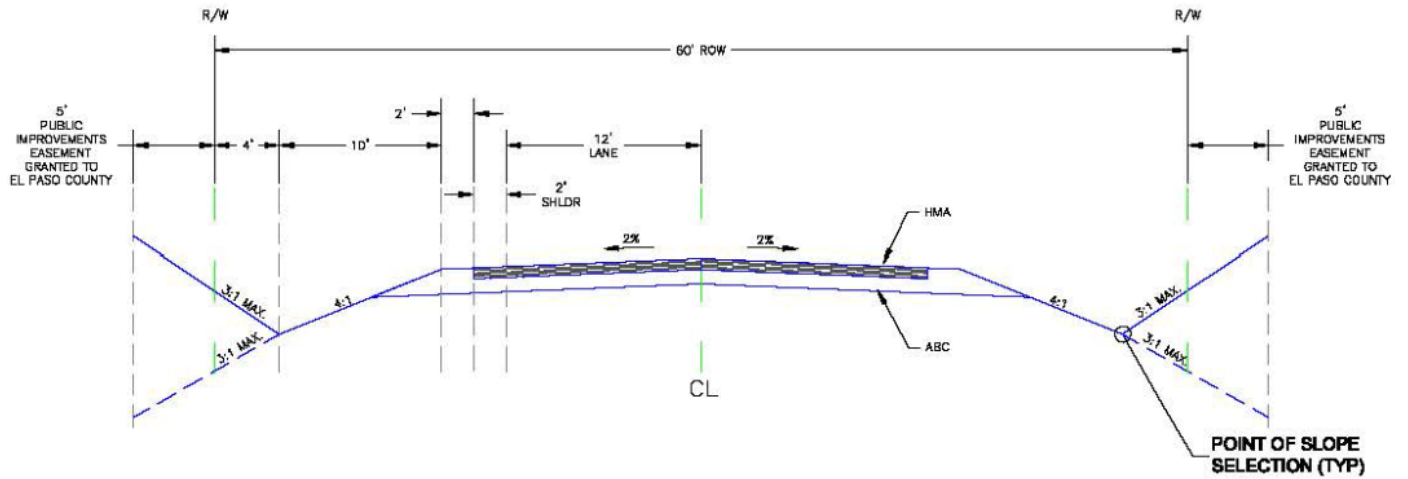
The proposed median does not require a deviation per ECM 2.5.8. The reduced paved width does. sufficient justification has not been provided for the reduced paved width. Please revise the CD's and provide the 14' paved width per County standards

Explain the proposed alternative basis): _____ able regional or national standards used as

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

The alternative is the standard typical section the County provides in the ECM Appendix F (Detail SD_2-11) per Chapter 2.3 criteria. The proposed modified roadway for the raised median is to keep with rural standards with the roadside swales, pavement width, and gravel shoulders with a modification to the paved width as the lanes will be separated by a raised median. All other design elements are held to this standard section.

DETAIL SD_2-11:



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 standard rural local roadway section is similar to that of the proposed raised median modified roadway with the exception of the raised median and the reduction in paved lane width for the drive aisles that go around the median from 14' to 12'. There are no negative traffic, safety, or drainage impacts to these modifications and the raised median roadway section and other license encroachments have been approved by the County in Filing No. 3.

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 deviation will achieve the intended result with a comparable design by meeting the roadway's traffic criteria and keeping a consistent set of raised median roadway sections per previous filings. The aesthetic appeal of having these raised medians to feature statutes and monument signage or structures assists in keeping with a comprehensive master planned community.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or operations as it meets traffic criteria and provides the necessary infrastructure for vehicular access, pedestrian access, and stormwater drainage.

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

The deviation will not adversely affect maintenance and its associated cost as it is not a significantly different section design from the standard. Maintenance and cost will not differ in any significant way as the essential design elements of the standard rural local roadway section are still implemented. Plowable median noses are used for the median to ensure that snow removal is not adversely affected.

The deviation will not adversely affect aesthetic appearance.

The deviation will not adversely affect aesthetic appearance and will enhance the appearance of the roadway and tie in the previous filings by utilizing the same or similar statues and structures within the median.

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

The deviation meets the design intent and purpose of the ECM standards by meeting traffic criteria, stormwater drainage criteria, and allows for vehicular and pedestrian use.

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 deviation will not be applicable regarding the County's MS4 permit. Stormwater drainage patterns and conveyance within this proposed modified roadway section is consistent with the standard section.

Water Quality and full spectrum detention ponds are provided for this filing to comply with the County's MS4.

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.