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# DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

## PROJECT INFORMATION

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V252



Identify the specific ECM standard which a deviation is requested:

**ECM 2.3.8 Roadway Terminations**

Hammerhead turnarounds are not permitted as permanent roadway terminations.

2.3.8.A

State the reason for the requested deviation:

The reason for the requested deviation is that there will be a hammerhead turnaround installed in the proposed neighboring Summit View subdivision directly west of the proposed gate included with this project. Instead of placing a second turnaround at the proposed gate, it is proposed that the proposed hammerhead turnaround suffice as the roadway termination for the public portion of Apaloosa Drive. A second turnaround located immediately before the proposed gate would not work because it would be outside of the area being replatted. A second turnaround located immediately after the proposed gate would not be ideal because it would conflict with an existing culvert, driveway, and utility pole. Additionally, there is an existing turnaround located at the end of Apaloosa Drive.

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

The alternative to the deviation is to require a turnaround located immediately before or immediately after the proposed gate. For the reasons described above, that alternative is not ideal.

**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 proposed hammerhead turnaround provides an acceptable turnaround for the public portion of Apaloosa Drive before it reaches the proposed gate and will become a private road. A second turnaround located immediately after this turnaround will provide no benefit; It will only provide a hardship to homeowners in the Templeton Heights Subdivision community. There is another turnaround already in place at the end of Apaloosa Drive which will serve as the turnaround for the private portion of the road.

### 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 avoid the placement of a second consecutive turnaround placed on Apaloosa Drive which will provide no benefit to the public or surrounding properties. The proposed hammerhead turnaround in the Summit View subdivision will function appropriately as a turnaround for the public portion of Apaloosa Drive.

The deviation will not adversely affect safety or operations.

The placement of a second turnaround immediately after the hammerhead turnaround in the neighboring subdivision will not a benefit to the public and by not including that second turnaround, this deviation will not adversely affect safety or operations.

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

The removal of a turnaround will not cause maintenance or cost increases.

The deviation will not adversely affect aesthetic appearance.

The deviation will benefit the aesthetics of the of the area because it will not require existing land and vegetation to be torn up to provide an unnecessary turnaround at the proposed gate. Additionally, existing utilities will not need to be torn out and reinstalled.

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

This deviation meets the design intent and purpose of the ECM standards because there will still be an acceptable turnaround at the termination of the public portion of Apaloosa Drive. A second turnaround immediately after would not be useful.

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.

This deviation will have no effect on the County's MS4 permit.

**REVIEW AND RECOMMENDATION:**

**Approved by the ECM Administrator**

2.3.8.A

This request has been determined to have met the criteria for approval. A deviation from Section ~~DCM 10.5.4, 10.7, and DCM Update 9.0-9.1 per ECM 3.3.3.B.~~ 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 ~~DCM 10.5.4, 10.7, and DCM Update 9.0-9.1 per ECM 3.3.3.B.~~ 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.