

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

A deviation from the standards of or in Section **2.4.1. F. 2.** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

2.4.1 F. Access Clearance from Intersections.

2. Commercial. Access to commercial or industrial properties fronting collector or local roads shall be located a minimum of 50 feet from the point of curvature or point of tangency of the curb line at the intersection. Access to commercial or industrial parcels fronting Nonresidential Collector roadways shall be located a minimum of 115 - 480 feet from the point of curvature or point of tangency of the curb line at the intersection depending on the sight distance and location with respect to the intersection, intersection control, and posted speed.

In all cases, a minimum corner clearance of 50 feet shall be provided. If the minimum corner clearance cannot be attained, the ECM Administrator may require investigation to determine if left turns should be prohibited into or out of the access point. For proposed access points near stop or signalized intersections, the ECM Administrator will require studies to determine if stopping queues will block the access point and if left turns should be prohibited into or out of the access point.

State the reason for the requested deviation:

A deviation from the above is requested for the access located along Peterson Road. Peterson Road has a posted speed limit of 35 mph and therefore would require a minimum of 250' from adjacent intersections per Table 2-33 within Chapter 2 of the ECM. The access is being shown as a right-in/right-out (RIRO) located 200' from the signalized intersection of Peterson Road/Constitution Avenue to the north. Therefore, a deviation of 50' from the standard is being requested. The access is located nearest to the standard as can be geometrically provided.

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

The proposed access would be located within 50' of the standard. The access is proposed to be RIRO to alleviate any concern that the deficient access spacing would cause.

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:

A number of factors contribute to the justification of this request.

1. The access is proposed restricted to RIRO eliminating the majority of the conflict points related to this access.
2. The access is being located as far from the nearest intersection as possible considering the available frontage of the site and onsite constraints including location of the detention pond.
3. The proposed RIRO is located across from an existing access which will minimize perceived offset intersection conflicts although none exist due to the proposed access being restricted to RIRO.

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 or superior design and quality of improvement. This is achieved by physically restricting the access movements to alleviate any safety concerns.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or operations. Traffic memorandum suggests projected AM/PM peak hour trips to be 11/16 trips respectively. Site generated traffic will not adversely affect safety or operations. Development would not significantly impact surrounding roadways.

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

The deviation will not adversely affect maintenance and its associated cost. The proposed alternative represent no impact to maintenance or cost from the standard.

The deviation will not adversely affect aesthetic appearance.

The deviation will not adversely affect aesthetic appearance. The proposed alternative represents no impact to the aesthetic appearance from the standard.

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

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

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.