



Planning and Community
Development Department
2880 International Circle
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Phone: 719.520.6300
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Website www.elpasoco.com

**DEVIATION REQUEST
AND DECISION FORM**

Updated: 6/26/2019

PROJECT INFORMATION

Project Name : EA File No. 21-146 Kum and Go
 Schedule No.(s) :
 Legal Description : Lot 2, Pedrick-Eckerd Filing No 3, County of El Paso, State of Colorado

APPLICANT INFORMATION

Company : Entitlement and Engineering Solutions, Inc
 Name : Krysta Houtchens
 Owner Consultant Contractor
 Mailing Address : 501 S. Cherry St. Suite 300, Glendale, CO 80246

 Phone Number : 970-380-7054
 FAX Number :
 Email Address : Krysta.houtchens@ees.us.com

ENGINEER INFORMATION

Company : Entitlement and Engineering Solutions, Inc
 Name : Krysta Houtchens
 Mailing Address : 501 S. Cherry St. Suite 300, Glendale, CO 80246

 Phone Number : 970-380-7054
 FAX Number :
 Email Address : Krysta.houtchens@ees.us.com

 Colorado P.E. Number : 49550

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.

Melanie G. Pedrick

Signature of owner (or authorized representative)

10/20/22

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:

The ECM standard which is deviation is requested refers to table 2-7 – Roadway Design Standards for Urban Collectors and Locals. Per this table, it references table 2-35 for access design. The code requires minimum of 595' between access points of distance from the access point to an intersection. Per table 2-5 in ECM standard access is not allowed for Major Collector roadways.

State the reason for the requested deviation:

Due to site layout, parcel location, and intersection distance, there is no feasible way to place the access point along Main Street further than approximately 250'. Per table 2-5 in ECM standard access is not allowed for Major Collector roadways. Access has been explored through the properties to the east and north however there is not currently an existing agreement in place and removing access could potentially land lock the parcel. In addition, if cross access through sites to the east and north were the only access to the project site, the traffic the adjacent sites would increase and create potential circulation and operation issues for adjacent sites. The increased traffic could increase safety issues for pedestrian walking within the center. There are platted common access easements for the two subdivisions to the north and to the west under plat numbers 11642 and 8989.

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

The proposed alternative is to allow right-in/right-out movement access along Main Street in order for customers to gain access onto the site and safely circulate throughout it. In the proposed alternative, an access will be places approximately 250' northeast of the Main and Security intersection, allowing right-in/right-out movement access for all parties. The request is a deviation from the 595' requirement.

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:

In order for a driver to safely access the Kum & Go site, a clear access point in order to get onto the property will be required. Due to the layout of the parcel, it is not possible for the access point to be any further than it is shown at approximately 250'. The site will require circulation throughout it and provide customers a way to turn onto Main St. safely from the parcel. Without access at this location, all parties would be required to make a roundabout way to get back onto Main St. through multiple right turns, causing confusion and unnecessary driving conditions. In the existing condition along Main St., there is a site access point into the parcel approximately 70' from the existing intersection. This access currently has no markings to delineate a full movement. The new access point would be further from the existing intersection and clearly marked with striping, as well as signage, improving traffic conditions and movement through the area with the right-in/right-out movement restriction.

Based on code section 2.4.1.F – Access Clearance from Intersections, the minimum access spacing from an intersection is 115'-480'. The proposed access currently meets the minimum based on this section.

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.

In order to safely navigate the Main St. and Security Blvd. intersection, as a driver approaches from any direction with an intention to enter the Kum & Go site, they will need a clear and concise way to enter. Without any access points it will confuse drivers and traffic at the adjacent sites would increase and create potential circulation and operation issues. The increased traffic could increase safety issues for pedestrian walking within the center. With a full movement access on Main St., it will allow users to enter the site safely coming northbound along Main St, which will evenly distribute traffic throughout the overall site. In the existing condition along Main St., there is a site access point into the parcel approximately 70' from the existing intersection. This access currently has no markings to delineate a full access movement. The new access point would be further from the existing intersection and clearly marked with striping, as well as signage, improving traffic conditions and movement through the area with the right-in/right-out movement restriction.

The deviation will not adversely affect safety or operations.

Based on a speed limit of 30 mph, the sight distance for a driver exiting the property is 200 to the left of the right-in/right-out movement access. Based on review of google maps, no major sight obstacles will inhibit a driver making a right-in/right-out movement access of the property. Currently in the existing conditions, drivers are able to make a full turning movement at a single access approximately 60' from the existing intersection. The proposed entrance is much further from the intersection which will increase safety.

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

The access in the proposed location will not affect maintenance and/or associated cost. Based on existing conditions there is a single 40' access drive, which is both larger and closer to the intersection than the proposed access point. The smaller access point with restricted movement will ensure lower maintenance costs within the public right-of-way.

The deviation will not adversely affect aesthetic appearance.

The proposed access location will increase aesthetic of the roadway as the additional distance to the intersection will allow for additional plantings and landscaping to be provided. All drives on site will increase the visibility of the site with updated construction compared to the existing vacant lot.

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

The purpose of the ECM standards is to ensure the safety and visibility of accesses into and out of a site. With this access point along Main St., the new site will be able to provide that with additional distance to the existing intersection at Main and Security. Additionally, the access point will be narrower than what existing today, decreasing the overall impervious area along the public right-of-way. While the proposed access does not fully meet the ECM standard, it lands within the minimum site distance per section 2.4.1.F, at 115' of separation from the intersection. Right lane deceleration lane and exclusive left turn lane are not being proposed which is consistent with existing intersection geometry for adjacent access drives serving the overall Security Center Shopping Center and is understood to provide for conservative analyses per traffic impact study. With the assumption that the site plan for the proposed development was designed per the County's Engineering Criteria Manual, and pursuant to the Federal Highway Administration's (FHWA) Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations, traffic calming and pedestrian crossing treatments are not applicable, and traffic calming is not recommended for the proposed conditions. Per the traffic impact study safety is not expected to be a concern/issue.

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.

Yes, the deviation will follow Part I.E.3 and Part I.E.4 of the County's MS4 permit. Required control measures will be followed for the deviation until final stabilization. Required codes, resolutions, ordinances, and program documents will be used to meet permit requirements. Control for all pollutants will be designed to follow site plan requirements and maintained for each phase of construction. Site inspection requirements, winter requirements and long-term maintenance will be followed for this deviation.

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.



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Melanie G. Pedrick

Signature of owner (or authorized representative)

10/20/22

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:

The ECM standard which is deviation is requested refers to table 2-7 – Roadway Design Standards for Urban Collectors and Locals. Per this table, it references table 2-35 for access design. The code requires minimum of 595' between access points of distance from the access point to an intersection. Per table 2-5 in ECM standard access is not allowed for Major Collector roadways.

State the reason for the requested deviation:

Due to site layout, parcel location, and intersection distance, there is no feasible way to place the access point along Security Boulevard further than approximately 200'. Per table 2-5 in ECM standard access is not allowed for Major Collector roadways. Access has been explored through the properties to the east and north however there is not currently an existing agreement in place and removing access could potentially land lock the parcel. In addition, if cross access through sites to the east and north were the only access to the project site, the traffic the adjacent sites would increase and create potential circulation and operation issues for adjacent sites. The increased traffic could increase safety issues for pedestrian walking within the center. There are platted common access easements for the two subdivisions to the north and to the west under plat numbers 11642 and 8989.

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

The proposed alternative is to allow a right-in/right-out movement access along Security Blvd. in order for customers to gain access onto the site and safely circulate throughout it. In the proposed alternative, an access will be places approximately 200' northwest of the Main and Security intersection, allowing right-in/right-out movement access for all parties. The request is a deviation from the 595' requirement.

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:

In order for a driver to safely access the Kum & Go site, a clear access point in order to get onto the property will be required. Due to the layout of the parcel, it is not possible for the access point to be any further than it is shown at approximately 120'. The site will require circulation throughout it and provide customers a way to turn onto Security Blvd. safely from the parcel. Without access at this location, all parties would be required to make a roundabout way to get back onto Security Blvd. through multiple right turns, causing confusion and unnecessary driving conditions. In the existing condition along Security St, there is a site access point into the parcel approximately 60' from the existing intersection. This access currently has no markings to delineate a full movement. The new access point would be further from the existing intersection and clearly marked with striping, as well as signage, improving traffic conditions and movement through the area with the right-in/right-out movement restriction.

Based on code section 2.4.1.F – Access Clearance from Intersections, the minimum access spacing from an intersection is 115'-480'. The proposed access currently meets the minimum based on this section.

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.

In order to safely navigate the Main St. and Security Blvd. intersection, as a driver approaches from any direction with an intention to enter the Kum & Go site, they will need a clear and concise way to enter. Without any access points it will confuse drivers and traffic at the adjacent sites would increase and create potential circulation and operation issues. The increased traffic could increase safety issues for pedestrian walking within the center. With a full movement access on Security, it will allow users to enter the site safely coming westbound along Security Blvd, which will evenly distribute traffic throughout the overall site. In the existing condition along Security St, there is a site access point into the parcel approximately 60' from the existing intersection. This access currently has no markings to delineate a full movement. The new access point would be further from the existing intersection and clearly marked with striping, as well as signage, improving traffic conditions and movement through the area with the right-in/right-out movement restriction.

The deviation will not adversely affect safety or operations.

Based on a speed limit of 30 mph, the sight distance for a driver exiting the property is 200 to the left of the right-in/right-out movement access. Based on review of google maps, no major sight obstacles will inhibit a driver making a right-in/right-out movement access of the property. Currently in the existing conditions, drivers are able to make a full turning movement at a single access approximately 60' from the existing intersection. The proposed entrance is much further from the intersection which will increase safety.

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

The access in the proposed location will not affect maintenance and/or associated cost. Based on existing conditions there is a single 40' access drive, which is both larger and closer to the intersection than the proposed access point. The smaller access point with restricted movement will ensure lower maintenance costs within the public right-of-way.

The deviation will not adversely affect aesthetic appearance.

The proposed access location will increase aesthetic of the roadway as the additional distance to the intersection will allow for additional plantings and landscaping to be provided. All drives on site will increase the visibility of the site with updated construction compared to the existing vacant lot.

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

The purpose of the ECM standards is to ensure the safety and visibility of accesses into and out of a site. With this access point along Security Blvd, the new site will be able to provide that with additional distance to the existing intersection at Main and Security. Additionally, the access point will be narrower than what is existing today, decreasing the overall impervious area along the public right-of-way. While the proposed access does not fully meet the ECM standard, it lands within the minimum site distance per section 2.4.1.F, at 115' of separation from the intersection. With the assumption that the site plan for the proposed development was designed per the County's Engineering Criteria Manual, and pursuant to the Federal Highway Administration's (FHWA) Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations, traffic calming and pedestrian crossing treatments are not applicable, and traffic calming is not recommended for the proposed conditions. Per the traffic impact study safety is not expected to be a concern/issue.

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.

Yes, the deviation will follow Part I.E.3 and Part I.E.4 of the County's MS4 permit. Required control measures will be followed for the deviation until final stabilization. Required codes, resolutions, ordinances, and program documents will be used to meet permit requirements. Control for all pollutants will be designed to follow site plan requirements and maintained for each phase of construction. Site inspection requirements, winter requirements and long-term maintenance will be followed for this deviation.

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.



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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.

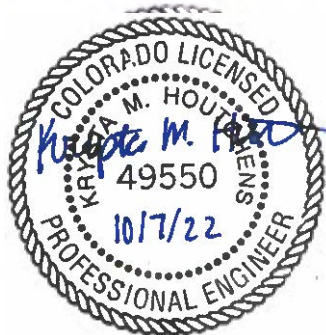
Michelle G. Pedrick

Signature of owner (or authorized representative)

10/20/22

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

Identify the specific DCM standard which a deviation is requested:

The ECM standard which is deviation is requested refers to section 2.3.7.d.2 – Turn Lanes Required – Exclusive Right Turn Lanes Required. Per this section, under Principal Arterials Right Turn Lane, the code requires a right turn lane for any access with a projected peak hour right ingress turning volume of 25 VPH or greater.

State the reason for the requested deviation:

Due to limited existing site frontage and existing intersection geometry for adjacent access drives serving the overall Security Center Shopping Center. The attached Traffic Impact Study took this into account and it is understood to provide a conservative analyses. Based on the analyses, the access and intersection will still function at acceptable level of service

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

The proposed alternative is to eliminate the requirement for a designated right turn lane at the Main Street access. The attached Traffic Impact Study took this into account and it is understood to provide a conservative analyses. Based on the analyses, the access and intersection will still function at acceptable level of service

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 change to the standard is needed because the ROW is not an adequate width for the deceleration lane. A dedication of more ROW would cause an undue hardship on the site not allowing to abide by building and landscape setback requirements. A deceleration lane would have little to no material benefit to the public proved by the surrounding lots. No surrounding lot has a deceleration for their access while having the same site use as our proposed site.

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.

Considering of the build-out nature of the adjacent roadway network in combination with the acceptable level of service. This is consistent with existing intersection geometry for adjacent access drives serving the overall Security Center Shopping Center and is understood to provide for conservative analyses.

The deviation will not adversely affect safety or operations.

Based on a speed limit of 30 mph, the sight distance for a driver exiting the property is 200 to the left of the right-in/right-out movement access. Based on review of google maps, no major sight obstacles will inhibit a driver making a right-turn out of the property. Currently in the existing conditions, drivers are able to make a right-in/right-out movement turning movement at a single access approximately 60' without a deceleration lane, from the existing intersection. The proposed entrance is much further from the intersection which will increase safety and reduce the need for a deceleration lane.

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

The access in the proposed location will not affect maintenance and/or associated cost. Based on existing conditions there is a single 40' access drive, which is both larger and closer to the intersection than the proposed access point. Not having the addition of a deceleration lane requires less ROW and less pavement to maintain, this will allow for less associated cost.

The deviation will not adversely affect aesthetic appearance.

The proposed access location will increase aesthetic of the roadway as the additional distance to the intersection will allow for additional plantings and landscaping to be provided. This proposed access location will improve upon the existing site that currently does not have a deceleration lane. Moving the access and not constructing a deceleration lane will improve the aesthetic of the existing site.

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

The purpose of the ECM standards is to ensure the safety and visibility of accesses into and out of a site. Considering of the build-out nature of the adjacent roadway network in combination with the acceptable level of service. This is consistent with existing intersection geometry for adjacent access drives serving the overall Security Center Shopping Center and is understood to provide for conservative analyses.

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.

Yes, the deviation will follow Part I.E.3 and Part I.E.4 of the County's MS4 permit. Required control measures will be followed for the deviation until final stabilization. Required codes, resolutions, ordinances, and program documents will be used to meet permit requirements. Control for all pollutants will be designed to follow site plan requirements and maintained for each phase of construction. Site inspection requirements, winter requirements and long-term maintenance will be followed for this deviation.

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.

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

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- 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.