



**Planning and Community  
Development Department**  
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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name :	Forest Heights Estates
Schedule No.(s) :	52090-00-121, 52090-00-120
Legal Description:	See Attached.

### APPLICANT INFORMATION

Company :	Jon P. Didleaux and Phyllis J. Didleau Revocable Trust		
Name :	Phyllis Didleau		
	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Consultant	<input type="checkbox"/> Contractor
Mailing Address :	7935 Forest Heights Cir, Colorado Springs, CO 80908		
Phone Number :	719-440-1949		
FAX Number :			
Email Address :	phyllis@pcisys.net		

### ENGINEER INFORMATION

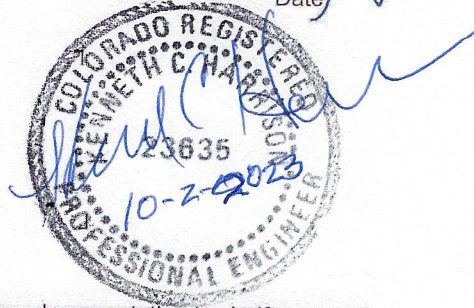
Company :	KCH Engineering Solutions, LLC	Colorado P.E. Number:	23635
Name :	Kenneth Harrison		
Mailing Address :	5228 Cracker Barrel Circle Colorado Springs, CO 80917		
Phone Number :	719-246-4471		
FAX Number :			
Email Address :	ksharrison5228@msn.com		

**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.

Shyllis D. Delean \_\_\_\_\_ Sept 29, 2023  
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 2.3.8.A of the Engineering Criteria Manual (ECM) is requested. The request is to allow a proposed non-through road to provide access to the lots in this proposed subdivision with a length of 2,330 feet. Please refer to the attached exhibit.

Identify the specific ECM standard which a deviation is requested:

2.3.8.A, Roadway Terminations – Cul-de-sacs

Cul-de-sacs shall have..... a maximum length of 1,600 feet for rural condition.

State the reason for the requested deviation:

- No adjacent or reasonably nearby connecting public ROW is available that would allow through street connection.
- Forest Heights Circle is currently existing non-through road with existing cul-de-sac turn-around.
- Length is needed for adequate service to existing residences on the road.

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

The existing cul-de-sac termination for the private Forest Heights Circle roadway is located approximately 2,330 feet from the easterly Herring Road righth-of-way line. The cul-dec length exceeds the ECM standard of 1,600 feet by 730 feet.

The existing roadway will be improved with consistent cross section and new gravel surface as well as enlargement of the cul-dac bulb to El Paso County standard dimensions.

The four new lots of Forest Heights Estates plus the six existing residences currently using private Forest Heights Circle will access the proposed cul-de-sac roadway.

Black Forest Fire Department has issued a letter consenting to the cul-de-sac roadway with the addition of two turn-outs with wider drivable surface.

The cul-de-sac roadway is shown on the attached exhibit.

**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:

- There is no adjacent or nearby connecting public road ROW is available to make a through road. The existing private road is currently a non-through street.
- A cul-de-sac turn-around exists in the proposed location. While the roadway will be improved as part of the subdivision, a private roadway exists in the current location and is in use by existing residents.
- The private road with a cul-de-sac located in the current location provides better and safer access to the two existing residences already located on the east end of Forest Heights Circle rather than extending the private residential driveways.
- Two turn-out locations with wider drivable surface will be provided at the request of Black Forest Fire Department. Black Forest Fire Department has consented to the layout and length of the cul-de-sac in this subdivision. The Fire Department letter is attached.

**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 cul-de-sac roadway will extend to the current residences on the east end of the existing roadway. The current cul-de-sac bulb will be enlarged to meet El Paso County standards, improving safety and reliability of access to site.
- The proposed number of dwelling units (four new, plus the 6 existing Forest Heights Circle accesses) on a non-through street does not exceed the limit (25 units) established by the Land Development Code.
- Two emergency pull-outs will be installed along the roadway to improve passability of the roadway in an emergency as requested by Black Forest Fire Department.
- The El Paso County maximum cul-de-sac length according to the DCM is 1,600 feet. The proposed cul-de-sac length is 2,330 feet, extending the proposed roadway 730 feet beyond the maximum. This is a minor difference considering that existing residential driveways would also need to be extend by the same amount if the cul-de-sac was cut short at 1600 feet long.

The deviation will not adversely affect safety or operations.

Safety and operations will not be adversely affected by the allowance of the deviation. The requested cul-de-sac road length is only minimally greater (720 ft) than allowed by the DCM. Traffic on the roadway is low in volume with the projected ADT for the total of 10 lots is 94 vehicles per day (vpd) and two turn-outs will be constructed with the road to facilitate passing of vehicles if necessary. There is no affect on county operations by this minor deviation of road length.

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

- The deviation will not adversely affect maintenance cost. The road will be maintained by the residential lot owners. The road design is conducive to regular private maintenance. The roadway will include a County-standard cul-de-sac “bulb” constructed at the terminus of the road which will accommodate emergency vehicles and public or private snowplows.

The deviation will not adversely affect aesthetic appearance.

- The allowance of this deviation of roadway length has no effect on aesthetic appearance. New roadway improvements are at the same location as the existing roadway and the cul-de-sac bulb will be constructed to the same dimensions as El Paso County standards.

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

- The intent can be met considering the proposed cul-de-sac extension beyond the 1,600 feet is only minor at 2,330 feet (730 foot difference).
- Two turn-outs are provided and spaced appropriately along the roadway length.
- The traffic volume on Forest Heights Circle will remain low with up to 10 residents using for access.
- The number of lots on the cul-de-sac does not exceed the threshold number requiring a waiver of the Land Development Code for number of lots.

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 proposed deviation request does not concern and has no impact on control measure requirements specified by the County’s MS4 Permit.
- Appropriate stormwater control measures will be implemented by the project in accordance with the approved Drainage Report and Drainage Plans.

**REVIEW AND RECOMMENDATION:**

**Approved by the ECM Administrator**

This request has been determined to have met the criteria for approval. A deviation from Section 2.3.8.A of the ECM is hereby granted based on the justification provided.

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L J

**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.

Γ Γ

L J

**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**

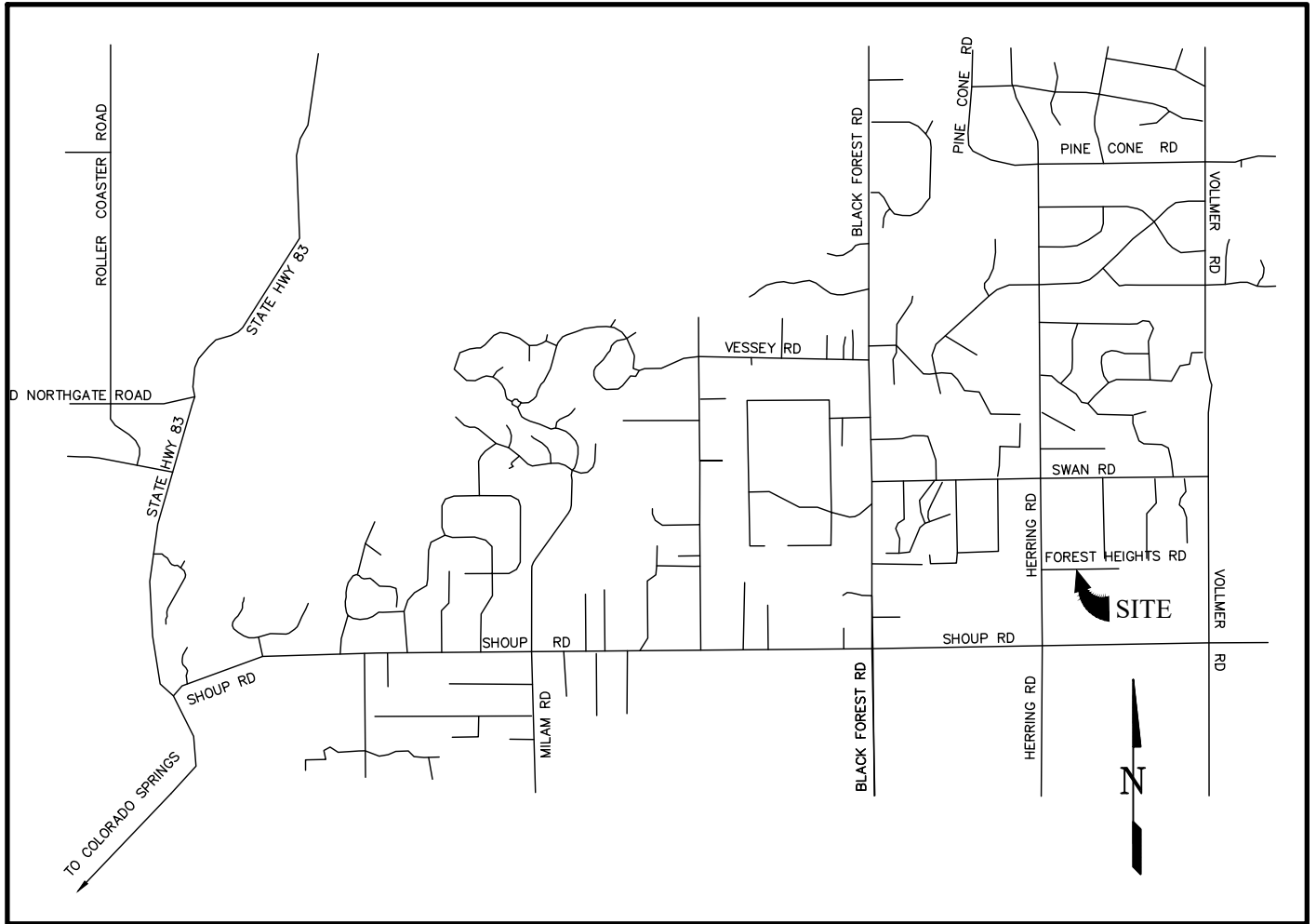
The review shall ensure all criteria for approval are adequately considered and that justification for the deviation is properly documented.

## **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.



**VICINITY MAP**  
**NOT TO SCALE**



Land Description:

A Tract of land in the Southwest 1/4 of Section 9, Township 12 South, Range 65 West, of the 6th P.M. County of El Paso, State of Colorado, more specifically described as follows;

Commencing at the West 1/4 corner of Section 9,

Thence Along the North line of said Southwest 1/4, N89°55'03"E a distance of 1391.55 feet to the Point of Beginning of the parcel to be described hereby;

Thence continue along said North line, N89° 55'03"E a distance of 506.51 feet to the Northwest corner of that parcel described at Book 2318, Page 387, of the records of the El Paso County Clerk and Recorder;

Thence S00°03'25"W along the West line of said parcel a distance of 430.00 feet;

Thence N89°55'03"E parallel to said North line, a distance of 506.81 feet to the Northmost West line of the parcel described in Book 721, Page 970 of said records;

Thence S00°09'20"W a distance of 60.00 feet;

Thence S89°55'03"W along the line of said parcel 459.94 feet;

Thence S00°11'43"W along the West line of said parcel a distance of 829.47 feet;

Thence S89°54'44"W a distance of 1941.21 feet to a point on the East Right of Way line of Herring Road;

Thence N00°03'25"E" along said East line a distance of 327.80 feet to the South line of that parcel described in Book 2371 Page 388 of said records;

Thence N89°55'03"E along the South line of said parcel a distance of 434.00 feet;

Thence; N00°03'25"E along the East line of said parcel a distance of 215.85 feet to the Southeast corner of that parcel described in Book 1951 at Page 432 of said records;

Thence N89°55'03"E along the South line of said parcel a distance of 381.00 feet to the Southeast corner thereof;

Thence N00°11'21"E along the East line of said parcel a distance of 286.00 feet to a point on the South line of that parcel described in Book 2215 Page 559 of said records;

Thence along said South line N89°55'03"E along said South line a distance of 67.27 feet to the East line of said parcel;

Thence N00°03'25"E along said East line a distance of 60.00 feet;

Thence Thence N89°55'03"E a distance of 506.51 feet,

Thence; N00°03'25"E a distance of 430.00 feet to the Point of Beginning, except that parcel described in Book 2645, Page 207.

EXCEPTION PARCEL: Book 2645, Page 207 of the records of El Paso County, Colorado

A tract of land in the Southwest 1/4 of Section 9, Township 12 South, Range 65 West of the 6th p.m. County of El Paso, State of Colorado more particularly described as follows;

Commencing at the West 1/4 corner of said Section 9,

Thence along the West line of Section 9, S00°03'25"W a distance of 490.00 feet;

Thence N89°55'03"E a distance of 1090.00 feet to the Point of Beginning of the tract described hereby;

Thence N89°55'03"E a distance of 610.00 feet;

Thence S00°03'25"W a distance of 325.00 feet;

Thence S89°55'03"W a distance of 610.00 feet;

Thence N00°03'25"E a distance of 325.00 feet to the Point of Beginning.

This description contains 34.529 acres (not including the exception parcel).

#### TRACT A

Tract in Northwest quarter of the Southwest quarter of Section 9, Township 12 South, Range 65 West, of the 6th P.M. County of El Paso, State of Colorado, described as follows:

Commencing at the West 1/4 corner of said Section 9, Thence along the west line of said Section 9 S00°03'25"W a distance of 430.00 feet;

Thence N89°55'03"E 30.00 feet to a point on the West Right of Way line of Herring Road and the Point Of Beginning (P.O.B.) of the Tract described hereby;

Thence N89°55'03"E a distance of 435.00 feet;

Thence S01°00'46"W a distance of 60.01 feet;

Thence S89°55'03"W a distance of 434.00 feet to a point on said West Right of Way line;

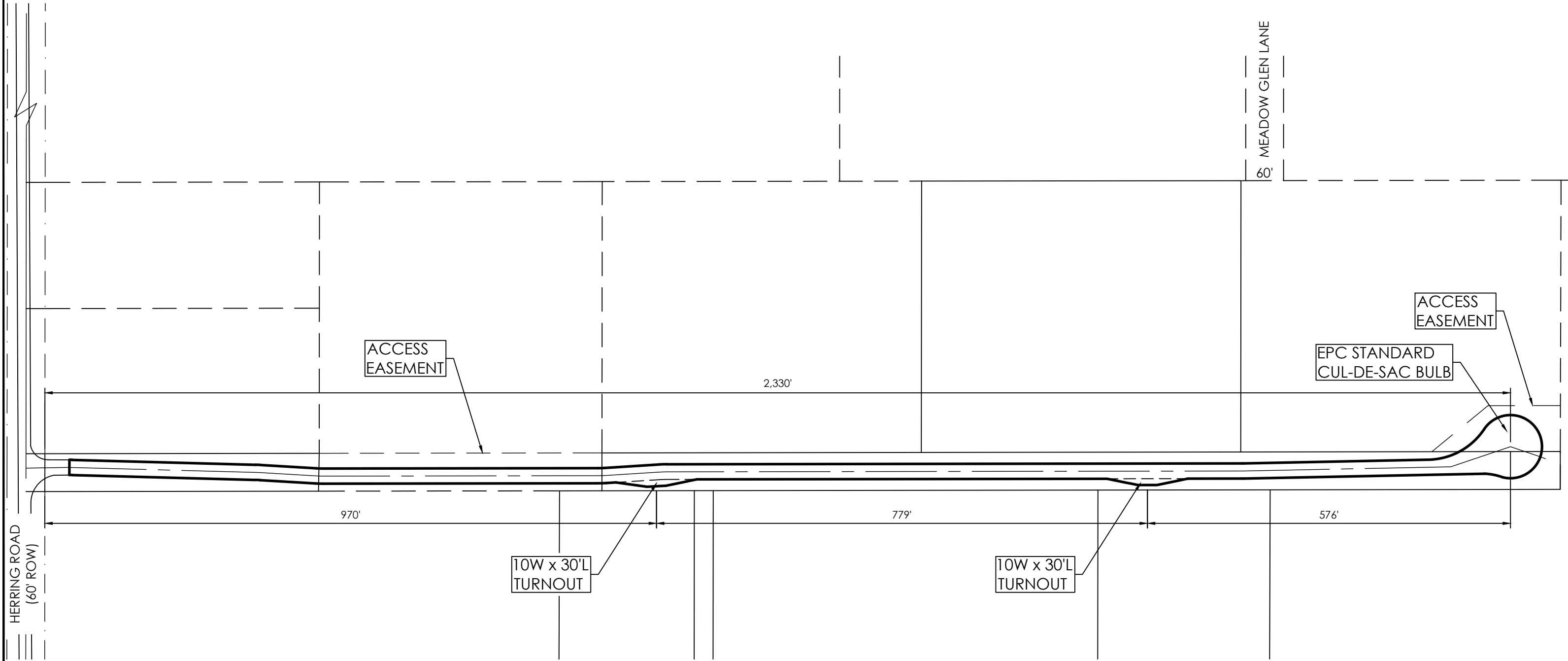
Thence N00°03'25"E a distance of 60.00 feet to the Point Of Beginning (POB).

Tract A contains 0.598 Acres, more or less.

THE TOTAL ACREAGE OF THIS SUBDIVISION PLAT IS 32.618 ACRES.

# DEVIATION EXHIBIT

(LOCAL LOW VOLUME PRIVATE GRAVEL ROAD)



HERRING ROAD  
(60' ROW)

60' MEADOW GLEN LANE

ACCESS  
EASEMENT

EPC STANDARD  
CUL-DE-SAC BULB

ACCESS  
EASEMENT

10W x 30'L  
TURNOUT

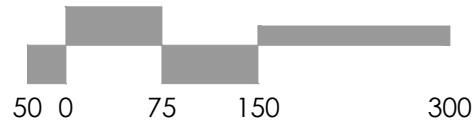
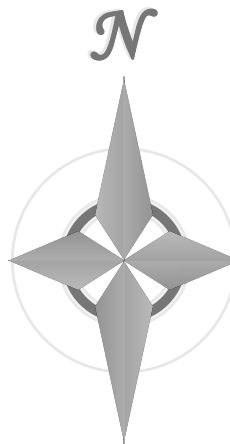
10W x 30'L  
TURNOUT

970'

779'

576'

2,330'



SCALE: 1"=150' 1:1800



**Black Forest Fire Rescue Protection District**  
11445 Teachout Road  
Colorado Springs, Colorado 80908  
Ph-719.495.4300  
Fax 719.495.7504  
Web- [www.bffire.org](http://www.bffire.org)

*"Always Ready, Always Forward, Always Learning."*

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## *Office of the Fire Marshal*

Sunday, May 8, 2022

Dear Ms. Didleau

Thank you for reaching out to me regarding your future road needs for the Forest Heights Estates subdivision. Per our current code Black Forest Fire Rescue is requiring the following Fire Access to your sub.

1. **403.3 Fire apparatus access road. (2006 WUI code)** When required, fire apparatus access roads shall be all-weather roads with a minimum width of 20 feet (6096 mm) and a clear height of 13 feet 6 inches (4115 mm); shall be designed to accommodate the loads (75,000lbs) and turning radii for fire apparatus; and have a gradient negotiable by the specific fire apparatus normally used at that location within the jurisdiction. Dead-end roads in excess of 150 feet (45 720 mm) in length shall be provided with turnarounds as approved by the code official. An all-weather road surface shall be any surface material acceptable to the code official that would normally allow the passage of emergency service vehicle.
2. Per 2015 IFC (amended), sec D103.4. Requirements for Dead-End Fire Apparatus Access Roads we are requiring a minimum of an 80-foot diameter cul-de-sac with curb and gutter or a 100-foot diameter cul-de-sac without curb and gutter.
3. As the road length is approximately 2200 ft to cul-de-sac, we will require a minimum of two turnouts along the main access roadway for emergency vehicle turnarounds. These turnouts should be spaced and located for maximum efficiency and shall be no less than 30 ft in length and 10 ft deep.

As you begin development of your project please be advised that your project, if 5 or more homes, will require a firefighting water supply source which is generally a water cistern located with the project and accessible to all fire apparatus or departments working in our district. This information is found in the NFPA sec 1142 (Standard on Water Supplies for suburban and Rural Fire Fighting) chapters 7 & 8. I will be happy to sit down and go over these requirements with you as you progress in your project.

Thank you,

A handwritten signature in black ink that reads 'James Rebitski'.

James Rebitski  
Deputy Fire Chief

*"Serving the citizens of Black Forest since 1945"*