



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

Updated: 6/26/2019

See Engineering  
Comments in Blue

### PROJECT INFORMATION

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Project Name : Romens Subdivision  
Schedule No.(s) : 4100000075  
Legal Description : The Northeast 1/4 of the Northeast 1/4 of Section 24, Township 11 South, Range 64 West, 6th Principal Meridian, County of El Paso, State of Colorado.

**APPLICANT INFORMATION**

Company : Adelaida Romens  
Name : Adelaida Romens  
 Owner  Consultant  Contractor  
Mailing Address : 5135 Coneflower Lane Colorado Springs, CO 80917-1316  
  
Phone Number : 719 331-3310  
FAX Number :  
Email Address : ajlolly@msn.com

**ENGINEER INFORMATION**

Company : CATAMOUNT ENGINEERING  
Name : David Mijares Colorado P.E. Number : 40510  
Mailing Address : 321 W. Henrieta Avenue, Suite A  
  
Phone Number : 719.426.2124  
FAX Number :  
Email Address : david@catamounteng.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.

*Adelaida Romens*

Signature of owner (or authorized representative)

Date

6.1.22

Engineer's Seal, Signature  
And Date of Signature



Include an exhibit at the end of the deviation request form showing/highlighting the proposed alternative.

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

SF-2226

A deviation from the standards of or in Section 2.3.2 Roadway Design – Design Standards by Functional Classification of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

**2.3.2 Design Standards by Functional Classification**  
**Table 2-5 Roadway Design Standards for Rural Collectors and Locals**  
No Access permitted to major collector roadway.

State the reason for the requested deviation:

Intent for northerly 3 lots to utilize a single shared driveway access from Hopper Road, a gravel roadway designated as major collector. Development parcel is bisected by a drainage that is identified as a "no build area". A single shared driveway providing access to the 3 lots is preferred to development of multiple flag lots crossing the existing drainage. The 4 remaining lots will have access from gravel local roadway Cleese Ct. bordering the southerly portion of the development.

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

The proposed shared driveway will be located 986 west of the intersection of Hopper Road and Bradshaw Road. A secondary driveway easement providing access to the south across the drainage is provided in the event that Hopper road develops and direct access is no longer allowed. Hopper road currently is constructed as a 28' wide gravel roadway with no plans of eminent improvement. The current proposal will dedicate 45' width ROW along both the Hopper Road and Bradshaw Road frontages for future development of Major Collector Roadways.

Hopper Road is functionally classified as a major collector as it falls on a section line. Hopper road has a total length of 2.87 miles and is bound only by agricultural and rural residentially zoned properties, and full rural collector section is unlikely to be developed.

There are currently multiple direct driveway connections to Hopper Road.

**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:

Although classified as a rural collector, Hopper Road is constructed as a rural gravel local roadway and functions as a rural gravel roadway. Due to the drainage bisecting the overall development parcel south of the northerly 3 lots, direct access is being requested.

**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 request is not based on financial considerations and is based on the justification described in the previous section.

The deviation will not adversely affect safety or operations.

The proposed shared driveway location will not adversely affect safety or operation of Hopper Road. No line of sight limitations exist in the proposed shared driveway location.

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

The proposed driveway will be private and will not affect County maintenance or associated costs. As the connection is upslope of the proposed driveway no culvert will be installed.

The deviation will not adversely affect aesthetic appearance.

The proposed driveway is consistent with current access along Hopper Road and will not adversely affect appearance.

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

This deviation meets the design intent and purpose of the ECM standards as delineated in previous sections.

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 requirements of the County MS4 permit.

**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.