



Planning and Community
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DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

PROJECT INFORMATION

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Project Name : JeniShay Farms
 Schedule No.(s) : 51293000002
 Legal Description : **TR BEING A PORT OF SW4 SEC 29-11-65 DESC AS FOLS: BEG AT NW COR OF SW4SW4 OF SD SEC 29, TH S 89<46'29" E ALG S LN OF WHISPERING HILLS ESTATES 1407.75 FT, N 00<58'34" E 1327.96 FT, S 89<47'26" E 1246.16 FT TO NE COR OF SD SW4 ALSO BEING ON W LN OF WILDWOOD VILLAGE UNIT 3, S 00<59'16" W ALG E LN OF SD SW4 1366.81 FT, N 89<46'29" W 945.48 FT, N 00<58'34" E 8.50 FT, N 89<46'29" W 1708.14 FT, N 00<58'34" E 30.00 FT TO POB**

APPLICANT INFORMATION

Company :
 Name : Phillip S. and Jennifer L. Miles
 Owner Consultant Contractor
 Mailing Address : 15630 Fox Creek Lane
 Colorado Springs, CO 80908
 Phone Number : 719-352-8886
 FAX Number :
 Email Address : shay@milestoneeng.org

ENGINEER INFORMATION

Company : Lodestar Engineering, LLC
 Name : Shay Miles Colorado P.E. Number : 40462
 Mailing Address : PO Box 88461
 Colorado Springs, CO 80908
 Phone Number : 719-352-8886
 FAX Number :
 Email Address : shay@milestoneeng.org

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.

Shay Miles

 Signature of owner (or authorized representative)

Provide an exhibit showing the length of cul-de-sac from Terra Ridge Cir to the end of the proposed cul-de-sac.

 Date

Engineer's Seal, Signature
 And Date of Signature



Contact the engineer & planner to discuss. Based on the submitted prelim drawing it appears that a waiver request for the three lots with no public road frontage is also being requested.

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

Change reference section deviation request to section 2.3.8.A. Revise block to include relevant information.

standards of or in Section **8.4.4.a & 8.4.4.d** of the Engineering Criteria Manual (ECM) is requested.

ECM standard which a deviation is requested:

8.4.4.a. Only Allowed Where Other Options Impractical "Flag Lots shall only be used where other lot layouts are impractical."

Chapter 8.4.4.d Shared Access "Flag lot shall be required to share access where inadequate frontage exist for multiple accesses in accordance with the access requirements of the ECM.

State the reason for the requested deviation:

Mr. Shay Miles, P.E. with Lodestar Engineering, LLC (Lodestar) is requesting a waiver for the total length of the cul-de-sac beginning at Terra Ridge Circle. The EPC Engineering Criteria Manual section 2.3.8.A. Cul-De-Sacs states the maximum length for a rural condition cul-de-sac is 1,600 feet. The shortening of the overall length of the cul-de-sac is being requested 1) to minimize the overage length of a cul-de-sac to 1,663 feet and 2) due to the limitations of buildable area within one lot if the cul-de-sac is extended to the furthest lot.

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

The Black Forest Fire Department in a letter dated 2/11/20 stated the "roadway length of the phase 2 cul-de-sac being approximately 1600 ft in length from Terra Ridge Circle" was acceptable with the "request that while developing you enhance the driveways along the that roadway to be utilized as potential turnarounds for fire aprons." This condition will be met with the inclusion of driveways extending into the lots that will be developed first closest to Terra Ridge Circle.

Secondly, a lot adjacent to the cul-de-sac would be rendered unsuitable to build , if the cul-de-sac extended to the northern most lot's property line, due to the existence of an existing drainage channel that will remain on the west side of the cul-de-sac, an escarpment with significant vertical grade change along the east side of the cul-de-sac and a 100 foot power line easement that limits the distance to the east the proposed building site can be located. Due to these limitations, Lodestar is requesting the cul-de-sac be shortened to allow for reduced right-of-way width and less invasive roadway section in the form of a shared private driveway with the three lots to the north of the proposed cul-de-sac. A private roadway agreement has been included in a Declaration of Private Roadway Covenants for the aforementioned three lots to share the use of the driveway.

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

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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 construction of a cul-de-sac at the junction of the three lot lines where the ECM would typically require termination of the roadway would render one lot unbuildable with the existing power line easement extending through the property due to the topography at this location in conjunction with the existing drainage channel that converge at said location.

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 would shorten the roadway length allowing the cul-de-sac to be installed without negatively impacting the adjacent lot to the east and the existing drainage channel to the west. The 20 foot-wide private shared driveway would provide adequate access for the property owner's and minimize disturbance to the lot to the east and drainage channel to the west.

The deviation will not adversely affect safety or operations.

The safety of the proposed design has been considered and presented to the Fire Department. The Fire Department approved of the proposed design and did not have any safety concerns provided the roadway was 20 feet in width and stable for a fire truck. These conditions will be met.

Please provide the written endorsement from the Fire Department per ECM 2.3.8.A

for the turnaround, sidewalks, utilities, and necessary drainage facilities. A request for a deviation from the maximum length criteria will not be considered without an express written endorsement from the Fire District in which the proposed cul-de-sac is located.

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

A private roadway agreement is included in the governing documents of the subdivision placing the maintenance of the roadway on the property owner's accessing the private driveway. This will not adversely affect maintenance of the proposed county roadway and cul-de-sac.

The deviation will not adversely affect aesthetic appearance.

The deviation will enhance aesthetic appearance of the property by maintaining more of the natural features of the property and the existing drainage channel.

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

The deviation meets the design intent and purpose the ECM standards. The proposed county roadway will be the required width of a rural collector with the 60 feet of ROW required through the proposed cul-de-sac. As previously stated, the Black Forest Fire Department did not have any exceptions or concerns with the proposed design.

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 would meet the erosion control requirements of Part I.E.3 by requiring appropriate erosion control measure be installed prior to construction activities, during each phase of construction and through final stabilization. A SWMP in accordance with ECM has been created incorporating and considering the proposed deviation. The site plan drawings reflect the appropriate erosion control measures to comply with the County's MS4 permit. The proposed detention pond meets the requirements of Part I.E.4. The site will be stabilized upon completion of the construction of the proposed roadway and private driveway.

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.

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.