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**DEVIATION REQUEST
AND DECISION FORM**

Updated: 6/26/2019

PROJECT INFORMATION

Project Name : Forest Lakes Filing No. 7
 Schedule No.(s) : 71000-00-454
 Legal Description : Forest Lakes Filing No. 7

APPLICANT INFORMATION

Company : FLRD #2, LLC
 Name : Jim Boulton (Vice President)
 Owner Consultant Contractor
 Mailing Address : 2138 Flying Horse Club Drive
 Colorado Springs, CO 80921
 Phone Number : 719-592-9333
 FAX Number : 719-457-1442
 Email Address : jboulton@classichomes.com

ENGINEER INFORMATION

Company : Classic Consulting Engineers & Surveyors
 Name : Kyle Campbell Colorado P.E. Number : 29794
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 Colorado Springs, CO 80903
 Phone Number : 719-785-0790
 FAX Number : 719-785-0799
 Email Address : kcampbell@classicconsulting.net

OWNER, APPLICANT, AND ENGINEER DECLARATION

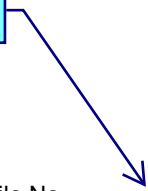
To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial. I have familiarized myself with the rules, regulations 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.

Signature of owner (or authorized representative)

Date

Engineer's Seal, Signature
And Date of Signature

Add "SF-21-049"



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.

Identify the specific ECM standard which a deviation is requested:

Cul-de-sacs shall have a maximum length of 750 feet for urban conditions.

State the reason for the requested deviation:

The Foothills Flash Court cul-de-sac exceeds 750 feet. Foothills Flash Court is 141.60' longer. The cul-de-sac provides for a more efficient layout and does not significantly exceed the standard length and serves less than 25 lots. The Fire District has reviewed and approved this condition on the approved PUD/Preliminary Plan.



Attach the fire district letter at the end of this document.

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

Existing topographic constraints (steep terrain) precluded any additional street connections to shorten the cul-de-sac length.

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:

Adequate provisions for access and fire protection are proposed.

State additional length has been approved by fire district. Please address each of the points in the indicated statement above. Please add more information to justify the undue hardship to construct additional roads that would most likely exceed the standards.

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 additional 141.60' of cul-de-sac length does not detrimentally affect public safety or surrounding property.

Please add additional explanation, such as additional length has support of fire district and does not impede their ability to service area.

The deviation will not adversely affect safety or operations.

There are no safety or operation concerns with this request.

Please add additional explanation as to how this is achieved and include discussion on how snow removal would be accomplished and this deviation would not impact the process.

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

No adverse impacts to maintenance or its associated costs will be realized.

Please add additional explanation as to how this is achieved.

The deviation will not adversely affect aesthetic appearance.

No adverse impacts to aesthetics will be realized.

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

Design intent and purpose of the ECM standards is not compromised.

Please add additional explanation as to how standards are not compromised.

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.

Proposed longer cul-de-sac length than allowed by the ECM criteria is not applicable to the control measure requirements of the County's MS4 permit process.

Please add statement that WQ is being provided.

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.