



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

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name :	FLYING HORSE NORTH FILING NO. 4
Schedule No.(s) :	6136000005, 6136004037, 6136003004, 6136000003
Legal Description :	TWO TRACTS OF LAND WITHIN SECTIONS 30 & 31, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6 <sup>TH</sup> PM

### APPLICANT INFORMATION

Company :	PRI #2, LLC.	<b>Please include an exhibit that shows the location of the intersection with Black Forest Road</b>
Name :	DREW BALSICK	
	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor	
Mailing Address :	6835 CORPORATE DRIVE, STE. 200 COLORADO SPRINGS, COLORADO 80919	
Phone Number :	719-592-9333	
FAX Number :	-	
Email Address :	DBALSICK@CLASSICHOMES.COM	

### ENGINEER INFORMATION

Company :	HR GREEN DEVELOPMENT, LLC.	
Name :	RICHARD LYON, PE	Colorado P.E. Number : 53921
Mailing Address :	1975 RESEARCH PARKWAY, STE. 160 COLORADO SPRINGS, COLORADO 80920	
Phone Number :	719-318-0871	
FAX Number :	-	
Email Address :	RICHIE.LYON@HRGREEN.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.

Signature of owner (or authorized representative)

12/9/2024

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:

2.3.2 Design Standards by Function Classification, Table 2-4

Requested is a reduction in the intersection spacing between the proposed local rural residential roadway of Rubble Drive where it connects to and intersects the existing roadway of Black Forest Road which is classified as a minor arterial roadway. The intersection spacing in Table 2-5 is listed as a quarter of a mile (1,320 ft).

State the reason for the requested deviation:

A secondary access for Filing No. 4 is required and the previous approved PUDPP (SP17012) showed the same alignment and intersection location. The deviation is required due to the intersection spacing being less than 1,320 ft. The proposed intersection would have a spacing from the intersection of Terra Ridge Circle and Black Forest Road to the north of approximately 735 feet and a spacing from Country Estates Lane and Black Forest Road to the south of approximately 890 feet.

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

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

The alternative is to have a roadway termination point and no intersection. This has been discouraged by the County as the roadway is approximately 4,300 linear feet and connects to about 28 lots.

**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 secondary access for Filing No. 4 is required and the previous approved PUDPP (SP17012) showed the same alignment and intersection location. As described in the Traffic Impact Study for Filing No. 4, the average daily traffic volume is anticipated to be low at this intersection and will not pose a safety risk to have reduced intersection spacing along Black Forest Road.

please state whether or not any improvements are required on Black Forest Rd with the addition of the intersection

**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 will achieve the intended result with a comparable design by not reducing the level of service of Black Forest Road or nearby roadways and intersections.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or operations. As described in the Traffic Impact Study for Filing No. 4, the average daily traffic volume is anticipated to be low at this intersection and will not pose a safety risk to have reduced intersection spacing along Black Forest Road. The level of service of Black Forest Road or nearby roadways and intersections is not reduced as a result.

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

The deviation will not adversely affect maintenance and its associated cost as it is one additional intersection within the right-of-way.

The deviation will not adversely affect aesthetic appearance.

The deviation will not adversely affect aesthetic appearance and the roadway sections will match that of typical County sections.

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

The deviation meets the design intent and purpose of the ECM standards by not adversely affecting roadway operations and level of service.

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 will not be applicable regarding the County's MS4 permit. Stormwater drainage patterns and conveyance within this proposed modified roadway section is consistent with the standard section.

Water Quality and full spectrum detention ponds are provided for this filing to comply with the County's MS4.

**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.