



Planning and Community  
 Development Department  
 2880 International Circle  
 Colorado Springs, Colorado 80910  
 Phone: 719.520.6300  
 Fax: 719.520.6695  
 Website www.elpasoco.com

# DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

## PROJECT INFORMATION

Project Name : Walker Reserve  
 Schedule No.(s) : 6111000019  
 Legal Description : NE4SW4 SEC 11-11-11-66 TOG W/ RW EASEMENTS AS DESC IN BK 2747-82 SEC 11-11-66

## APPLICANT INFORMATION

Company : Associated Design Professionals, Inc.  
 Name : Michael A. Bartusek, P.E.  
 Owner  Consultant  Contractor  
 Mailing Address : 3520 Austin Bluffs Pkwy, Suite102  
 Colorado Springs, CO 80918  
 Phone Number : (719) 266-5212  
 FAX Number : n/a  
 Email Address : mbartusek@adpcivil.com

## ENGINEER INFORMATION

Company : Associated Design Professionals, Inc.  
 Name : Michael A. Bartusek, P.E. Colorado P.E. Number : 23329  
 Mailing Address : 3520 Austin Bluffs Pkwy, Suite102  
 Colorado Springs, CO 80918  
 Phone Number : (719) 266-5212  
 FAX Number : n/a  
 Email Address : mbartusek@adpcivil.com

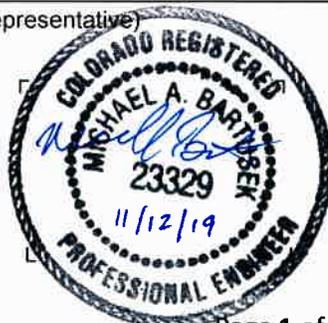
## OWNER, APPLICANT, AND ENGINEER DECLARATION

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)

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 Design Standards by Functional Classification** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Section 2.2.4 Design Standards for Transportation Facilities Figure 2-8 (Typical Rural Local Cross Section)

State the reason for the requested deviation:

Rural cross section (Figure 2-8) w/60-foot Row w/12-foot pavement through lanes, 4-foot shoulders and 30" deep ditches.

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

Allow Private 20' wide gravel roadway to remain

**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 existing Private gravel roadway is 20' wide and extends approximately 2875' beyond the Public portion of Kerry Drive. The current Private road services approximately 14 single family residences. The current road has functioned without problems since 1973. 30' Right of Way will be dedicated with this platting on the north side of the roadway. Widening the roadway to meet County Standards would create an undue hardship on the property since the widening could only take place along the north property since no additional Right of Way exists on the South side of the road.

**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 deviation for the existing private roadway to continue which has functioned without problems.

The deviation will not adversely affect safety or operations.

The addition of two residences will not adversely affect the function or safety of the existing roadway. The two additional residents will only increase the estimated Trip Generation by less than 20 trips. Additionally this section of the roadway is located within a straight treeless section of the roadway.

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

The addition of two residences will not adversely affect the function or safety of the existing roadway. The private road is not currently maintained by the County and will not be in the future.

The deviation will not adversely affect aesthetic appearance.

This private road will not be changed and matches other surrounding roadways, therefore there will be no adverse effects to the aesthetic appearance with the approval of the deviation.

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

The existing roadway meets the intent of the ECM standards as it provides access for these lots to the County's transportation network without affecting safety or operations.

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 County's MS4 permit is not applicable in this deviation as there is no construction activity proposed.

**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.

┌

┐

└

┘

**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.

┌

┐

└

┘

**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.