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## **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/ R/W EASEMENTS AS DESC IN BK 2747-82 SEC 11-11-66

### **APPLICANT INFORMATION**

Company :	Associated Design Professionals, Inc.		
Name :	Michael A. Bartusek, P.E.		
	<input type="checkbox"/> Owner	<input checked="" type="checkbox"/> Consultant	<input type="checkbox"/> Contractor
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### **ENGINEER INFORMATION**

Company :	Associated Design Professionals, Inc.	
Name :	Michael A. Bartusek, P.E.	Colorado P.E. Number : 23329
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### **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 **2.3.8.A Cul-de-Sacs** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Section 2.3.8.A Cul-de-Sacs states that cul-de-sacs shall have a maximum length of 1,600 feet for rural conditions.

State the reason for the requested deviation:

A deviation from the criteria is requested as this is an existing private gravel cul-de-sac road that services approximately 13 single family residences and functions without problems. A written endorsement has been provided by the Tri-lakes Monument Fire Protection District.

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

The existing private gravel cul-de-sac road is approximately 2,875 feet in length and has been functioning in this capacity for approximately 46 years (since 1973). This is 1,275 feet longer than allowed per the County criteria indicated above.

## 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:

This is an existing private gravel road that is currently the only means of access for these lots to the County's transportation network. It is not feasible to extend this roadway due to the fact that there is developed large lot properties in which there is no right-of-way or easement currently to be able to connect to another public 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 existing roadway is comparable to the standard criteria in that it provides access for these lots to the County's transportation network without affecting safety or operations. The development of a 40 acre lot to create 3 single family residential lots is not a significant change to this existing gravel access.

The deviation will not adversely affect safety or operations.

The cul-de-sac is not within a high traffic area. The ADT on this private gravel road is less than the maximum for a rural local gravel road. Additionally a written endorsement from the Tri-Lakes Fire Protection District has been provided in the attached exhibit.

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

Ownership and maintenance of this private road is a shared responsibility of the property owners that access it. There will be no adverse effects to maintenance cost with the approval of this deviation.

The deviation will not adversely affect aesthetic appearance.

This road will not be changed, 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.

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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:**

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## **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.