



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 : Vista Ranch IV
 Schedule No.(s) : 1600000027 and 1600000256
 Legal Description : N2 L/2MR SEC 15-16-61 and ALL W/MR SEC 11-16-61 NE4 W/MR, NW4 L/2MR SEC 14-16-61

APPLICANT INFORMATION

Company : Mountain View Ranches LLC
 Name : John B. Chavez
 Owner Consultant Contractor
 Mailing Address : 13880 Gymkhana Road
 Peyton, CO 80831
 Phone Number : 719 251 5580
 FAX Number :
 Email Address : johnchavez@chavezconsultinginc.com

ENGINEER INFORMATION

Company : Core Engineering Group
 Name : Richard Schindler
 Mailing Address : 15004 1st Avenue S.
 Phone Number : 719.659.7800
 FAX Number :
 Email Address : rich@ceg1.com
 Colorado P.E. Number :

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 April 6, 2026

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 _____ of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Appendix I in its entirety.

State the reason for the requested deviation:

The proposed private driveway access

1. The project is exempt from subdivision regulations because it is considered a large lot division of land pursuant Colorado Senate Bill 35 (1972). The exemption is provided to large lot division of land where all lots created are greater than 35 acres in size.
2. Project is located outside of El Paso County MS4 compliance area and there will not be greater than one acre of land disturbance occurring in the El Paso County Right of Way.

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

The proposed private access to the owner's property will be constructed of native soil and will not negatively affect existing drainage patterns or add impervious area to the private land. The proposed access location disturbances of ~0.25 acres (within the County ROW) are less than one (1) acre. The construction of proposed culverts at the west end of the private driveway, and at Boone Road if required, runoff will continue to follow its historic paths. Stormwater will follow its historic routes across any proposed, private access the developer may construct.

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 a large lot (i.e., >35 acres) division of land, which is exempt from subdivision regulations pursuant to Colorado Senate Bill 35 (1972). No impervious surfaces are to be constructed.

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.

Projects located outside of the County MS4 Urban Area, that include the development of A-35 zoned properties, including access to the property, are not subject to County review due to Colorado Senate Bill 35 (1972).

The deviation will not adversely affect safety or operations.

The safety and operations of the public roads adjacent to the access improvements will not be affected by the proposed access. Private signage is provided to indicate the location of the access points & storm sewer culverts are provided to facilitate historic drainage patterns. Additionally, water quality will not be impacted.

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

The proposed access will not require maintenance or cost by El Paso County.

The deviation will not adversely affect aesthetic appearance.

The deviation will not adversely affect aesthetic appearance as the site is thousands of acres of private land. There are already dirt two-tracks that traverse the property from historic use. The addition of the proposed access will blend with the existing condition of the site.

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

The deviation will not alter the required design criteria for private driveways.

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 site also utilizes the "Large lot water quality exclusion" which limits the maximum amount of impervious area allowed on the surrounding residential lots. No impervious area is proposed with the project.

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.

Γ

Γ

L

J

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.