

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:

2.3.8.A, Roadway Terminations – Cul-de-sacs

Cul-de-sacs shall have a maximum length of 1600 feet for rural condition

State the reason for the requested deviation:

- Connection of a suitable roadway to Kurie Road from Eagle Wing Drive is not feasible due to topographic challenges and the size and placement of the existing structures on the site. This leaves Eagle Wing Drive as the most most viable connection for all but the four most northerly lots indicated on the Eagle Rising Preliminary Plan. Conversion of the existing path that leads from the existing barn structure to Kurie Road is not feasible with observance of El Paso County roadway design criteria.
- Existing public Eagle Wing Drive is a non-through road, terminating at the Eagle Rising westerly boundary and is available for extension into the proposed subdivision as a non-through road. The existing private Eagle Wing View including the cul-de-sac termination as constructed from the current temporary Eagle Wing Drive cul-de-sac terminus is approximately 1,040 feet and needs to be retained to serve 13 of the proposed 17 lots in the subdivision. The existing private Eagle Wing View including the cul-de-sac termination as constructed from the current temporary Eagle Wing Drive cul-de-sac terminus is approximately 1,040 feet and needs to be retained to serve 13 of the proposed 17 lots in the subdivision. The length of 1,600 feet is not long enough to serve 2.5 acre or 5.0 acre lots in the rural condition.

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

The length of the existing public Eagle Wing Drive cul-de-sac from the offsite Rising Eagle Place intersection is located approximately 1,040 1,080 feet. The existing private Eagle Wing View cul-de-sac termination is located approximately 1,040 feet from from the current temporary Eagle Wing Drive cul-de-sac terminus. Therefore, the total new cul-de-sac length, extending from the existing intersection of Rising Eagle Place and Eagle Wing Drive would be approximately 2,120 feet, and would exceed the ECM standard of 1,600 feet by 520 feet.

Within the 2,120 foot cul-de-sac length, there is opportunity for emergency vehicles to turn around without traversing the entire dead end road length. A new public cul-de-sac bulb will be provided inside the Eagle Rising property to terminate Eagle Wing Drive and replace the existing temporary cul-de-sac bulb. Said new public cul-de-sac bulb will provide a turnaround at approximately 1,180 feet from the offsite Rising Eagle Place intersection to the Eagle Rising property. Then, the private cul-de-sac road extends another 940 feet to the end of the existing private Eagle Wing View cul-de-sac bulb. See attached exhibit. A new public cul-de-sac bulb will be provided inside the Eagle Rising property, replacing the existing temporary cul-de-sac located just west of the Eagle Rising property line. The new public cul-de-sac will provide a turn-round at approximately 1,100 feet from the Rising Eagle Place intersection to the private entrance/exit gate of the Eagle Rising Community. From this gate, the private cul-de-sac existing road is 870 feet in length, from the end of the new public cul-de-sac bulb.

Consent of the Black Forest Fire District for this deviation request was sought. However, the Black Forest Fire Department does not currently respond to subdivision requests and no response was provided. It is noted that the Black Forest Fire Department currently provides service to the existing structures on the property at the end of the existing private road cul-de-sac.

Nine lots of Eagle Rising Filing No. 1 will access the proposed cul-de-sac roadway.

The total number of lots on the public cul-de-sac and private road cul-de-sac with this deviation will be 13, which is less than the maximum of 25 allowed in the Code. Due to the larger 2.5 acre sized lots, the cul-de-sac requires 520 feet of additional length.

The proposed public Eagle Wing Drive and existing private Eagle Wing View cul-de-sac are shown on the attached exhibit.

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 deviation is requested due to topographic and existing condition challenges. Connection of a suitable roadway to Kurie Road from Eagle Wing Drive is not feasible due to topographic challenges and the size and placement of the existing structures on the site which prohibit connection to Kurie Road. Conversion of the existing path that leads from the existing barn structure to Kurie Road into a suitable roadway is not feasible due to grade and alignment constraints. The location of the existing barn structure prevents suitable road alignment. Trees, slopes and natural features all present challenges to any construction and maintenance of aesthetics. No adjacent or connecting public road ROW available, except for Eagle Wing Drive; Eagle Wing Drive is a non-through street itself. The private roadway, as-built, has been in use since 2017.
- Because decreased density and increased road frontage requirements are associated with 2.5 acre large-lot subdivisions, longer roadway lengths are needed to provide access to rural residential lots. Increased structure spacing, smaller densities and lower traffic volumes mean that the slightly larger cul-de-sac length presents no adverse effects on use, safety, operations, or maintenance.
- Black Forest Fire Protection District currently serves the existing parcel, having accessory structures and residence, by way of the existing private gravel cul-de-sac roadway extending from the current temporary Eagle Wing Drive paved cul-de-sac terminus point.
- El Paso County Board of County Commissioners approved the Eagle Rising Preliminary Plan which included the cul-de-sac of the length indicated in this Deviation Request under Resolution 13-407 on 8/24/13. The Reconsideration of Preliminary Plan including the cul-de-sac was approved under Resolution 20-423 on 12/8/2020 followed by Resolution 22-402 on 11/15/22.
- The proposed public paved Eagle Wing Drive cul-de-sac subdivision roadway will be built to El Paso County standards except as allowed with approved waivers and deviations. The existing private gravel road will remain as currently constructed and is built to El Paso County standards except as allowed with approved waivers and deviations. One more roadway deviation, in addition to this one, is contained in the Eagle Rising project file. Private roadway maintenance will be conducted by the Owners Association (OA) as will be provided in the CCRs to be recorded at the time of final plat.
- The proposed deviation does not negatively impact any fire safety provisions. The difference between the 1,600' standard length and the planned 2,120' length is only (520' and is)is inconsequential with regard to accessibility or response times. Eagle Rising has an existing central water system with fire hydrants in place. This is a rarity for rural residential subdivisions in the county. The minor addition to cul-de-sac length does not affect the available water supply. The proposed deviation does not constitute an increased fire hazard.

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 new public cul-de-sac, constructed to El Paso County standard will allow additional opportunity for turn-around and passing on Eagle Wing Drive at the west boundary of the Eagle Rising development. The existing private cul-de-sac roadway will provide reliable and safe access to the residents of the proposed subdivision, at the current road terminus location.
- The proposed number of dwelling units (nine units, plus the 10 along existing Eagle Wing Drive to the west) on a non through street would not exceed the limit (25 units) established by the Land Development Code. Therefore, a waiver of maximum lots allowed on a cul-de-sac is not necessary.

The deviation will not adversely affect safety or operations.

- The projected ADT of 85 vehicles per day (vpd) for the 9 lots accessing the private cul-de-sac road is relatively low. This request will have no adverse impacts on safety and operations.
- The requested cul-de-sac length is only slightly greater than allowed by [ecriteriae](#) (520' [over criteria allowance](#)). There is no appreciable difference in safety or operations.
- A public cul-de-sac turn-around is being constructed at the west end of the subdivision, providing opportunity for vehicle turn-around and passing if necessary.
- On October 25, 2023, Black Forest Fire District Fire trucks successfully traversed the [existing private](#) cul-de-sac in an emergency in actual use with no problem encountered. The Black Forest Fire District already serves lots 6 and 7 and the associated existing structures from the end of the public Eagle Wing Drive Cul-de-Sac and the private road Cul-de-Sac. This deviation request does not negatively impact any fire safety or other safety considerations.

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

- The deviation will not adversely affect maintenance cost. The existing cul-de-sac length is private and will be maintained by the HOA. The new county cul-de-sac constructed to current standards will replace the current temporary cul-de-sac where the pavement is failing.

The deviation will not adversely affect aesthetic appearance.

The proposed length of the cul-de-sac has no connection to aesthetic appearance in comparison to alternatives, except that the proposal preserves existing natural terrain and natural features of the site.

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

- The intent can be met considering the proposed cul-de-sac extension beyond the 1,600 feet is only minor at 2,120 feet (520-foot difference).
- A [proposed public](#) turn-round location is provided [at the 1,080-foot point from the closest westerly roadway intersection of Eagle Wing Drive and Rising Eagle Place at about the 1100-foot point.](#)
- The traffic volume on Eagle Wing Drive will remain low [as to not trigger additional improvements.](#)
- The number of lots does not exceed the threshold number requiring a waiver of the Land Development Code.
- The purpose of the ECM standard is met [allowing two-way traffic to pass with ease. ADT remains fewer than 200, allowing gravel roadway.](#)

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 proposed deviation requests have no impact on control measure requirements specified by the County's MS4 Permit.
- Appropriate stormwater control measures will be implemented by the project in accordance with the approved Drainage Report and Drainage Plans.

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:

Approval of this deviation does not relieve the developer from meeting any fire district requirements associated with development of this subdivision.

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.