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**DEVIATION REQUEST  
AND DECISION FORM IN  
ASSOCIATION WITH A  
REQUEST FOR A PUD  
MODIFICATION FROM  
THE ECM**

Updated: 6/26/2019

Pursuant to the El Paso County Land Development Code, the Board of County Commissioners may approve as part of the Planned Unit Development (PUD) approval a Modification to the Engineering Criteria Manual standards provided the Board can make the findings listed Section 4.2.6.F.2.h of the Land Development Code:

The proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

The review and approval of this Deviation does not authorize construction of the requested improvements until and unless the Board of County Commissioners approves the Modifications in association with the Planned Unit Development request, the applicant has received approval of all associated engineering documents, the applicant has provided the necessary financial assurances, and a construction permit has been issued by the Planning and Community Development Department.

**PROJECT INFORMATION**

Project Name : Villages at Sterling Ranch East PUD Preliminary Plan

Schedule No.(s) : 52000-00-552

Legal Description : See title sheet of PUD Plan

**APPLICANT INFORMATION**

Company : Classic SRJ Land, LLC

Name : Loren Moreland

 Owner  Consultant  ContractorMailing Address : 2138 Flying Horse Club Dr.  
Colorado Springs, CO 80921

Phone Number : 719-592-9333

FAX Number : 719-457-1442

Email Address : lmoreland@classichomes.com

**ENGINEER INFORMATION**

Company : Classic Consulting Engineers &amp; Surveyors, LLC

Name : Kyle Campbell

Colorado P.E. Number : 29794

Mailing Address : 619 N. Cascade Ave. Suite 200  
Colorado Springs, CO 80903

Phone Number : 719-785-0790

FAX Number : 719-785-0799

Email Address : kcampbell@classicconsulting.net

**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

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**DEVIATION REQUEST** (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or in Section **EMC 2.2.4.B.7 (figure 2-17), Table 2-7** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Typical urban local (low volume) cross section

State the reason for the requested deviation:

The unique urban residential community being proposed combines townhomes, small lot single family residential and small lot accessory dwelling unit homes. While the main community access is from standard public local roadways, the use of private roadways is limited to closed looped areas that will be signed as being private. The use of county standard curb and gutter, asphalt paving section, signage will take place.

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

A standard county public urban local (low volume) roadway is comprised of a 24' wide asphalt mat. The proposed private street section proposes a 22' wide asphalt mat. The proposed slightly smaller street section provides access to a limited amount of homes, and has been used in similar communities in the county.

**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 unique community attributes include a high percentage of open space (22%) that is the result of the private street use and rear garage access. The front doors of the applicable communities all face green belt open space corridors. The reduction in asphalt width has no impact on resident access or emergency vehicle maneuverability.

**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 private streets provide individual lot access, including vehicular, pedestrian and ADA visitability (where required).

The deviation will not adversely affect safety or operations.

Due to the Metropolitan District maintained access, no adverse safety or operations impacts are anticipated for the county. The fire district, Black Forest Fire Protection District, did not express any concerns or provide and comments related to the private roadway section during their review of the PUD/PP.

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

As maintenance of the proposed private roads will be by the metropolitan district, no adverse maintenance or its associated costs will be realized for the county.

The deviation will not adversely affect aesthetic appearance.

The private roadway (accessing the garages) restricts in front facing homes along public streets and green belt corridors resulting in a better, less garage face, aesthetic appearance.

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

Providing individual lot access is still proposed with the proposed private streets.

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.

All impervious areas (public and private) are being treated in accordance with the County MS4 permit.

**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:**

The Deviation is only valid until and unless the Board of County Commissioners approves the Planned Unit Development Modifications.

## **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.