

Procedures Manual

Subject: DEVIATION REVIEW AND DECISION FORM

Date Issued: 12/31/07
Revision Issued: N/A
Rescinded: N/A

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.

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 5.9 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. RELATED PROCEDURES

1.6.1. Governing Procedures

P-AR-063-07 Deviation

1.6.2. Other Related Procedures

P-AR-012-07 Administrative Relief

1.7. RESOURCE

Attached is the Deviation Review and Decision Form that is used by the applicant/engineer for requesting and justifying a deviation. The form is reviewed by the ECM Administrator and approved or denied. 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.

Explanation of Request (Attached diagrams, figures and other documentation to clarify request):

Section of ECM from Which Deviation is Sought: Appendix B Transportation Impact Study Guidelines Section B.1.3 Revisions and Updates

Specific Criteria from Which a Deviation is Sought: If the original TIS is older than three years, an entirely new TIS shall be prepared.

Proposed Nature and Extent of Deviation: LSC prepared a traffic impact study (TIS) for the entire Walden Preserve 2 development dated September 17, 2014. A transportation memorandum has been prepared for Walden Preserve 2 Filing No. 4. It is proposed that a full TIS update be postponed until the next filing (Filing 5) is submitted.

Reason for the Requested Deviation: The deviation is being requested to allow for time to coordinate the future connection to Walker Road with CDOT and Monument Academy, which is planned for the 70-acre parcel located southeast of the intersection of SH 83/Highway 105/Walker Road. This connection is not needed with the currently proposed filing.

Comparison of Proposed Deviation to ECM Standard: The original TIS was prepared about 4-½ years ago (September 2014). The ECM requires any TIS older than 3 years be updated.

Applicable Regional or National Standards used as Basis: _____

Application Consideration:

CHECK IF APPLICATION MEETS CRITERIA FOR CONSIDERATION

- 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.

JUSTIFICATION

Expand on the first justification. Include as justification in your own words explaining the condition of approval with the preliminary plan which limited the number of lots (66) to be platted prior to requiring the connection to the north. That Filing 4 is part of the approved 66 lots.

- No significant changes have been made to the site plan since the original TIS was prepared in September 2014 (and addendum November 2014).
- The TIS will be updated when the next filing (Filing No. 5) is submitted
- The Colorado Department of Transportation has tentatively agreed to defer a requirement to update the overall TIS until the next filing (Filing No. 5), provided a new access permit is submitted in conjunction with this Filing 4 development and their comments are addressed as part of the access permit process.
- Deferring the update will allow for time to coordinate the future connection to Walker Road with CDOT and Monument Academy, planned for the 70-acre parcel located southeast of the intersection of SH 83/Highway 105/Walker Road. This connection is not needed with Filing No. 4.

If at least one of the criteria listed above is not met, this application for deviation cannot be considered.

Criteria for Approval:

PLEASE EXPLAIN HOW EACH OF THE FOLLOWING CRITERIA HAVE BEEN SATISFIED BY THIS REQUEST

The request for a deviation is not based exclusively on financial considerations.	Deferring the update will allow for time to coordinate the future connection to Walker Road with CDOT and Monument Academy, planned for the 70-acre parcel located southeast of the intersection of SH 83/Highway 105/Walker Road. This connection is not needed with Filing No. 4.
The deviation will achieve the intended result with a comparable or superior design and quality of improvement.	Deferring the update will allow for time to coordinate the future connection to Walker Road with CDOT and Monument Academy. A new access permit will be submitted in conjunction with this Filing 4 development and CDOT's comments will be addressed as part of the access permit process. This connection is not needed with Filing No. 4.
The deviation will not adversely affect safety or operations.	A new access permit application will be submitted in conjunction with this Filing 4 development and CDOT's comments will be addressed as part of this process. Any improvements needed on Highway 83 will be determined through the Colorado Department of Transportation access permit process.
The deviation will not adversely affect maintenance and its associated cost.	This deviation relates to a study and not a road improvement.
The deviation will not adversely affect aesthetic appearance.	This deviation relates to a study and not a road improvement.

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, 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

Signature of applicant (if different from owner)

Date

Signature of Engineer

Date

Engineer's Seal

Attach an exhibit with this deviation request. Exhibit to show Filing 4, existing Filings 1-3, future filing and future road extension with the next filing.

Include the Engineer's signature and stamp

Review and Recommendation:

APPROVED by the ECM Administrator

_____ Date _____

This request has been determined to have met the criteria for approval. A deviation from Section _____ of ECM is hereby granted based on the justification provided. Comments:

____ Additional comments or information are attached.

DENIED by the ECM Administrator

_____ Date _____

This request has been determined not to have met criteria for approval. A deviation from Section _____ of ECM is hereby denied. Comments:

____ Additional comments or information are attached.