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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name : ASPEN WILLOW ESTATES FINAL PLAT  
Schedule No.(s) : 6100000298  
Legal Description : NW 1/4 SE 1/4 Section 20, Township 11 S Range 66 W Sixth P.M.

### APPLICANT INFORMATION

Company : **ASPEN WILLOW ESTATES LLC**  
Name : CHARLES WOODALL  
☒ Owner ☐ Consultant ☐ Contractor  
Mailing Address : 1480 HIGBY RD  
MONUMENT CO 80132-8357  
  
Phone Number : 719-492-4123  
FAX Number : none  
Email Address : WRKNRASSOF@AOL.COM

### ENGINEER INFORMATION

Company : 2N CIVIL  
Name : ERIC TUIN  
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FAX Number : none  
Email Address : ERIC@2NCIVIL.COM  
  
Colorado P.E. Number : 36300

### 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.

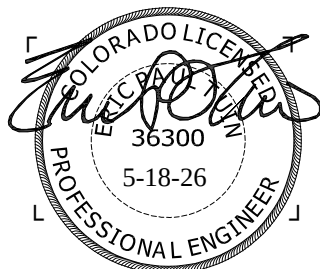
*Charles Woodall DVM*

05/18/2026

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 **2.3.2** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

The deviation requested is for a intersection spacing and distance reduction for a new, private road interaction to be located closer than the desired 660' from an existing intersection of a rural arterial and local collector. The standard is generally that a new intersection is not closer than 660' from the above-mentioned intersection type. In this case a request is for a new, private road off Higby Road, servicing up to five homes be allowed 480' from the intersection of Roller Coaster Road and Higby which is an intersection of a rural arterial and local collector.

State the reason for the requested deviation:

Roller Coaster Road right of way (ROW) is platted to extend south of Higby Road directly south from the existing intersection of Higby Road and Roller Coaster Road. There is no immediate plan that we are aware of for this extension to be constructed in the platted right of way. The right of way does not currently extend to another existing roadway without further right of way acquisition.

What makes this seem additionally unlikely is that Lots 3 and 4 of the J.T. Ranch Subdivision were subdivided with access by a flag lot to Higby road to the west of the Roller Coaster Road and Higby Road intersection. This flag lot will be included in the proposed access, eliminating the need for an additional driveway from Higby Road.

The application that this deviation is associated with is proposing 3 new lots in a north-south column along the flag of Lot 4 of JT The private road being proposed for the Aspen Willow Estates Subdivision would run north-south parallel along the flag. In coordination with the owner of JT Ranch, lots 3 and 4, the "flag" would be used as the eastern length of the Aspen Willow Estate private road being proposed while the western length of it would run on a road easement across the eastern edges of Aspen Willow Estates Lots 2 and 3 to the northeast corner of Lot 4. Therefore, instead of this flag serving as access to two lots (JT Lots 3 & 4) it would become a private road with access to five lots JT Lots 3 & 4 and Aspen Willow Estates Lots 2,3 and 4.

Based on the approval of the flag lot access for the two JT Ranch lots, it appears that El Paso County has comfort with this access point being used for limited residential access. This point of access is the most direct way to open up both the three proposed lots of this application as well as the two existing, approved lots of JT Ranch to meaningful development.

The private road being proposed would be up to 24' wide with gravel shoulders and 970' in length for a total approximate disturbance of 32,980 square feet of surface.

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

The alternative access would be from Happy Landing Road. This would require 100' of the road right away on the existing Aspen Willow Estates, LLC property. It would need to travel east from Happy Landing Road to the southeast corner of the existing 35-acre, Aspen Willow Estates, LLC parcel. It would then have to turn north along the eastern boundary of Aspen Willow Estates, LLC to the southeast corner of the proposed lot 2 of the Aspen Willow Estates Subdivision.

Routing access this way would require a new, private road 2000 feet long, 34 feet wide. This creates a disturbance of 1.6 acres, triggering a much more extensive permit process from an engineering, stormwater and environmental health perspective with a greater environmental impact. It is understood that just cost prohibition alone cannot justify a deviation. However, it is always more desirable to disturb less ground when possible. Secondly, if developing this land does become cost prohibitive, the probability it will ever be developed with a higher density than exists now, is far less likely, hurting El Paso County property tax revenue potential. Additionally, the prior approval of the J.T. Ranch Subdivision illustrates that the access point being proposed with this application was the same point as was considered with the J.T. Ranch subdivision approval. This higher density is ideally located based on its proximity to the Town of Monument.

## LIMITS OF CONSIDERATION

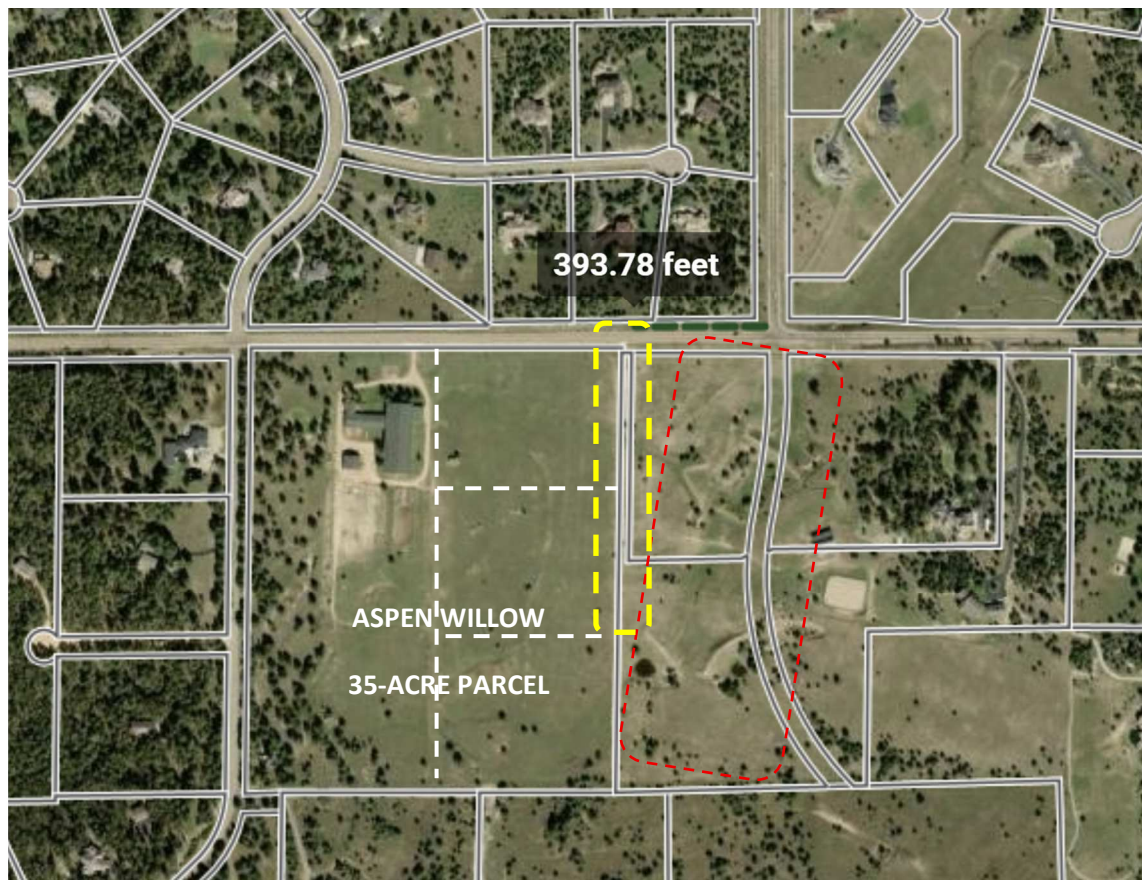
(At least one of the conditions listed below must be met for this deviation request to be considered.)

- ☐ 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:

Directly east and due south of the end of Roller Coaster Road sits a large drainage with a network of flood control dams (outlined in the red dashed line). The feasibility of building a road inside the platted right of way for an extension of Roller Coaster Road to the south would be challenging. Additionally, it is clear with the approval of flag lot (outlined with the yellow dashed line), Lot 4 of J.T. Ranch that residential access was already contemplated at the location being proposed with this application.

The previous planning for the J.T. Ranch subdivision included access to the proposed private road location. Given the significant topographical and hydrological challenges east of the subject property, placing the new private road approximately 480 feet west of Roller Coaster Road represents the most effective means of accessing the three 5-acre parcels within the Aspen Willow Estates final plat. The white dashed lines generally represent the new proposed lot lines.



## 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.

In the Aspen Willow Estates EDARP meeting, El Paso County waived the need for a traffic impact study (TIS) or traffic impact assessment (TIA) while at the same time they had an understanding the Aspen Willow Estates subdivision would need a deviation from standard intersection distancing. As such, the applicant does not have any engineered traffic data. Instead, we have relied on Google Earth Pro Street View and the measuring functions of the El Paso County Assessor's parcel map.

As illustrated in the image below, a vehicle located at the intersection of Higby Road and the Aspen Willow Estates private road is in the line of sight from Happy Landing Road. The speed limit here is 35-MPH with a designed stopping sight distance of 305 feet required. Having sight distance of approximately 1150' in a 35-MPH speed zone leaves drivers adequate time to complete a stop if necessary while approaching the new private road. The proposed private road will produce comparable results as exist today.

El Paso County had already functionally endorsed an access point located at the same point as the proposed Aspen Willow Estates private road with their approval of the J.T Ranch Subdivision's, flag-lot, Lot 4.

### ASPEN WILLOW ESTATES FINAL PLAT — DEVIATION REQUEST

Applicant: Aspen Willow Estates, LLC

EA Number: EA2516

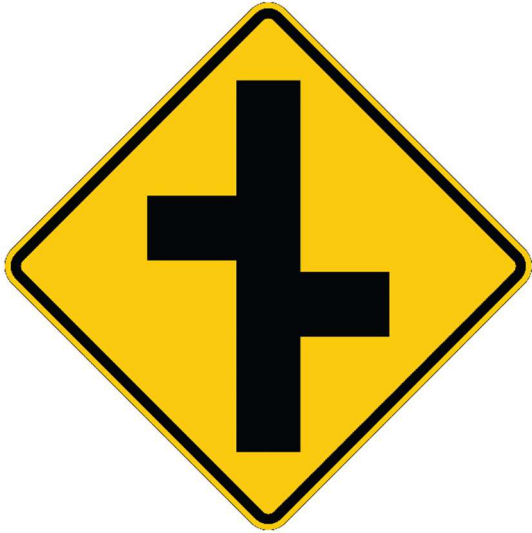


A CAR PULLING OUT OF THE PROPOSED, NEW PRIVATE ROAD CAN BE SEEN VIA LINE OF SIGHT FROM HAPPY LANDING ROAD

The deviation will not adversely affect safety or operations.

As illustrated in the image above, a vehicle located at the intersection of Higby Road, and the Aspen Willow Estates private road is visible from Happy Landing Road. The speed limit here is 35-MPH. Having adequate site distance ensures the safety of drivers to complete a stop if necessary. The proposed private road will not produce any added safety issues to those that may exist today. It may be beneficial, as a condition of approval, the applicant be required to finance the installation of an off-set intersection sign like the one below, on Higby Road both east and west bound.

The major safety issue surrounding intersection spacing is stopping distance. For a 40 MPH design speed (35 MPH posted) the stopping sight distance is 305 feet per Table 2-17 of the El Paso County Engineering Criteria Manual. The intersection is visible from the Roller Coaster Road intersection and stopping sight distance should not be an issue with the new intersection.



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

The deviation will not adversely affect maintenance and its associated cost as the private road will be privately maintained. Regardless of where the added traffic enters onto Higby Road, the impacts will be the same. The added trips generated by the Aspen Willow Estates Final Plat will be offset by road impact fees.

The deviation will not adversely affect aesthetic appearance.

As an access point was already contemplated with the approval of the J.T Ranch subdivision. The aesthetic appearance will not be appreciably different with the new private road from what it would be with a shared driveway. In fact, it is probable that a maintained private road will be more aesthetically pleasing than a shared driveway because its construction has far higher standards than that of a residential driveway.

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

We do not believe the additional intersection will cause an adverse impact on Higby Road as far as traffic flow and safety. The intent and purpose of the ECM standards are quality, safety, cost, and aesthetics. With our preceding responses we have demonstrated that this deviation request does indeed meet the intent and purpose of the ECM Standards.

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.

*"Section I.E.3 of the MS4 Permit requires El Paso County to develop and implement a program to reduce or prevent the discharge of pollutants to the County Municipal Separate Storm Sewer System (MS4) from Applicable Construction Activities."*

To receive a permit, the road design and stormwater controls will require an MS4 permit issued by El Paso County and the design standards must meet Part I.E.3 and Part I.E.4 for the permit to be issued at all. The standards set forth by El Paso County Engineering and Public will ensure that any new road built in El Paso County meets all control, design and performance standards set forth in the ECM manual and the MS4 permit.

Standard BMP's will be implemented as part of construction of the intersection and roadway. The roadway will meet all requirements of the County's MS4.

**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.