

Please use the updated
template on the EPC County
Engineer site.



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DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

PROJECT INFORMATION

This deviation request will not be
approved until the fire district comments
regarding the roadway are resolved.

Project Name :	Calm Breeze Filing No. 1
Schedule No.(s) :	5211000013
Legal Description :	A portion of the Southeast Quarter (SE ¼) of Section 11 and the Northeast Quarter (NE ¼) of Section 14, both in Township 12 South, Range 65 West of the 6 th P.M. El Paso County, CO, containing 42.219 acres

APPLICANT INFORMATION

Company :	
Name :	Kramer and Callie Ammons
	☒ Owner ☐ Consultant ☐ Contractor
Mailing Address :	9540 Federal Dr. STE 100 CS, CO 80921
Phone Number :	719-985-1593
FAX Number :	
Email Address :	callieammons@gmail.com

ENGINEER INFORMATION

Company :	M&S Civil Consultants, Inc	
Name :	Virgil A. Sanchez	Colorado P.E. Number : 37160
Mailing Address :	212 N Wahsatch Ave STE 305 CS, CO 80901	
Phone Number :	719-491-0818	
FAX Number :		
Email Address :	virgils@mscivil.com	

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 _____ _____ _____	

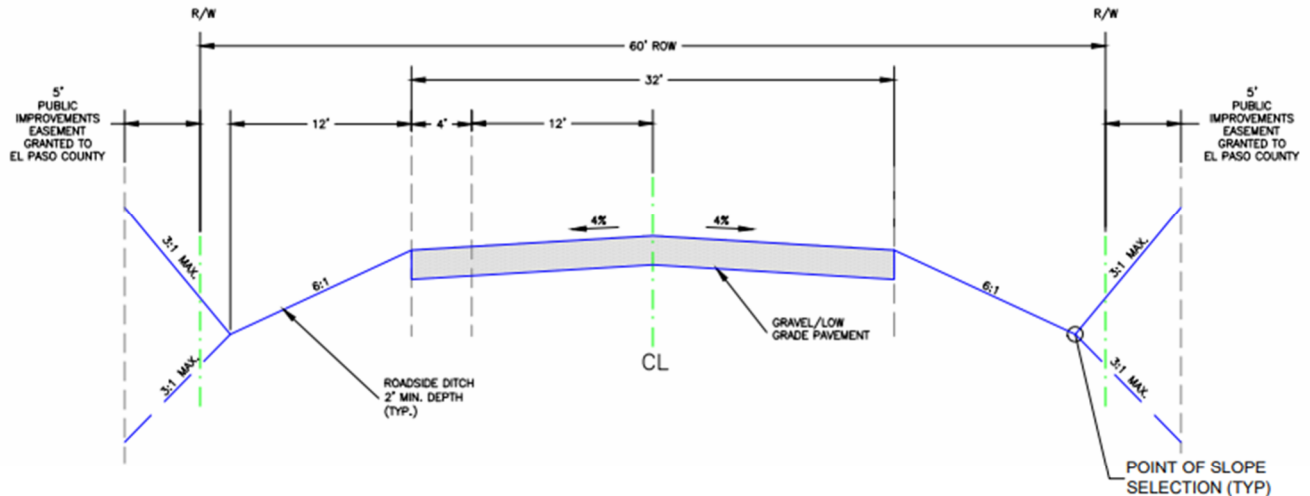
DEVIATION REQUEST (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of **Appendix F SD_2_10 Rural Gravel Local Roadway** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

A deviation from the standard SD_2_10 Rural Gravel Local Roadway is being requested. The standard cross section cross section includes two 12' wide travel lanes with 4' shoulders each side of the travel lanes within a 32' wide gravel path with a 12' wide 6:1 roadside ditch within a 60' foot ROW.

The applicant requests deviation from the 24' travel lanes with 4' shoulders along with the 60 ft ROW for a 32 ft access easement private roadway with the existing 20 ft wide gravel road with 6' wide dirt shoulders.



Roadway Design Parameters
Design Speed: 50 mph
Posted Speed: 45 mph
Maximum ADT: 199
Design Vehicle: WB-50

State the reason for the requested deviation:

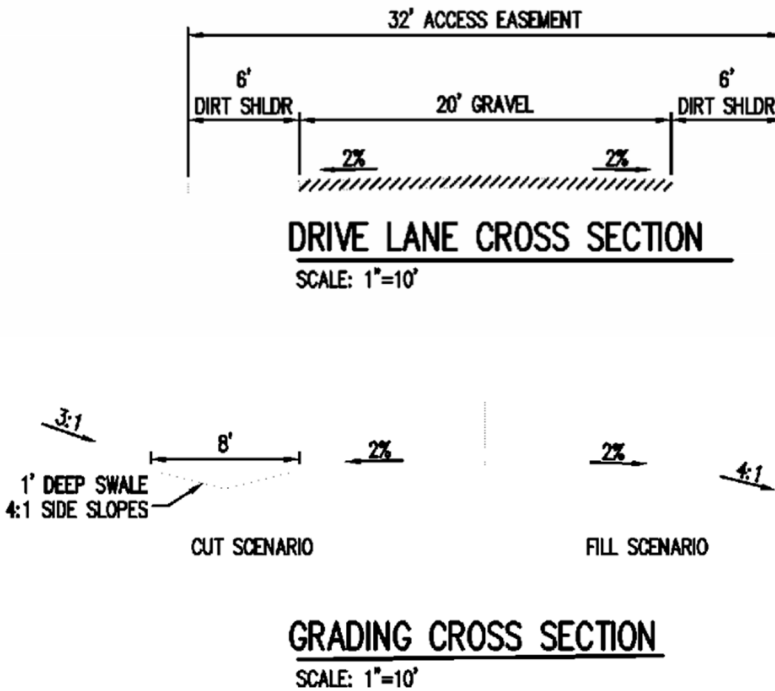
The requested deviation from the SD_2_10 Rural Gravel Local Roadway Public Road requirement is justified given the limited function and private nature of Calm Breeze Point, which serves only three (3) other residential parcels aside from the proposed four lot plat. Calm Breeze Pt. terminates in a private turnaround, and is not intended for public circulation.

Requiring public road improvements would result in unnecessary cost and environmental disturbance without a corresponding benefit. This request is consistent with LDC Section 8.4.4(E), which permits private roads for limited residential development, and the existing roadway (constructed circa 2022) meets the intent of this provision. Accordingly, the deviation is reasonable and appropriate.

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

Access and maintenance are secured through a recorded Private Access and Maintenance Agreement (Reception No. 222079398), ensuring no public burden. The existing 32-foot-wide easement provides adequate access for residents and emergency services, and projected traffic volumes remain below 199 ADT, consistent with low-volume residential standards.

Approximately 2022 a 32 ft access easement private roadway with the existing 20 ft wide gravel road with 6' wide dirt shoulders were constructed to included several culvert drainage crossings with rip rap protection each side of the culvert. The design of the gravel road (below) was included in the recorded access rights and maintenance obligations for this roadway.



The construction drawings depict that the private roadway is dirt and aerial imagery shows a much smaller width than what was recorded in the Access and Maintenance Agreement. Please revise deviation request according to actual road width.

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:

Justification for the requested deviation included:

- Minimize environmental disturbance without corresponding benefit
- Minimizes drainage erosion with additional disturbance to the existing gravel road
- Minimize disturbance to the existing gas and electric mains which are underground along Cal Breeze Point
- Existing roadway services a limited number of residential homes with very low ADT

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 private improvements and proposed cross section currently achieve a comparable level of performance as the standard cross section with respect to the following:

- Traffic volume capacity
- Utility placement
- Stormwater conveyance

The deviation will not adversely affect safety or operations.

Due to the various reasons mentioned, i.e., low ADT, limited private access to the immediate parcels, and not expected to be used in a public capacity or extended, the deviation will not adversely affect safety or roadway operations.

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

Deviation will not affect maintenance and its associated cost. Access and maintenance are secured through a recorded Private Access and Maintenance Agreement (Reception No. 222079398), ensuring no public burden.

The deviation will not adversely affect aesthetic appearance.

Deviation will not affect aesthetic appearance of the impacted roadway section. The gravel roadway preserving the character of the surrounding natural open space and forest land environment and by minimizing disturbance.

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

The deviation meets the intent by providing a street cross section that is consistent with the anticipated function and traffic volumes

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.

N/A

The proposed disturbance is currently under 1 acre of disturbance and so permanent water quality is not required.

REVIEW AND RECOMMENDATION:

Approved by the ECM Administrator

This request has been determined to have met the criteria for approval. A deviation from **Section Appendix F SD_2_10 Rural Gravel Local Roadway** 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 **Appendix F SD_2_10 Rural Gravel Local Roadway** 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.