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# DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name : The Sanctuary PUD  
 Schedule No.(s) : 4200000402, 4200000450, & 4220403091  
 Legal Description : Exhibit A (see attached)

### APPLICANT INFORMATION

Company : Tech Contractors  
 Name : Tom Kerby  
 Owner  Consultant  Contractor  
 Mailing Address : 11910 Tourmaline Drive, Ste 130  
 Falcon, CO 80831  
 Phone Number : 719.495.7444  
 FAX Number :  
 Email Address : tom@meridianranch.com

### ENGINEER INFORMATION

Company : Tech Contractors  
 Name: Tom Kerby Colorado P.E. Number : 31429  
 Mailing Address : 11910 Tourmaline Drive, Ste 130  
 Falcon, CO 80831  
 Phone Number : 719.495.7444  
 FAX Number :  
 Email Address : tom@meridianranch.com

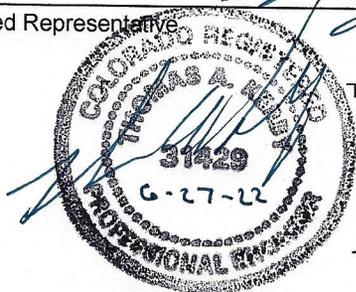
### OWNER, APPLICANT, AND ENGINEER DECLARATION

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.

Thomas A. Kerby, Authorized Representative  
 Tech Contractors

June 27, 2022  
 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 **F, SD 2-77 Urban Knuckle** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

The request is a modification to/deviation from **Section F SD\_2-77, Urban Knuckle**, specifically the standard sight distance triangle (SDT) length.

State the reason for the requested deviation:

The deviation is requested to accommodate a vehicle that will need to reduce speed in order to safely traverse the knuckle. The main effect of the slower speed is a reduced stopping distance resulting in a smaller sight triangle. Exhibit B (see attached).

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

The proposed alternative will match the anticipated change to the ECM by changing the SDT from 40' to 25' to accommodate the anticipated 15 mph travel speed around the knuckle corner. Exhibit B (see attached).

**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 change is needed to allow the ECM to match real world occurrence of vehicles traveling through the knuckle. A vehicle needs to slow to below the posted speed limit of 25 mph to approximately 15 mph, resulting in a shorter stopping distance creating a smaller sight distance triangle.

Vehicles will need to reduce the approach speed in order to safely navigate the knuckle. The vehicle travels approximately 15' during the time it takes the driver to see the hazard, decide to brake and actually apply the brakes. The vehicle then travels an additional 10' while the brakes are applied. The resulting sight distance for the anticipated 15 mph is 25'. The knuckle design accommodates the resultant sight distance requirement of 25'.

**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 deviation will match the anticipated revision to the sight distance triangle of the Urban Knuckle found in the ECM.

A vehicle will need to slow down to safely traverse a knuckle, this naturally results in a shorter stopping distance creating a smaller sight triangle requirement.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or operations as the resulting sight distance of a vehicle traveling through the knuckle at 15 mph is 25'. Drivers will have sufficient time to see a hazard, react and stop while traversing the knuckle at an anticipated speed of 15 mph.

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

The proposed deviation has no impact on maintenance and associated cost.

The maintenance would not adversely be affected, as the area of the sight triangle needing to be kept clear of obstructions would be smaller with the deviation.

The deviation will not adversely affect aesthetic appearance.

The proposed deviation has no impact on the aesthetic appearance of the project.

The aesthetic appearance would not be adversely affected, as the area outside of the fenced yard requiring maintenance would actually be reduced. This is an area often neglected, with less area to maintain would be a positive rather than a negative

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

The deviation would meet the intent and purpose of the standard plan, which is to ensure sufficient Stopping Sight Distance on the horizontal curve.

Vehicles will need to reduce the approach speed in order to safely navigate the knuckle. The vehicle travels approximately 15' during the time it takes the driver to see the hazard, decide to brake and actually apply the brakes. The vehicle then travels an additional 10' while the brakes are applied. The resulting sight distance for the anticipated 15 mph is 25'. The knuckle design accommodates the resultant sight distance requirement of 25'.

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 design does not inhibit the program requirements with respect to water quality and storm water runoff during construction and future permanent facilities.

**REVIEW AND RECOMMENDATION:**

**Approved by the ECM Administrator**

SD 2-77

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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**APPROVED**  
**Engineering Department**

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*dsdnijkamp*

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**EPC Planning & Community  
Development Department**

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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:**

## **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.

## Exhibit A

### LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 20,  
IN TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF REX ROAD IN THE ESTATES AT ROLLING HILLS  
RANCH FILING NO. 2, RECORDED WITH RECEPTION NO. 222714944 IN THE RECORDS OF EL PASO COUNTY, POINT  
BEING ON THE EASTERN BOUNDARY LINE OF SAID FILING;

THE FOLLOWING THREE (3) COURSES ARE ON SAID BOUNDARY LINE:

1. THENCE N07°26'02"E A DISTANCE OF 80.00 FEET;
2. THENCE N37°33'58"W A DISTANCE OF 31.11 FEET;
3. THENCE N07°26'02"E A DISTANCE OF 20.00 FEET;
4. THENCE S37°33'58"E A DISTANCE OF 31.11 FEET;
5. THENCE S82°33'58"E A DISTANCE OF 1387.37 FEET TO A POINT OF CURVE TO THE LEFT;
6. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 1930.00 FEET, A DELTA ANGLE OF 29°02'43", AN  
ARC LENGTH OF 978.39 FEET, WHOSE LONG CHORD BEARS N82°54'40"E A DISTANCE OF 967.95 FEET;
7. THENCE N68°23'18"W A DISTANCE OF 399.50 FEET TO A POINT OF CURVE TO THE RIGHT;
8. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 2050.00 FEET, A DELTA ANGLE OF 02°03'13", AN  
ARC LENGTH OF 73.48 FEET, WHOSE LONG CHORD BEARS N69°24'55"E A DISTANCE OF 73.48 FEET;
9. THENCE N26°19'21"E A DISTANCE OF 31.42 FEET;
10. THENCE N71°53'44"E A DISTANCE OF 60.00 FEET;
11. THENCE S62°31'53"E A DISTANCE OF 31.42 FEET TO A NON-TANGENT CURVE TO THE RIGHT;
12. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 2050.00 FEET, A DELTA ANGLE OF 02°03'13", AN  
ARC LENGTH OF 73.48 FEET, WHOSE LONG CHORD BEARS N69°24'55"E A DISTANCE OF 73.48 FEET TO A POINT  
ON THE WESTERN BOUNDARY OF FALCON REGIONAL PARK RECORDED WITH RECEPTION NO. 214096227;

THE FOLLOWING THREE (3) COURSES ARE ON SAID BOUNDARY LINE:

13. THENCE S00°13'03"E A DISTANCE OF 1457.61 FEET;
14. THENCE S45°14'55"W A DISTANCE OF 1695.49 FEET TO A POINT ON THE EASTERN BOUNDARY OF ROLLING  
HILLS RANCH FILING NO. 2 AT MERIDIAN RANCH, RECORDED WITH RECEPTION NO. 221714831 IN THE  
RECORDS OF EL PASO COUNTY, POINT BEING ON THE EASTERN BOUNDARY OF TRACT G OF SAID FILING;

THE FOLLOWING FIFTY FOUR (54) COURSES ARE ON SAID BOUNDARY LINE OF TRACT G:

15. THENCE S00°11'44"E A DISTANCE OF 550.00 FEET;
16. THENCE N89°25'12"W A DISTANCE OF 434.55 FEET;
17. THENCE N44°25'12"W A DISTANCE OF 31.11 FEET;
18. THENCE S88°37'48"E A DISTANCE OF 145.01 FEET;
19. THENCE S89°25'12"E A DISTANCE OF 159.35 FEET;
20. THENCE N54°57'02"E A DISTANCE OF 140.35 FEET;
21. THENCE N07°17'28"W A DISTANCE OF 131.23 FEET;
22. THENCE N06°36'04"W A DISTANCE OF 92.75 FEET;
23. THENCE N00°11'44"W A DISTANCE OF 140.00 FEET;
24. THENCE N03°36'05"E A DISTANCE OF 68.00 FEET;
25. THENCE N18°30'43"E A DISTANCE OF 68.00 FEET;
26. THENCE N31°54'11"E A DISTANCE OF 148.26 FEET;
27. THENCE N15°46'41"E A DISTANCE OF 155.55 FEET;
28. THENCE N02°05'40"W A DISTANCE OF 173.54 FEET;
29. THENCE N15°46'29"W A DISTANCE OF 137.52 FEET;
30. THENCE S75°07'03"W A DISTANCE OF 130.10 FEET;
31. THENCE N17°05'06"W A DISTANCE OF 20.00 FEET;
32. THENCE N72°54'54"E A DISTANCE OF 130.00 FEET;

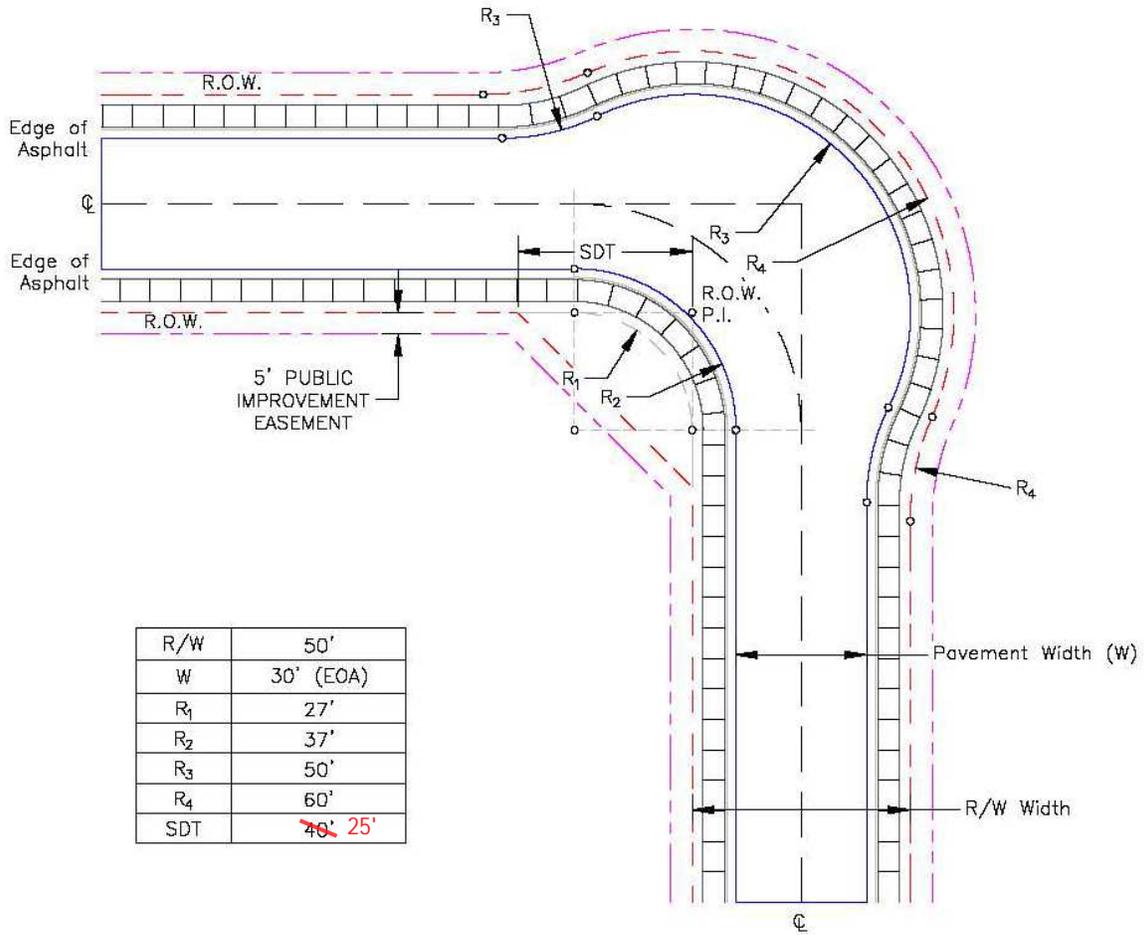
33. THENCE N17°05'06"W A DISTANCE OF 135.00 FEET;
34. THENCE N19°07'50"W A DISTANCE OF 140.09 FEET;
35. THENCE N15°41'41"W A DISTANCE OF 190.00 FEET;
36. THENCE N44°54'02"W A DISTANCE OF 100.00 FEET;
37. THENCE N77°50'23"W A DISTANCE OF 100.00 FEET;
38. THENCE S89°33'31"W A DISTANCE OF 144.08 FEET;
39. THENCE N81°38'27"W A DISTANCE OF 140.51 FEET;
40. THENCE N13°13'49"E A DISTANCE OF 25.00 FEET;
41. THENCE N34°17'58"W A DISTANCE OF 150.03 FEET;
42. THENCE N18°54'02"W A DISTANCE OF 120.00 FEET;
43. THENCE N21°09'09"W A DISTANCE OF 120.74 FEET;
44. THENCE N57°03'06"W A DISTANCE OF 159.45 FEET;
45. THENCE S65°18'37"W A DISTANCE OF 190.15 FEET;
46. THENCE N13°13'49"E A DISTANCE OF 83.94 FEET;
47. THENCE N25°28'40"W A DISTANCE OF 115.00 FEET;
48. THENCE N63°55'37"W A DISTANCE OF 120.00 FEET;
49. THENCE S85°11'52"W A DISTANCE OF 125.00 FEET;
50. THENCE S45°59'27"W A DISTANCE OF 115.00 FEET;
51. THENCE S07°31'57"W A DISTANCE OF 100.00 FEET;
52. THENCE S07°44'26"E A DISTANCE OF 64.26 FEET;
53. THENCE S02°52'31"W A DISTANCE OF 132.15 FEET;
54. THENCE S08°28'13"W A DISTANCE OF 130.45 FEET;
55. THENCE S14°41'57"W A DISTANCE OF 195.06 FEET;
56. THENCE S12°58'38"W A DISTANCE OF 140.44 FEET;
57. THENCE S14°40'50"W A DISTANCE OF 100.00 FEET;
58. THENCE S19°23'52"E A DISTANCE OF 96.71 FEET;
59. THENCE S34°40'06"E A DISTANCE OF 80.55 FEET;
60. THENCE N74°29'49"W A DISTANCE OF 61.04 FEET;
61. THENCE N79°59'14"W A DISTANCE OF 65.10 FEET;
62. THENCE S13°13'49"W A DISTANCE OF 120.00 FEET TO A NON-TANGENT CURVE TO THE RIGHT;
63. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 1570.00 FEET, A DELTA ANGLE OF 02°14'17", AN ARC LENGTH OF 61.32 FEET, WHOSE LONG CHORD BEARS N73°16'41"W A DISTANCE OF 61.32 FEET;
64. THENCE N24°44'20"E A DISTANCE OF 200.00 FEET;
65. THENCE N16°41'21"E A DISTANCE OF 150.00 FEET;
66. THENCE N11°42'15"E A DISTANCE OF 500.00 FEET;
67. THENCE N04°57'36"W A DISTANCE OF 290.00 FEET;
68. THENCE N07°26'02"E A DISTANCE OF 500.00 FEET;
69. THENCE N82°33'58"W A DISTANCE OF 782.00 FEET TO THE POINT OF BEGINNING;

THE ABOVE PARCEL OF LAND CONTAINS 74.394 ACRES, MORE OR LESS.

ENGINEERING CRITERIA MANUAL

EXHIBIT B

URBAN LOCAL KNUCKLE DETAILS



R/W	50'
W	30' (EOA)
R <sub>1</sub>	27'
R <sub>2</sub>	37'
R <sub>3</sub>	50'
R <sub>4</sub>	60'
SDT	<del>40'</del> 25'

SDT = SIGHT DISTANCE TRIANGLE  
 DESIGN SPEED = ~~25 MPH~~ 15 MPH

<p>7/9/09</p> <p>DATE APPROVED:</p> <p>André Brackin</p> <p>DEPARTMENT OF TRANSPORTATION</p>	<p>Urban Local Knuckle</p> <p><b>PROPOSED DEVIATION</b></p> <p>Standard Drawing</p> <p>REVISION DATE: 12/8/15</p> <p>FILE NAME: SD_2-77</p>	
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