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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

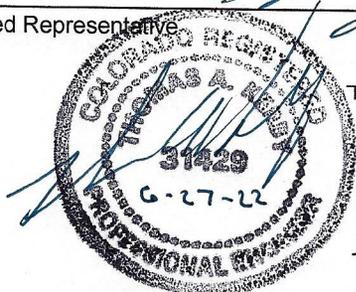
OWNER, APPLICANT, AND ENGINEER DECLARATION

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

Identify the specific ECM standard which a deviation is requested:

Roadway Access Criteria-Minor Arterial Access Standards. The standard requires intersection spacing of one-quarter mile between street intersections. This standard is also reflected in Table 2-6 Roadway Design Standards for Urban Expressways and Arterials and reflected in Section 2.4.1.D.2 Entering Site Distance on Minor Arterial, Table 2-35.

State the reason for the requested deviation:

The distance between the two intersections along Rex Road is less than criteria for a minor arterial and is constrained by topographic conditions and the presence of a major drainage channel to the west and the Falcon Regional Park on the east. The two intersections provide the required two access points to the development.

The distance between the two intersections along Rex Road is less than criteria for a minor arterial but meets that of a collector road. The road will essentially function as a collector due to the estimated total daily traffic counts. The intersection spacing has been previously agreed to at the time of the Rolling Hills Ranch 1-3 PUD approval.

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

Given the intersection spacing of approximately 1,125 feet is less than the required 1,320 feet. Sufficient sight distance is provided for vehicles to safely enter Rex Road from each local roadway at the posted design speed of 35 MPH per Table 2-35 of Section 2.4.1.D.2.

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 deviation request is primarily necessary due to topographical constraints posed by the Falcon Regional Park to the east and a major drainage course to the west. Two access points are necessary for each development.

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.

Given the constraints of the intersection spacing provides the best design alternative for providing sufficient sight distance for vehicle entering Rex Road from the adjacent local roadways while providing the necessary two access points to the development.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or operations since the sight distance available between the two intersections meets the minimum requirements for the posted speed limit.

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

There are no adverse impacts of this design that would affect maintenance in this area. Two access points are provided, the deviation requested shortens the intersection spacing by 195 feet, which has no impact on maintenance.

The deviation will not adversely affect aesthetic appearance.

The deviation provides the necessary sight distance for the two intersections and the general appearance to a typical driver or nearby resident will appear no different than any other intersection. There will be no adverse aesthetic appearance.

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

The design meets the spirit and intent of the ECM standards by providing two access points to the development.

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 deviation is not different than any other proposed roadway within El Paso County matching all other requirements for similarly classified roads and meets all requirements associated with the 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.

Γ

Γ

L

J

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.

Γ

Γ

L

J

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.

EXHIBIT B

FUTURE
ROLLING HILLS
RANCH NORTH

PROPOSED INTERSECTION SPACING
PROVIDED: 1,125 FT - £ TO £
REQUIRED: 1,320 FT - £ TO £

REX ROAD

SHELTER CREEK DR

REX ROAD

RETREAT PEAK DR

PROPOSED
SANCTUARY
FILING 1 AT
MERIDIAN RANCH



TECH CONTRACTORS
11886 STAPLETON DRIVE
FALCON, CO 80831
TELEPHONE: 719.495.7444
FAX: 719.495.3349

INTERSECTION SPACING DEVIATION

DEVIATION EXHIBIT
THE SANCTUARY FILING 1

Drawn by **TAK**
Checked by
Date **JUNE 2022**

Scale **1"=100'**
Sheet Number
EXHIBIT B