



**Planning and Community
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DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

PROJECT INFORMATION

Project Name :	Nabulsi-Abushaban Subdivision
Schedule No.(s) :	52190-00-101
Legal Description:	The East 990 feet of the South 1155 feet of the Southeast Quarter of Section 19 in Township 12 South, Range 65 West of the 6th P.M., El Paso County, Colorado, EXCEPT the South 30 feet and the East 30 feet thereof; Containing 39.079 acres, more or less.

APPLICANT INFORMATION

Company :	Nabulsi-Abushaban Family Trust
Name :	Taher Nabulsi, Co-Trustee
	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor
Mailing Address :	14384 Whispering Ridge Rd San Diego, CA 92131
Phone Number :	(858) 245-4927
FAX Number :	
Email Address :	tnabulsi@hotmail.com

ENGINEER INFORMATION

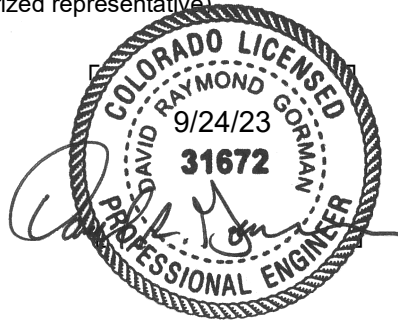
Company :	M.V.E., Inc.	Colorado P.E. Number: 31672
Name :	David R. Gorman	
Mailing Address :	1903 Lelaray St, Ste 200 Colorado Springs, CO 80909	
Phone Number :	(719) 635-5736	
FAX Number :		
Email Address :	daveg@mvecivil.com	

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 or in Section 2.2.4 Roadway Functional Classifications, Section 6, Figure 2.8 and Appendix F SD 2-10 of the Engineering Criteria Manual (ECM) is requested. The request is to allow a private roadway section that differs from the DCM standards for Rural Gravel Roadway. Specifically, foreslope of 4:1, elimination of the 5' Public Improvements Easement is requested in this deviation. A separate subdivision waiver is submitted with the Subdivision application pursuant to LDC Section 8.4.4(E)(3) to allow private roadway having gravel surface and design speed of 20 mph. These items are included in the waiver and are not contained in this deviation request. Please refer to the attached exhibit for the proposed road section.

Identify the specific ECM standard which a deviation is requested:

ECM, Appendix F, SD 2-10 Rural Gravel Local Roadway

The Rural Gravel Local Roadway standard cross section (SD_2-10) indicates:

- 12' wide travel lanes
- 4' wide gravel shoulders
- 6:1 fore slope extending from the gravel shoulder to the ditch centerline.
- Inclusion of a 5' public improvement easements dedicated to El Paso County

State the reason for the requested deviation:

Four new rural residential (5 Acre minimum) lots are proposed with Nabulsi-Abushaban Subdivision on 24.8 acres with the four proposed lots taking access from the private gravel roadway connecting to Old Ranch Road. The applicant and future residential owners wish to preserve as much as possible the natural terrain and features of property and also the private character of the development. In order to reduce the impact of the road construction on the natural features of the property, the applicants request that the allowed grade of the slope adjacent to the roadway shoulder (foreslope) to be increased from 6 (horiz.):1 (vert.). Adherence to the ECM standard cross sections would unnecessarily extend disturbance outside of the 60' wide right-of-way easement aside for access to the lots. The applicant requests steeper foreslope grades on each side to promote the preservation of the existing natural terrain at the site and to highlight the private and rural residential nature of the development. The resulting narrower width serves to preserve existing trees, natural vegetation and terrain. The roadway is proposed to remain private. Therefore, there is no need for the 5' public improvement easements dedicated to El Paso County and there will be no El Paso County public facilities associated with the private road.

The requested deviation which is to modify the foreslope from 6:1 to 4:1, and eliminate the 5-foot Public Improvements Easement will limit disturbance of areas outside of the provided 60' wide easement containing the roadway, preserve existing natural features and terrain and allow access to the four new. The modified road section is attached.

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

The proposed alternative Rural Local Gravel Roadway Section is attached.

The requested deviation is to:

- Increase the foreslope from 6:1 to 4:1 ; and
- Eliminate the 5-foot Public Improvements Easement.

The other elements of ECM Appendix F, SD_2-10 will remain according to county standards.

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 applicant requests to increase the allowed foreslope grade from 6:1 to 4:1 on each side to promote the preservation of the existing natural terrain at the site which will highlight the private and rural residential nature of the development. The narrower width serves to preserve existing trees, natural vegetation and terrain. The applicant also requests to eliminate the 5-foot Public Improvements Easement dedicated to El Paso County. Since the roadway will be private, there is no legal need or useful purpose for a 5' wide public improvement easement dedicated to El Paso County along the outside edge of the roadway. The proposed private roadway is low volume, serving only 4 residential lots producing 38 ADT. The narrower roadway is adequate to allow two-way traffic on this low volume roadway. Additionally, a public cul-de-sac turnaround, constructed to El Paso County standards is provided at the private roadway west entrance which is to be gate controlled. Another turnaround is provided at the north terminus of the private road. The existing private road is already constructed to the requested design configuration.

Topographical, Right-of-way and Geographical conditions – Adhering to the ECM standard section would expand the area of construction and disturbance outside of the proposed 60' wide easement set aside for access to the subdivision and into the private property of each adjacent lot. It would also unnecessarily destroy valuable existing natural features, terrain and trees along both sides of the road. With the low traffic volume of the private road, it is preferable to adopt the alternative road section. Other types of standard typical roadway sections, including the Rural Local roadway (paved), already allow 4:1 foreslopes in place of 6:1 shown on the gravel standard typical section. 4:1 foreslopes are appropriate in this application also. Dedicating a 5' easement for El Paso County public facilities is not practical, necessary or useful when not associated with a public right of way.

Public Safety - The private road will provide safe and reliable access to the subdivision. The presence of low traffic volumes for the four lots of 38 ADT allows for use of the modified roadway with no out-of-the-ordinary potential hazard. The road meets Design Speed requirements of 20 mph and will be posted with speed limit signs for 20 mph. The responsibility and maintenance of said driveway shall be carried out as described in a private access maintenance agreement. The alternative design for the roadway will not pose a threat to the public safety, health, or welfare, nor will it be injurious to any other property.

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.

Granting the proposed deviation will allow safe and reliable access to the nine lots of Eagle Rising Filing No. 1.

The few number of lots will produce low traffic volumes so the alternate road section will not hinder safety or usability of the roadway. The alternate road section fulfills the intended purpose of the roadway by providing safe and adequate access while preserving the existing natural features and terrain that make the site attractive for residential use. The private road will be privately owned and maintained by the Eagle Rising residents in accordance with an Access and Maintenance Agreement.

The alternate road section also eliminates the Public Improvements Easements granted to El Paso County which has no purpose or place on a private roadway.

The deviation will not adversely affect safety or operations.

The requested alternative road section featuring the standard travel lane width of 12' each way, shoulder widths of 4', foreslope of 4:1 and no 5-foot Public Improvements Easement will not adversely affect safety or operations of the roadway.

The low traffic volume of the road together with the gated access at the west subdivision entrance, posted speed of 20 mph as requested in the Private Road Waiver which is associated with the Minor Subdivision application, provides intended safety and use of the roadway.

The remaining standard cross sections features of 60' right-of-way easement, gravel surface, roadside drainage ditches as required, Maximum ADT of 199, maximum and minimum longitudinal slopes and horizontal alignment criteria continue to meet the county standards.

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

- The deviation will not adversely affect maintenance cost. The road will be privately maintained by the residential lot owners in accordance with the Access and Maintenance Agreement. The road design is conducive to regular private maintenance.

The deviation will not adversely affect aesthetic appearance.

The allowance of this deviation will enhance, not adversely affect, aesthetic appearance of the roadway. The resulting narrower road construction disturbance will fit and blend with the existing terrain. The requested design modifications will allow the site to remain more harmonious with the existing terrain.

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

- The design intent of adequate and safe access is met with adequate travel surface area, and improvement over existing conditions as well as proper direction of storm drainage, and proper travel surface
- The traffic volume of the private roadway will remain low with four residents using the road for access so the design fits the anticipated usage of the roadway.

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 request meets the control measure requirements specified by the County's MS4 Permit.
- Appropriate stormwater control measures will be implemented by the project in accordance with the approved Drainage Report Grading and Erosion Control Plans and Drainage Plans.

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:

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

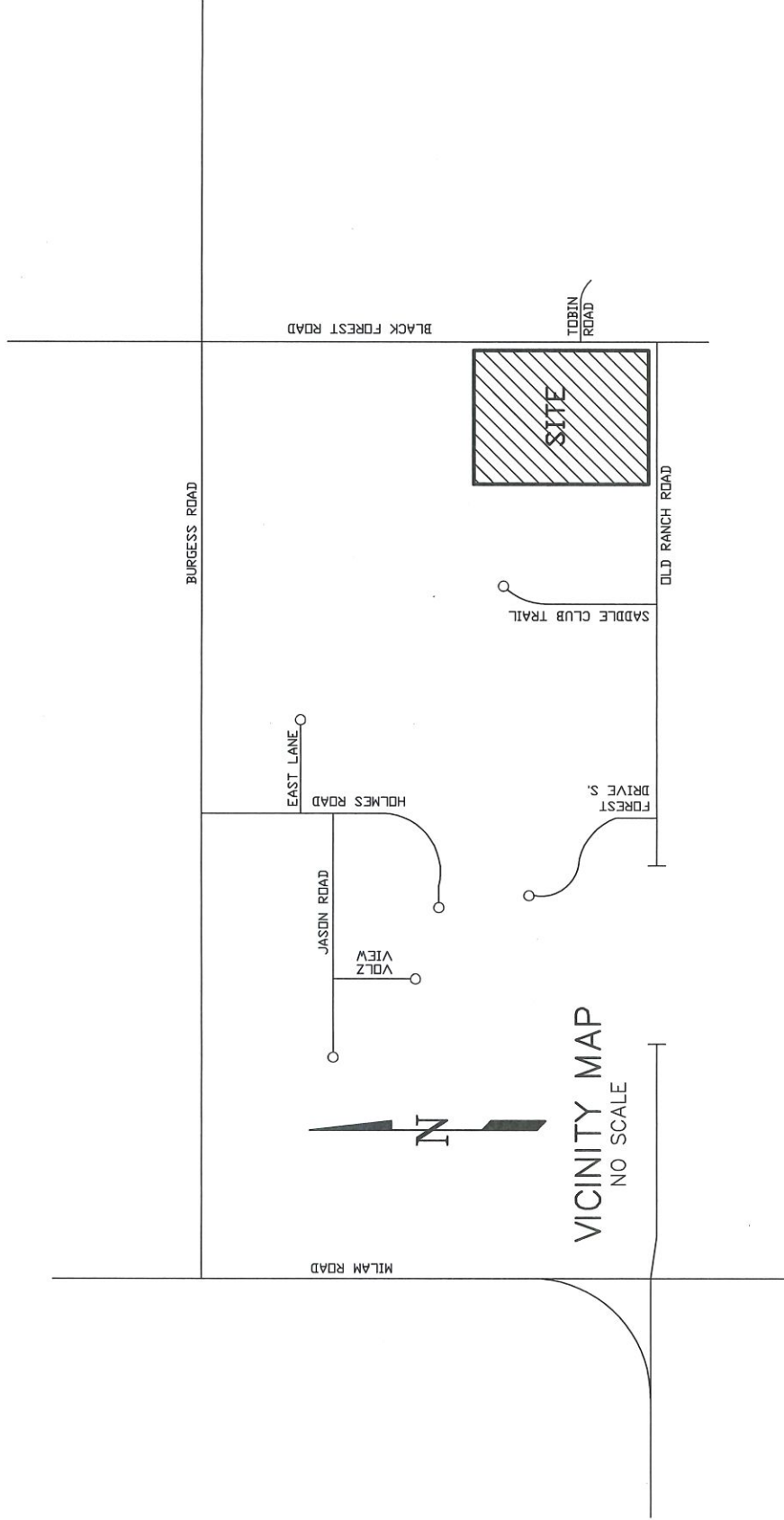
Whether a request for deviation is approved as proposed or with conditions, the approval is for project-specific use and shall not constitute a precedent or general deviation from these Standards.

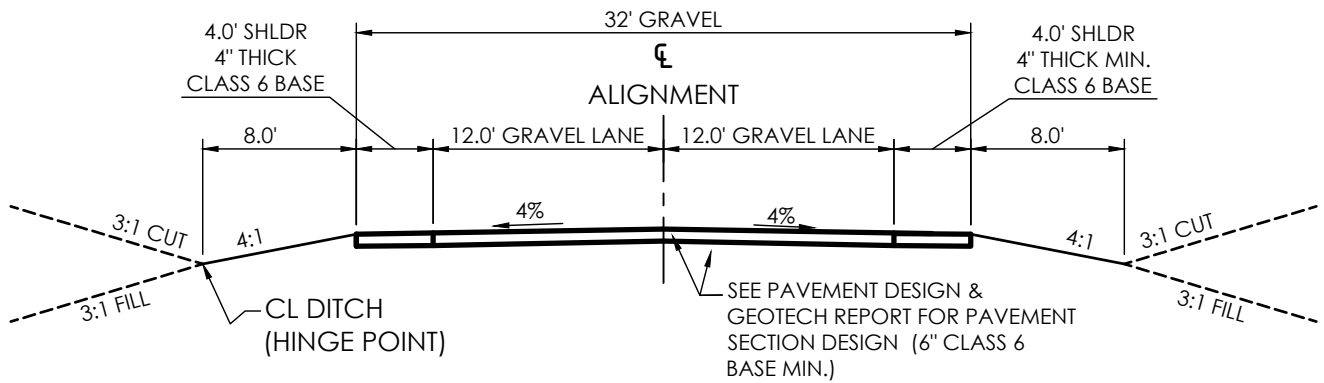
1.7. REVIEW FEES

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.

"NABULSI-ABASHABAN SUBDIVISION"

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 12 SOUTH,
RANGE 65 WEST OF THE 6TH P.M., IN EL PASO COUNTY, COLORADO





RURAL GRAVEL LOCAL ROADWAY

SCALE: 1" = 10'