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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name : IRON RIDGE FILING NO. 2

Schedule No.(s) : 6100000439

Legal Description : Portion of SE ¼ of Sect. 13, Township 11 S, Range 66 W of the 6<sup>th</sup> Principal Meridian, El Paso County, CO

### APPLICANT INFORMATION

Company : All Terrain Engineering

Name : Ryan Burns

☐ Owner ☒ Consultant ☐ Contractor

Mailing Address : 1004 W Van Buren St

Phone Number : 203-577-8656

FAX Number : n/a

Email Address : [rburns@allterraineng.com](mailto:rburns@allterraineng.com)

### ENGINEER INFORMATION

Company : All Terrain Engineering

Name : Ryan Burns

Colorado P.E. Number : 54412

Mailing Address : 1004 W Van Buren St.

Phone Number : 203-577-8656

FAX Number : n/a

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### 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

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Engineer's Seal, Signature  
And Date of Signature

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

A deviation from the standards of or in Section 2 of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

ECM 2.2.4.A.6 – LOCAL, FIGURE 2-8 “RURAL LOCAL CROSS SECTION”

State the reason for the requested deviation:

Colt Court is proposed to be extended from its current terminus into the Iron Ridge No. 2 site. At existing terminus, there is an existing lot, “Lot 14 Equine Meadows” on the down-hill side of the existing R.O.W. and downhill of the area where the road is proposed to be extended. Due to space constraints, topography, and the existing structures on Lot 14, the road is proposed to be super’d instead of having a normal crown per the “Figure 2-8” to keep runoff from negatively impacting the existing home site and private lot. With a normal crown, a roadside ditch on the downhill side would not be possible to fit within the existing R.O.W. and without a ditch, drainage improvements within the private lot would be required to direct flows to a suitable outfall and away from the existing structures on that lot.

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

Alternatives would include:

Normal crown roadway – causes undesirable drainage patterns that may cause harm to private property without proper mitigation. Mitigation would have to be done on the private lot along the entire extended portion of the roadway. This alternative would not require a deviation from Figure 2-8/Rural Local Roadway standard, but would require significant off-site improvements where permission is not guaranteed or likely.

C&G – C&G could direct water to a suitable outfall with a normal crown, however, this does not match the existing roadway type or section and would also require a deviation from the Rural Local Roadway standard/Figure 2-8.

## 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:

A normal crowned roadway would introduce developed flows onto an off-site private lot in greater quantities than existing conditions. These flows would have to be mitigated or controlled with improvements on private property due to the lack of space within the existing ROW.

## 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 proposed deviation to the cross section (super-elevated roadway versus standard crown) avoids sending developed runoff towards the existing private residence and assessor structure. Instead, the developed flows are carried to an existing outfall location in a ditch on the up-hill side of the road, where they outfall to a proposed culvert that discharges to the existing drainage path of the temporary cul-de-sac/existing Colt Court Road. This design carries water to the same outfall point that a crowned roadway would have to, but avoids increased disturbance on the downhill side of the road/ROW within a private lot, and also avoids the need for additional improvements within the private parcel.

The deviation will not adversely affect safety or operations.

This deviation will have no adverse affect on safety or operations.

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

The proposed deviation reduces the maintenance requirements and burden on the maintenance entity by removing an undesirable drainage condition and also removes a second ditch on the low side of the road, which would have also required a berm and tie-back grading outside of the ROW and would need to be maintained.

The deviation will not adversely affect aesthetic appearance.

The proposed roadway section is more aesthetically pleasing in our opinion as it helps to preserve the rural character of the area by requiring less grading and disturbance than the alternative crowned roadway.

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

The deviation does not limit the functionality of the roadway and as explained above, fits in better with the surrounding area, and limits disturbance which are all part of the intent and purpose of the ECM standards. The proposed deviations do not negatively affect the safety or wellbeing of the general public or intended users and serves the proposed development as well or better than the ECM standard would allow for.

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 design proposed minimizes disturbance as opposed to other alternatives and no additional discharges of pollutants as a result of this design are expected or anticipated.

**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.