



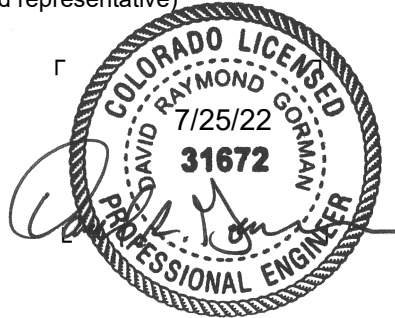
**OWNER, APPLICANT, AND ENGINEER DECLARATION**

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 **2.3.8.A** of the Engineering Criteria Manual (ECM) is requested. The request is to allow a proposed non-through road to provide access to the lots in this proposed subdivision with a length of 2120 feet. Please refer to the attached exhibit.

Identify the specific ECM standard which a deviation is requested:

2.3.8.A, Roadway Terminations – Cul-de-sacs

Cul-de-sacs shall have a maximum length of 1600 feet for rural condition.

State the reason for the requested deviation:

- No adjacent or connecting public ROW is available, except for Eagle Wing Drive.
- Eagle Wing Drive is currently a non-through road.

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

The new cul-de-sac termination would be located approximately 1,040 feet from the current Eagle Wing Drive cul-de-sac terminus. The total new cul-dec length, extending from the existing intersection of Rising Eagle Place and Eagle Wing Drive would be approximately 2,120 feet and would exceed the ECM standard of 1,600 feet by 520 feet.

A new public cul-dac bulb will be provided just inside the Eagle Rising property, replacing the existing temporary cul-de-sac located just west of the Eagle Rising property line. The new public cul-de-sac will provide a turn-round at approximately 1,100 feet from the Rising Eagle Place intersection. A private cul-de-sac road, 870 feet in length, will be constructed from the end of the new public cul-de-sac bulb.i

Eight lots of Eagle Rising Filing No. 1 will access the proposed cul-de-sac roadway

The proposed cul-de-sac is shown on the attached exhibit.

This should state 7 lots and one tract will access the proposed cul-de-sac. Lot 8 is proposed to access from Kuri Road

**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:

- No adjacent or connecting public road ROW available, except for Eagle Wing Drive; Eagle Wings Drive is currently a non-through street itself.
- Existing terrain makes further extension of the roadway to the north impractical and not conducive as use for access to the rural residential lots.

**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 subdivision roadway will be built to County standards.
- The proposed number of dwelling units (eight units, plus the 10 along existing Eagle Wing Drive to the west) on a non-through street would not exceed the limit (25 units) established by the Land Development Code. Therefore, a waiver would not be necessary.

The deviation will not adversely affect safety or operations.

The projected ADT of 57 vehicles per day (vpd) on this subdivision road would be relatively low.

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

- The deviation will not adversely affect maintenance cost, as the roadway will be built to County roadway standards and maintained by the HOA. The roadway will include a County-standard cul-de-sac “bulb” constructed at the terminus of the road (which will accommodate County maintenance vehicles and snowplows).

The deviation will not adversely affect aesthetic appearance.

- The roadway will be built to County roadway standards.

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

- The intent can be met considering the proposed cul-de-sac extension beyond the 1,600 feet is only minor at 2,120 feet (520 foot difference).
- A turn-round location is provided at about the 1100 foot point.
- The traffic volume on Eagle Wing Drive will remain low.
- The number of lots does not exceed the threshold number requiring a waiver of the Land Development Code.

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 requests have no impact on 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 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.

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**

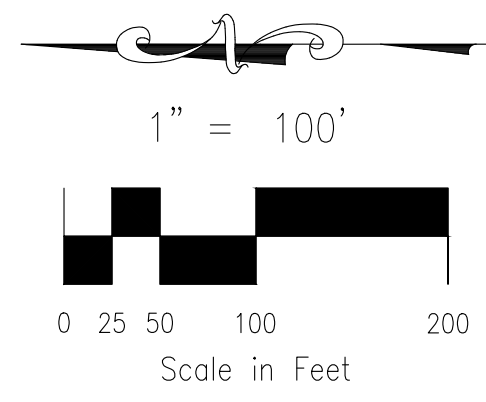
A Deviation Review Fee shall be paid in full at the time of submission of a request for deviation. The fee for Deviation Review shall be as determined by resolution of the BoCC.

# EAGLE RISING FILING NO. 1

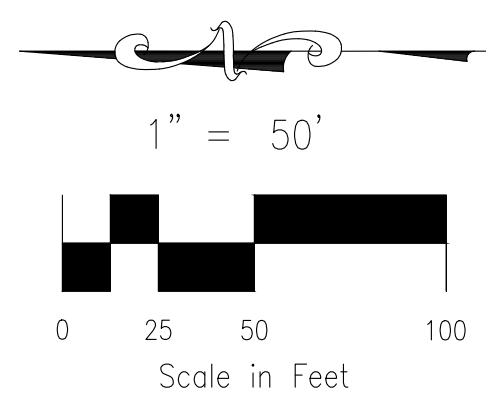
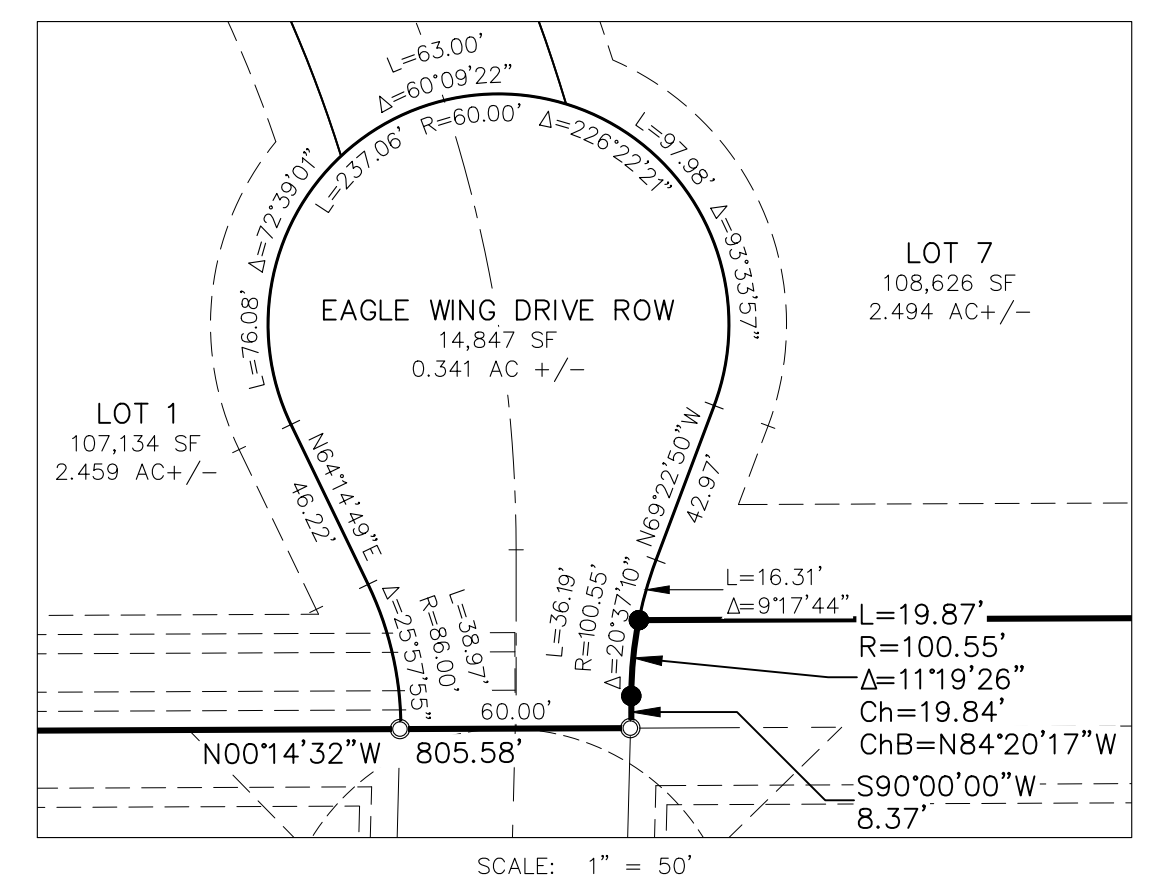
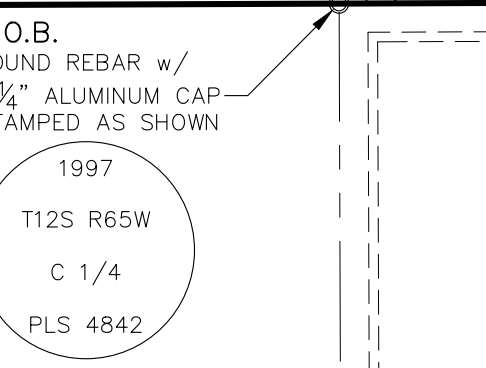
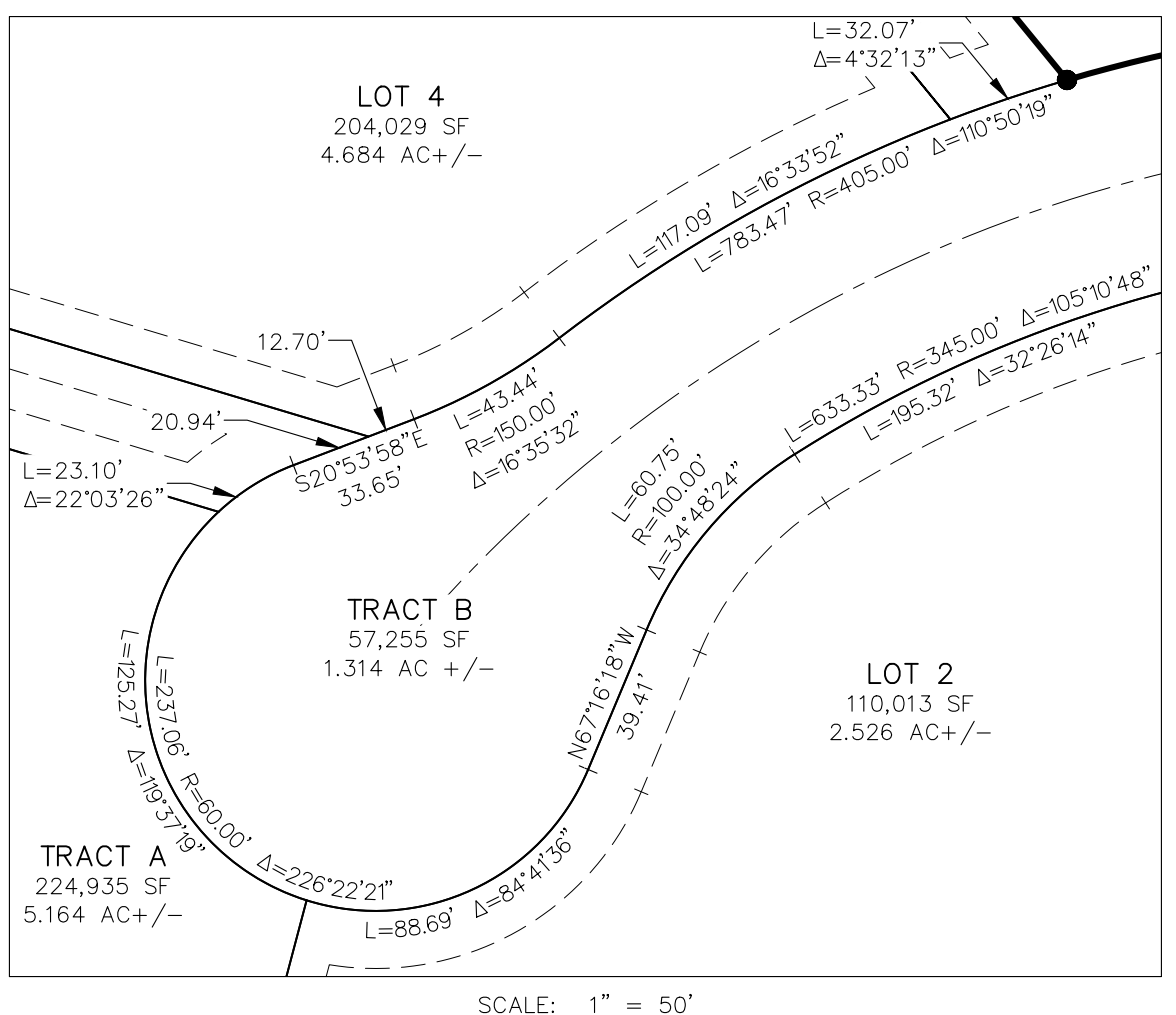
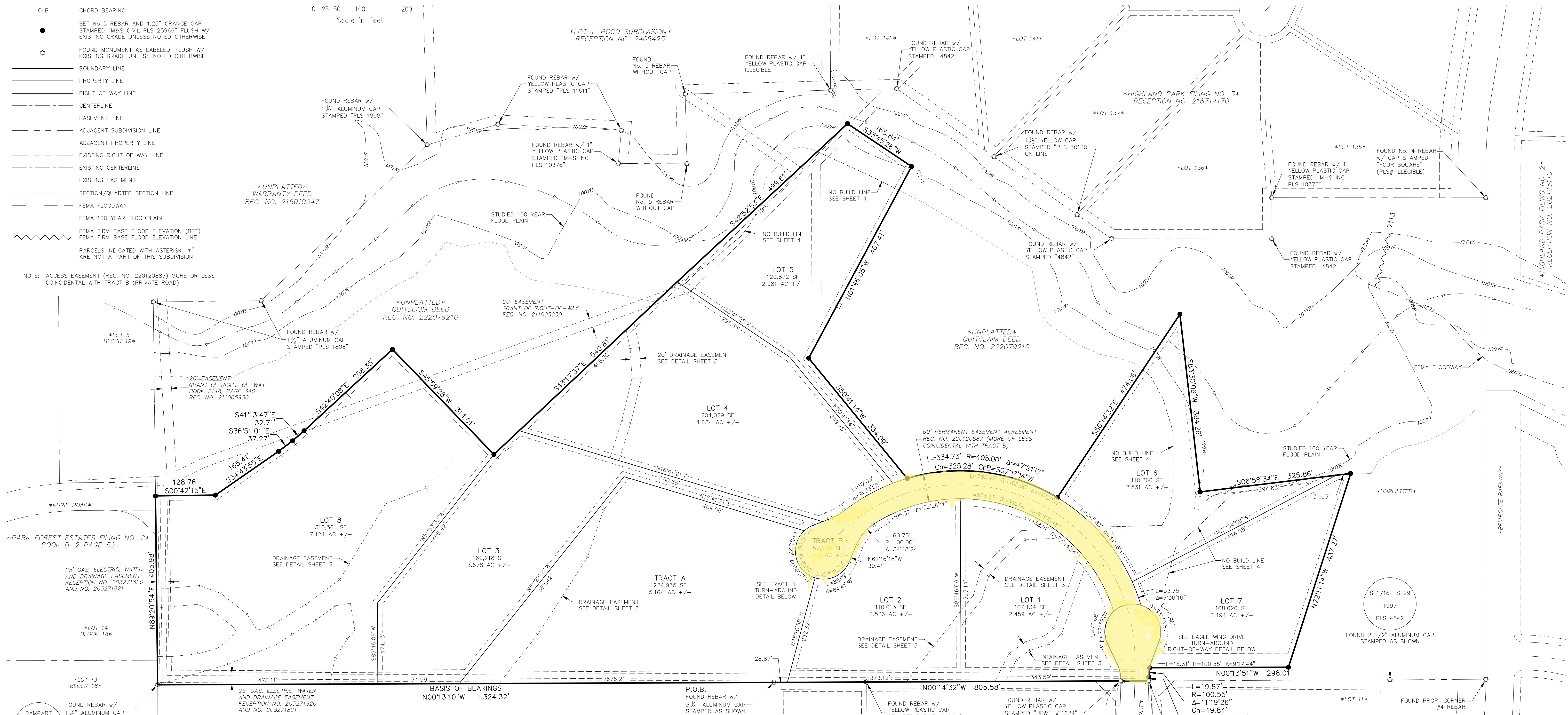
A PORTION OF THE EAST HALF (E 1/2) OF SECTION 29, TOWNSHIP 12 SOUTH,  
RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

## LEGEND:

- SF SQUARE FEET
- (R) RADIAL BEARING
- (xxxx) ADDRESS
- Ch CHORD
- ChB CHORD BEARING
- SET No 5 REBAR AND 1.25" ORANGE CAP STAMPED "M&S CIVIL PLS 25966" FLUSH W/ EXISTING GRADE UNLESS NOTED OTHERWISE
- FOUND MONUMENT AS LABELED, FLUSH W/ EXISTING GRADE UNLESS NOTED OTHERWISE
- BOUNDARY LINE
- PROPERTY LINE
- RIGHT OF WAY LINE
- CENTERLINE
- EASEMENT LINE
- ADJACENT SUBDIVISION LINE
- ADJACENT PROPERTY LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING CENTERLINE
- EXISTING EASEMENT
- SECTION/QUARTER SECTION LINE
- FEMA FLOODWAY
- FEMA 100 YEAR FLOODPLAIN
- FEMA FIRM BASE FLOOD ELEVATION (BFE)
- FEMA FIRM BASE FLOOD ELEVATION LINE
- PARCELS INDICATED WITH ASTERISK "\*" ARE NOT A PART OF THIS SUBDIVISION



NOTE: ACCESS EASEMENT (REC. NO. 220120887) MORE OR LESS COINCIDENTAL WITH TRACT B (PRIVATE ROAD)



SCALE: 1" = 50'

EAGLE RISING FILING NO. 1  
FINAL PLAT  
JOB NO. 43-043  
DATE PREPARED: 06/30/2022  
DATE REVISED:



212 N. WAHSATCH AVE., STE. 305  
COLORADO SPRINGS, CO 80903  
PHONE: 719.955.5485

File: C:\30034\Eagle Rising\Drawings\12043 Eagle Rising No. 1 Final Plat.dwg 7/6/2022 11:18 AM