

# APPEAL OF DENIAL OF DEVIATION REQUEST

## CHERRY SPRINGS RANCH

June 2021

### APPLICANT AND PROPERTY OWNER

Cherry Springs Ranch, Inc.  
Stan Searle, Vice President and General Manager  
18911 Cherry Springs Ranch Dr.  
Monument, CO 80132  
PARCEL NUMBER: 6100000498

### CONSULTANTS



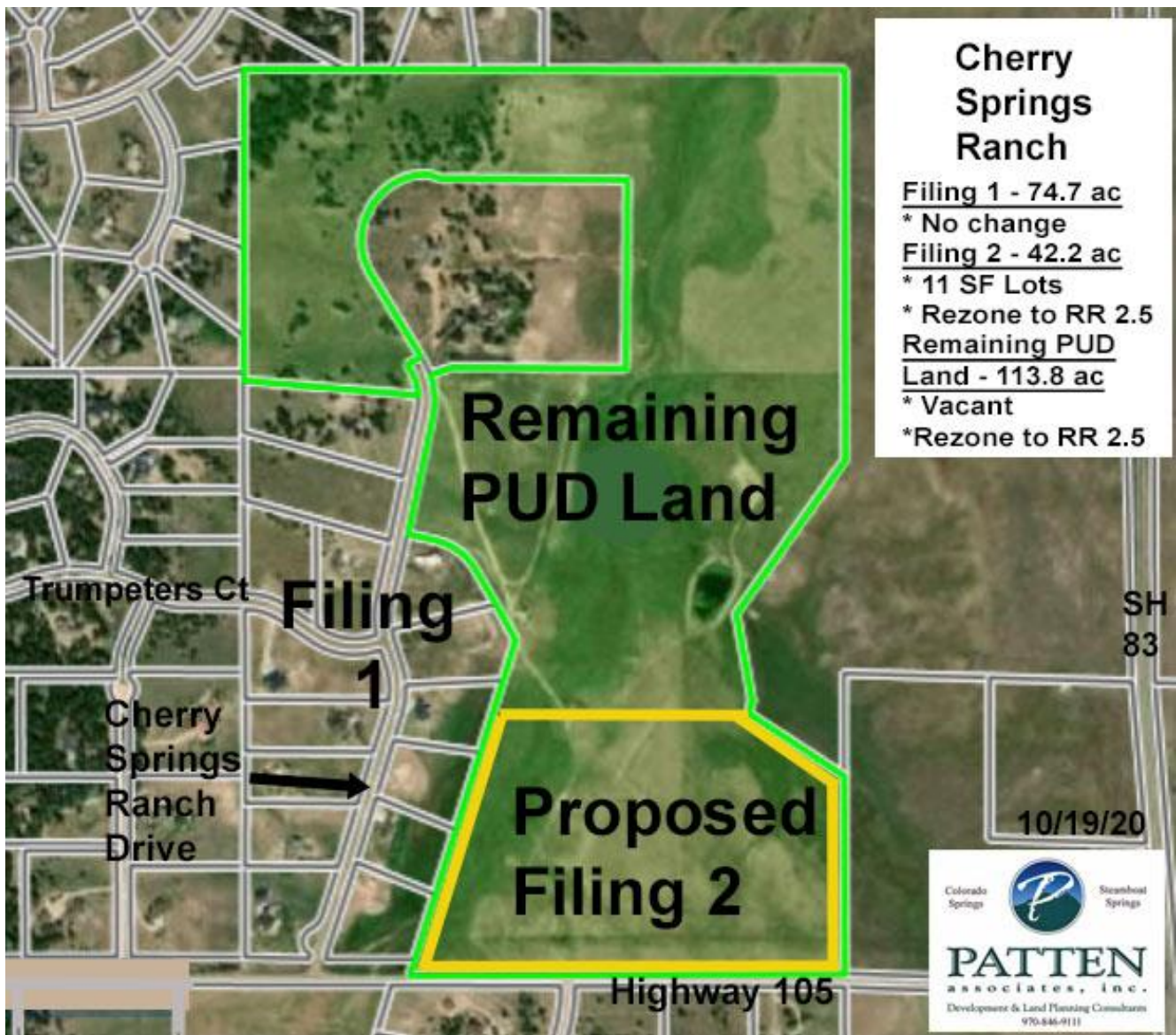
## I. BACKGROUND AND ORIGINAL DEVIATION REQUEST AND DENIAL

Cherry Springs Ranch is located north of Highway 105 and ¼ mile west of Highway 83. The Cherry Springs Ranch (CSR) PUD was approved in 2006 for 42 lots on approximately 231 acres. The Final Plat for Filing 1 was approved in 2007 for 16 lots and is mostly built out with residences. Cherry Springs Ranch Filing 2 (CSRF2) is proposed to be located on the southeast portion of the PUD on approximately 42.25 acres to the east of Filing 1, adjacent to Highway 105.

In February 2020 applications for a PUD Amendment and a Plat Note Modification were submitted for CSR Filing 2. The 2006 PUD Development Plan indicated the access road for the PUD would be aligned with Appaloosa Road. However, the access for Filing 1 was revised during the Final Plat process to create a direct access from Highway 105 onto the existing Cherry Springs Ranch Drive. Please see the graphic of the overall PUD showing the location of Filings 1 and 2 as well as the remaining portion of the PUD on the north on the following page.

The applicant is also requesting a rezone to RR 2.5 for the remaining 113.8 acres of the PUD to the north of proposed Filing 2. This is because EPC Planning and Community Development Department Staff have stated

that this area would be required to be platted due to the PUD Zoning and Conceptual Plans (ZCP) regulations which no longer honor the original PUD approval. The current PUD allows a total of 42 lots on the entire PUD's 231 acres (overall density of 1 lot/5.5 acres), including the 16 lots existing in Filing 1, leaving 26 to be developed. The rezoning of the 156 acres within the area of CSRF2 and the Remaining PUD Land to RR 2.5 would allow an additional 61 lots (16 on the area of CSRF2 and 45 on the PUD Remaining Land). **However, the applicant is willing to restrict the density of CSRF2 to 11 lots and the PUD Remaining Land to the already approved maximum of 15 lots, reducing total allowed density under RR 2.5 by a total of 34 lots.** Additionally, the applicant has no intention of pursuing development of the PUD Remaining Land at this time or in the near future. This voluntary density reduction significantly increases open space on the property, preservation of sensitive areas, the ranching heritage of the land as well as sensitivity to adjacent residences and property.



A Deviation Request was also submitted (Attachment 1) for intersection spacing of approximately ¼ mile (vs. the ½ mile in the ECM) to allow the existing CSR Drive/Highway 105 intersection to remain open along with the proposed Appaloosa Road extension north of Highway 105 to provide access to Filing No. 2.

The below excerpt from the Deviation Request summarizes the Applicant's reason for the request:

State the reason for the requested deviation:

The deviation for proposed intersection spacing less than one-half mile is needed as the entire frontage of the property along Highway 105 is less than one-half mile between State Highway 83 and Cherry Springs Ranch Drive. No other reasonable access to the property is available. The 1,115-foot intersection spacing is requested, as this would allow the access to the development to align with an existing intersection and be placed at the crest of a vertical curve along Highway 105 for acceptable intersection sight distance.

Below is an excerpt from the ECM Administrator's Denial of the Deviation Request (Attachment 2):

**ECM ADMINISTRATOR COMMENTS/CONDITIONS:**

The closing of the intersection of Cherry Springs Ranch Drive (CSR) and 105 is conditioned with the construction of Appaloosa Drive into the site. The leaving of the CSR intersection would create two locations where the intersection spacing would not be in conformance with the criteria, creating a compromise in public safety. This road is anticipated to be a 4 lane principal arterial in which the proposed spacing would not be in the best interest of the safety of the function of 105.

The statement that there is no additional access is incorrect. CSR has access at Trumpeters court, as well, this intersection has no bearing on the creek crossing.

Due to the safety concerns, the CSR connection to 105 will need to be closed at the time Appaloosa Drive is extended into the site. Construction documents for the extension of Appaloosa should include the construction of the cul-de-sac and the closing of the connection.

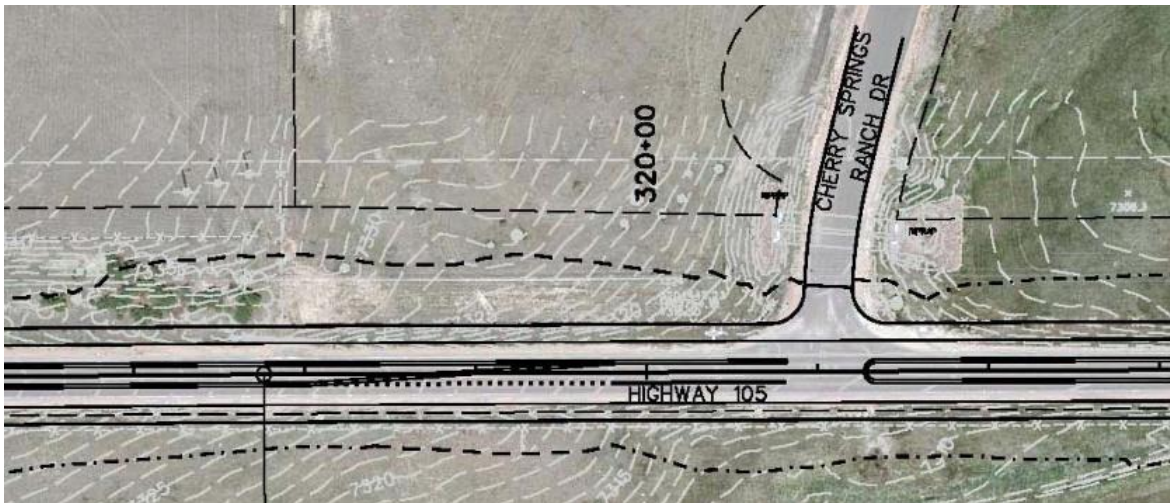
The applicant is appealing the Deviation Request denial because public safety is best served by allowing the existing CSR Drive to remain open while allowing the proposed new access to CSR Filing 2 – the extension of Appaloosa Road. The proposal is for the CSR Drive/Highway 105 intersection to remain open as a full movement intersection until such time that Highway 105 is upgraded to the four-lane, Principal Arterial cross section per the roadway's MTCP classification. Once this occurs, the CSR Drive/Highway 105 intersection would likely be restricted to a right-in/right-out (or possibly a three-quarter movement intersection) with a future center median (part of the standard Principal Arterial cross section). The current roadway cross section/width is more like a Minor Arterial cross section. Quarter-mile intersection spacing is standard on Minor Arterials.

## II. REASONS FOR APPEAL

The applicant is appealing the Deviation Request denial because he believes that public safety is best served by allowing the existing CSR Drive to remain open while allowing the proposed new access to CSR Filing 2 (extension of Appaloosa Road). The following are the primary reasons that public safety will be protected by allowing CSR Drive to remain open.

### 1. CSR Drive/Highway 105 Intersection – Safety Evaluation

- Sight distance to the east and west along Highway 105 is excellent: over 1,000 ft. in each direction. The minimum required is 610 feet.
- A response from the Colorado State Patrol Central Records Unit (in response to an LSC request for traffic accident history data) indicated zero reported traffic crashes at this intersection in the past five years (Report date: April 22, 2021). Additionally, since the intersection was established as a driveway 25 years ago, there have been no accidents that the Applicant is aware of.
- The roadway is paved and slopes to the south, allowing for good winter sun exposure and melting of ice on the intersection approach.
- The intersection will likely remain a T intersection (with no south leg of the intersection). T intersections are generally less complex, easier for drivers to navigate with significantly fewer conflict points than four-leg intersections.
- The intersection turning volumes are relatively light with most individual turning movements less than 10 vehicles per hour during peak hours. ECM turning volume thresholds for auxiliary turn lanes are not exceeded.
- The intersection level of service is A.
- The intersection spacing to Appaloosa is 1,100 feet, which is close to the quarter-mile spacing for minor arterials (see above for MTCP roadway classification vs. current roadway cross section).
- Highway 105 Corridor Study/Corridor Preservation Plan (May 2013) calls for safety improvements including a center painted median allowing for left turn lanes at intersections, including CSR Drive (see below excerpt from Highway 105 Corridor Plan). The painted median would extend east to the existing/proposed Appaloosa Road intersection. Granted, that plan could not assume the extension of Appaloosa north of Highway 105, because the timing was unknown and not a public project.



## **2. CSR Drive provides secondary access for Hilltop Pines Subdivision as required by EPC**

Hilltop Pines is a 29 lot subdivision immediately west of Cherry Springs Ranch. EPC granted a waiver in 2005 to the requirement for no more than 10 lots on a dead-end street, relying upon development to the east (Cherry Springs Ranch) to provide the secondary access (see Staff Report on next page). Thus, CSR Drive serves as the secondary access required by EPC for Hilltop Pines.

It appears that a ROW stub was provided for a potential future Peaceful Pines extension north with Peaceful Pines Subdivision Filing No. 2. This ROW stub may have been platted to simply allow for access to the adjacent property to the north and/or to plan for eventual potential closure of Peaceful Pines at 105 (for access management/reducing 105 access points). This ROW was extended north from the previously platted stub to Trumpeters with the Hilltop Pines Subdivision. The staff report for Hilltop Pines indicates the ROW was platted for potential additional access for Hilltop.

# EL PASO COUNTY DEVELOPMENT SERVICES DEPARTMENT



**File No:** SP-05-010 Hilltop Pine Subdivision  
**Applicant:** Stanley J. Reiss/ Hilltop Pines Development  
**Company:**  
**Owner:** Same  
**Date Submitted:** March 14, 2005  
**Location:** The property is located in the 2000 Tri-Lakes Comprehensive Plan area, between Highway 105 and the Kings Deer Development, east of Roller Coaster Road.

**Commissioner District:** 2

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Staff report prepared for Planning Commission Public Hearing  
**Date Prepared:** September 12, 2005  
**Project Manager:** Not Applicable  
**Planner:** Carl Schueler  
**Engineer:** Paul Danley

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## PROJECT/ PROCESS DESCRIPTION

The applicant is requesting approval of a Preliminary Plan to subdivide a 99- acre property into 29 single-family lots, with corresponding road rights-of-way and a detention pond . The proposed Preliminary Plan has been reviewed against the requirements as outlined in the El Paso County Land Development Code and against the PUD Development which has been previously approved for this property. A Final Plat was concurrently submitted, but is not ready for a hearing at this time.

## I. SUMMARY OF STAFF REPORT COMMENTS

The applicants are requesting approval of this 29-lot subdivision with lot sizes ranging from 2.5 to over 5 acres, as established in the approved PUD Plan for this property.

The applicant is requesting waiver of the Sections 49.2.C.3.b.(2) and (7) of the El Paso County Land Development Code which respectively require proposed streets to extend to the boundary line of the subdivision and for no more than ten(10) lots having access by a non-through street. In the case of the road extension waiver, the applicant is providing right-of-way to the east on Tremper's Court between proposed Lots 8 and 9. However, they are only providing a temporary cul-de-sac and are not paving the road to the property boundary. Until and unless the property to the east develops, most of the 29 lots in the subdivision will only have one means of access. Additional access is potentially available to the south via a platted future roadway access. Mitigation of

wildfire potential is therefore an issue. This has been addressed by the applicant and in a recommended condition.



Dick Anderwald, AICP  
Director

Imad Karaki  
Assistant Director

## El Paso County Development Services

December 16, 2005

Stanley J. Reiss  
Hilltop Pines Development Company  
1 Greenmeadow Place  
Dallas, Texas 75225-2080

RE: Preliminary Plan – Hilltop Pines Subdivision (SP-05-010)

This is to inform you that the above-referenced request for approval of a Preliminary Plan for Hilltop Pines Subdivision, consisting of 29 single-family residential lots on 99 acres in an existing PUD (Planned Unit Development) District was heard and approved by the Board of County Commissioners on December 8, 2005. The property (Tax Schedule No. 61000-00-013) is located northeast of the intersection of Roller Coaster Road and State Highway 105 and is within the 2000 Tri-Lakes Comprehensive Planning Area in El Paso County, Colorado.

Also approved were the following requested waivers:

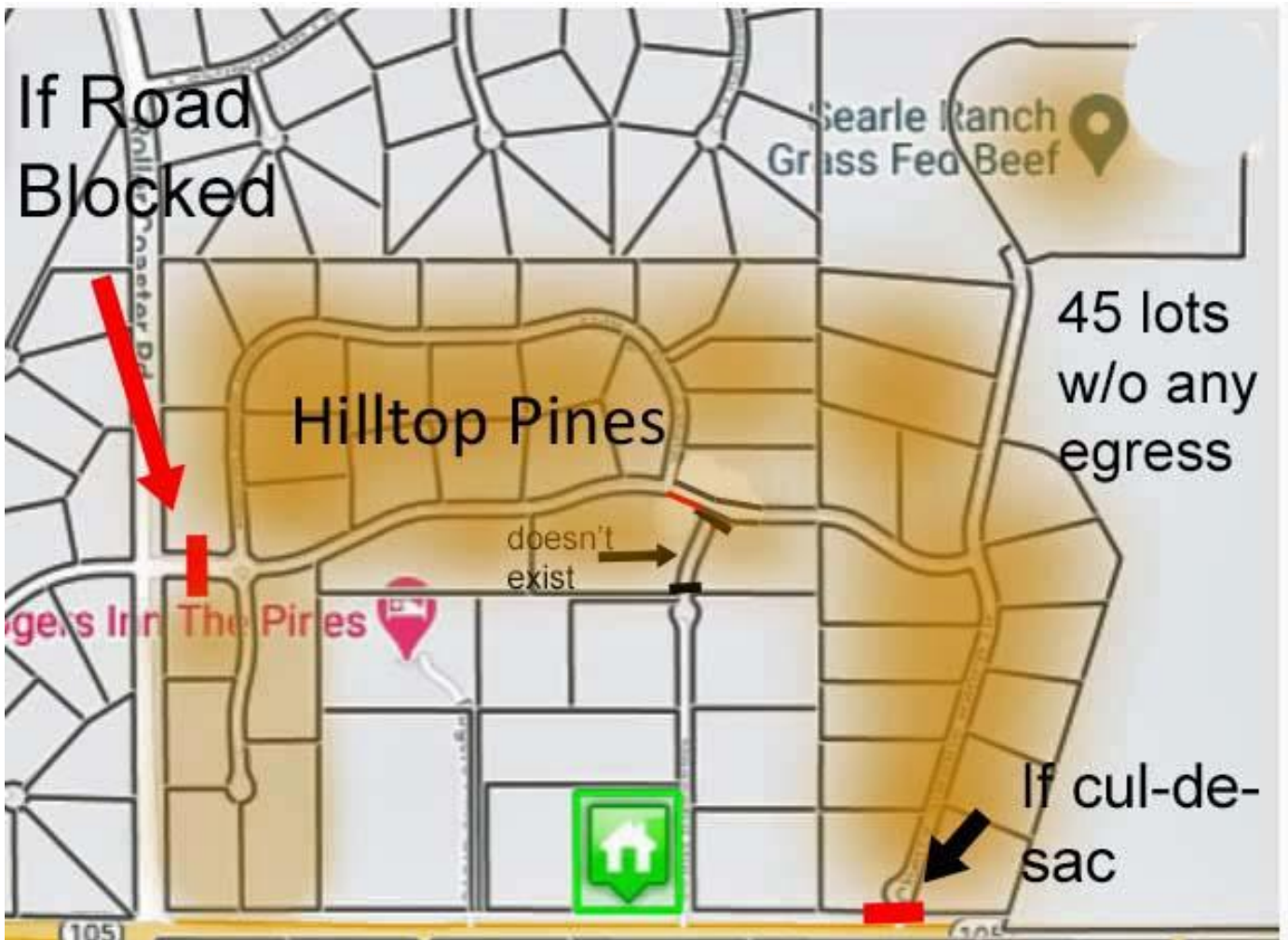
- 1) Section 49.2.C.3.b.(7) of the El Paso County Land Development Code: Access to areas containing in excess of ten (10) units must be by through street or loop street.
- 2) Section 49.2.C.3.b.(2) of the El Paso County Land Development Code: Proposed streets shall be extended to the boundary line of the land to be subdivided.

Adding to the importance of CSR Drive as a secondary access for Hilltop Pines, Trumpeter's Court is a relatively narrow two lane road that was cut through a pine tree forest on an east/west orientation (see photos of Trumpeter's Court on next page).





The tall evergreens cast shade on the road most of the time during the winter months prolonging icy conditions lasting many days if not weeks following a snowfall. Also, the dense forest provides a potential for wildfire and the necessity of a secondary access for the residents. If the road is blocked so that access to Rollercoaster Road is not available and CSR Drive were to be turned into a cul-de-sac, **a total of 45 residences would be without emergency access** (see graphic below).



### 3. Excessively long cul-de-sac violating County standard would be created

If CSR Drive is converted into a cul-de-sac, EPC regulations for a dead-end road would be violated. The regulation is a maximum of 25 lots as shown below. As shown in the graphic above, 45 lots would be on a cul-de-sac which begins at the Rollercoaster Road/ Trumpeter's Court intersection.

(D) **Dead-End Road Standards**

(1) **Maximum Number of Lots on Dead-End Road**

The maximum number of lots fronting and taking access from a dead-end road is 25. A corner lot is not counted in the maximum number of lots on a dead-end road when the fire department determines that adequate emergency access is provided to the corner lot by an alternative road.

(2) **More than 25 Lots on a Dead-End Road**

Where more than 25 lots would front and take access to a dead-end road, a second means of access shall be provided. The second access shall be either a public road or a road located within an easement specifically constructed for emergency access purposes.

**4. Existing intersection spacing on Highway 105 is ¼ mile or less**

The graphic below shows all the intersections and access points and their spacing between Rollercoaster Road and State Highway 83, clearly indicating that most of the intersections are spaced ¼ mile or less, creating an existing condition that clearly is inconsistent with EPC “standard” of ½ mile spacing for a Principal Arterial. Again, the applicant requests a northerly extension of Appaloosa Road into Cherry Springs Ranch Filing 2 with a spacing of approximately ¼ mile from the existing CSR Drive. The current Highway 105 cross section, access spacing, and speed is below, but more consistent with the ECM Rural Minor Arterial classification than the Principal Arterial. Therefore, in the interim until Highway 105 is upgraded to a Principal Arterial standard roadway cross section, it is reasonable to allow CSR Drive to remain. In the future, with a project to upgrade the roadway to Principal Arterial standards, CSR would likely be limited to a right-turn-only access with a center median or could be factored into an access consolidation plan or closed.



### III. SUMMARY

The public safety would be best served by approving the requested Deviation and allowing Cherry Springs Ranch Drive connection to Highway 105 to remain open. CSR Drive:

1. Serves as a critical secondary access in case of emergencies for the Hilltop Pines and Cherry Springs Ranch Filing 1 residents.
2. Is proposed to be spaced consistent with the intersections along this portion of Highway 105.
3. Closure would create an excessively long cul-de-sac in violation of EPC regulations.
4. Provides a road option less prone to prolonged snow and ice on the roadway than Trumpeter's Court for Cherry Springs Ranch and some Hilltop Pines residents.
5. There are no apparent safety issues at the SH 105/Cherry Springs Ranch Drive intersection based on the safety evaluation presented herein.
6. The current Highway 105 cross section, access spacing, and speed is below, but more consistent with the ECM Rural Minor Arterial classification criteria than those of the standard Principal Arterial. The spacing between Appaloosa and CSR Drive is nearly ¼ mile.

**Attachment 1**  
**Deviation Request**  
**February 2020**



Planning and Community  
Development Department  
2880 International Circle  
Colorado Springs, Colorado 80910

Phone: 719.520.6300  
Fax: 719.520.6695  
Website [www.elpasoco.com](http://www.elpasoco.com)

## DEVIATION REQUEST AND DECISION FORM

Updated: 6/17/2019

### PROJECT INFORMATION

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Project Name : Cherry Springs Ranch  
Schedule No.(s) : 6100000498  
Legal Description : S2NE4, SE4 EX THAT PART AS FOLS: COM AT SE COR OF SD SE4, TH N 00<14'44" W ON E LN OF SD SE4 860.27 FT FOR POB, TH N 57<33'53" W 496.57 FT, N 13<00'29" E 60.34 FT, N 10<55'18" W 383.28 FT, N 34<58'51" E 823.72 FT TO E LN OF SD SE4, TH S 00<14'44" E 1376.39 FT TO POB SEC 9-11-66, TOG W/ THE ELY 165 FT OF THE NW4SE4, EX THAT PT PLATTED TO CHERRY SPRINGS RANCH FIL NO 1

**APPLICANT INFORMATION**

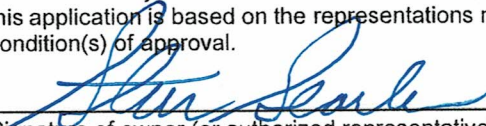
Company : Cherry Springs Ranch, Inc.  
Name : Stan Searle  
 Owner    Consultant    Contractor  
Mailing Address : 18911 Cherry Springs Ranch Dr  
Monument, CO 80132  
  
Phone Number : 719-649-9590  
FAX Number : N/A  
Email Address : stansearle@gmail.com

**ENGINEER INFORMATION**

Company : LSC Transportation Consultants, Inc.  
Name : Jeffrey C. Hodsdon  
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Colorado Springs, CO 80909  
  
Phone Number : 719-633-2868  
FAX Number : 719-633-5430  
Email Address : jeff@LSCtrans.com  
  
Colorado P.E. Number : 31684

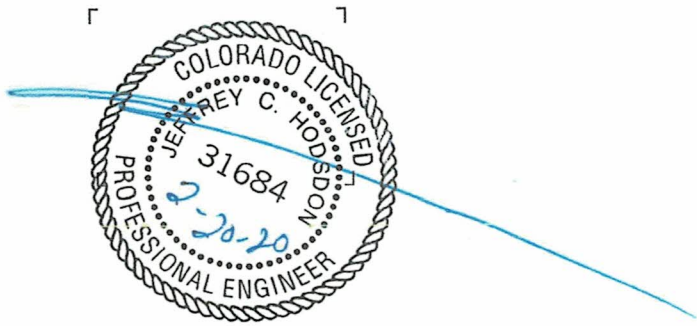
**OWNER, APPLICANT, AND ENGINEER DECLARATION**

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)

2-20-2020  
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 **2.3.2 Design Standards by Functional Classification** of the Engineering Criteria Manual (ECM) is requested. The request is to add a north leg to the public road intersection of Highway 105/Appaloosa Drive. This north leg would become a public local road. Please refer to the attached deviation exhibit.

Identify the specific ECM standard which a deviation is requested:

2.3.2 Design Standards by Functional Classification  
Table 2-5 - Intersection spacing along a Rural Principal Arterial

State the reason for the requested deviation:

The deviation for proposed intersection spacing less than one-half mile is needed as the entire frontage of the property along Highway 105 is less than one-half mile between State Highway 83 and Cherry Springs Ranch Drive. No other reasonable access to the property is available. The 1,115-foot intersection spacing is requested, as this would allow the access to the development to align with an existing intersection and be placed at the crest of a vertical curve along Highway 105 for acceptable intersection sight distance.

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

The proposed centerline intersection spacing along Highway 105 between Cherry Crossing Drive and the proposed public street intersection leg (north leg of the Highway 105/Appaloosa Road intersection) would be 1,115 feet. This spacing is 1,525 feet short of the ECM standard intersection spacing of one-half mile.

## 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 for the spacing less than one-half mile is needed as the entire frontage of the property along Highway 105 is less than one-half mile. No other reasonable access to the property is available. A road connection to the west to Cherry Crossing Drive is not reasonable or practical due to the creek/wetlands through the site along the west side of the Filing 2 site. No other public roads abut the property. The 1,115-foot intersection spacing is requested as this would allow the access to the development to align with an existing public road at an existing public road intersection and be placed at the crest of a vertical curve along Highway 105 for acceptable intersection sight distance.

## 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 centerline intersection spacing of 1,115 feet along Highway 105 between Cherry Crossing Drive and the proposed public street intersection leg (north leg of the Highway 105/Appaloosa Road intersection) would:

- † Tie the new public street into an existing intersection (forming the north leg of the Appaloosa Road intersection)
- † Maximize and strike a reasonable balance for the distances to Cherry Springs Ranch Drive and the State Highway 83 corridor, while also taking into consideration the vertical curve along Highway 105
- † Be located where intersection sight distance is acceptable

The deviation will not adversely affect safety or operations.

This roadway will only serve a relatively small residential development. The roadway will be constructed for local access with a length of approximately 1,090 feet. Please refer to the attached exhibit showing the intersection spacing for this proposed north leg of the Highway 105/Appaloosa Road intersection. Note: the cul-de-sac may be extended north in the future to provide access to potential future residential development (possibly seven additional lots).

The site access point is proposed as a stop sign-controlled, full-movement intersection with Highway 105. With a 50-mph posted speed limit on Highway 105, the field-measured sight distances for both approaches at the proposed site access locations must meet the required 555-foot requirement for passenger vehicles (per Engineering Criteria Manual Table 2-21). Looking east from the proposed site access north of Highway 105, the field-measured sight distance is 814 feet. Field-measured sight distance, looking west from the proposed site access, is greater than one-quarter mile. Both of these sight distances would meet the ECM's minimum 555-foot sight distance requirement when looking east or west. There is sufficient stopping sight distance as well.



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

This deviation will not adversely affect maintenance, as the proposed public road would be constructed to County standards and would tie into an existing intersection. Also, only one access is proposed. The public road connecting to Highway 105 would have a standard cul-de-sac for plows and maintenance vehicles to turn around.

The deviation will not adversely affect aesthetic appearance.

The aesthetic appearance will not be adversely affected, as the proposed public intersection spacing is comparable to others in northern El Paso County, the roadway would be built to County standards, and the intersection would be at the crest of a hill and tie in at an existing intersection.

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

The deviation for the spacing less than one-half mile is needed, as no other reasonable access to the property is available. A road connection to the west to Cherry Springs Ranch Drive is not reasonable or practical due to the creek/wetlands through the site along the west side of the Filing 2 site. No other public roads abut the property. The 1,115-foot intersection spacing is requested as this would allow the access to the development to align with an existing intersection (Appaloosa Road).

**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.

**Attachment 2**  
**Deviation Request Denial**  
**April 2020**



Planning and Community  
Development Department  
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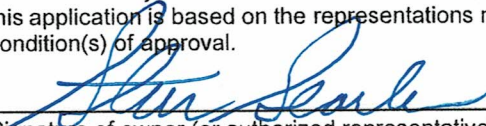
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FAX Number : N/A  
Email Address : stansearle@gmail.com

**ENGINEER INFORMATION**

Company : LSC Transportation Consultants, Inc.  
Name : Jeffrey C. Hodsdon  
Mailing Address : 2504 E. Pikes Peak Ave., Suite 304  
Colorado Springs, CO 80909  
  
Phone Number : 719-633-2868  
FAX Number : 719-633-5430  
Email Address : jeff@LSCtrans.com  
  
Colorado P.E. Number : 31684

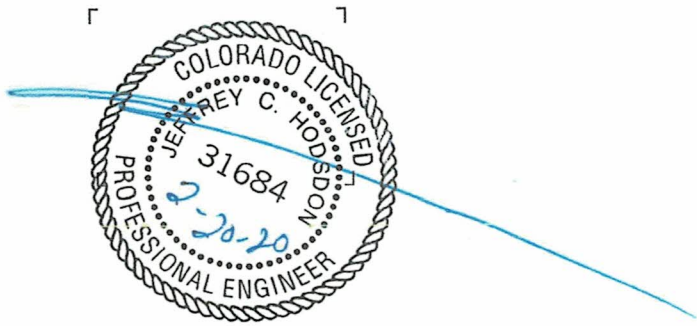
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Signature of owner (or authorized representative)

2-20-2020  
Date

Engineer's Seal, Signature  
And Date of Signature



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(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 for the spacing less than one-half mile is needed as the entire frontage of the property along Highway 105 is less than one-half mile. No other reasonable access to the property is available. A road connection to the west to Cherry Crossing Drive is not reasonable or practical due to the creek/wetlands through the site along the west side of the Filing 2 site. No other public roads abut the property. The 1,115-foot intersection spacing is requested as this would allow the access to the development to align with an existing public road at an existing public road intersection and be placed at the crest of a vertical curve along Highway 105 for acceptable intersection sight distance.

## 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 centerline intersection spacing of 1,115 feet along Highway 105 between Cherry Crossing Drive and the proposed public street intersection leg (north leg of the Highway 105/Appaloosa Road intersection) would:

- † Tie the new public street into an existing intersection (forming the north leg of the Appaloosa Road intersection)
- † Maximize and strike a reasonable balance for the distances to Cherry Springs Ranch Drive and the State Highway 83 corridor, while also taking into consideration the vertical curve along Highway 105
- † Be located where intersection sight distance is acceptable

The deviation will not adversely affect safety or operations.

This roadway will only serve a relatively small residential development. The roadway will be constructed for local access with a length of approximately 1,090 feet. Please refer to the attached exhibit showing the intersection spacing for this proposed north leg of the Highway 105/Appaloosa Road intersection. Note: the cul-de-sac may be extended north in the future to provide access to potential future residential development (possibly seven additional lots).

The site access point is proposed as a stop sign-controlled, full-movement intersection with Highway 105. With a 50-mph posted speed limit on Highway 105, the field-measured sight distances for both approaches at the proposed site access locations must meet the required 555-foot requirement for passenger vehicles (per Engineering Criteria Manual Table 2-21). Looking east from the proposed site access north of Highway 105, the field-measured sight distance is 814 feet. Field-measured sight distance, looking west from the proposed site access, is greater than one-quarter mile. Both of these sight distances would meet the ECM's minimum 555-foot sight distance requirement when looking east or west. There is sufficient stopping sight distance as well.



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

This deviation will not adversely affect maintenance, as the proposed public road would be constructed to County standards and would tie into an existing intersection. Also, only one access is proposed. The public road connecting to Highway 105 would have a standard cul-de-sac for plows and maintenance vehicles to turn around.

The deviation will not adversely affect aesthetic appearance.

The aesthetic appearance will not be adversely affected, as the proposed public intersection spacing is comparable to others in northern El Paso County, the roadway would be built to County standards, and the intersection would be at the crest of a hill and tie in at an existing intersection.

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

The deviation for the spacing less than one-half mile is needed, as no other reasonable access to the property is available. A road connection to the west to Cherry Springs Ranch Drive is not reasonable or practical due to the creek/wetlands through the site along the west side of the Filing 2 site. No other public roads abut the property. The 1,115-foot intersection spacing is requested as this would allow the access to the development to align with an existing intersection (Appaloosa Road).

**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 2.3.2, table 2-5 of the ECM is hereby denied.

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**DISAPPROVED**  
**Engineering Department**  
*03/30/2020 4:56:15 PM*  
*dsdnijkamp*  
└ ┘  
EPC Planning & Community  
Development Department

**ECM ADMINISTRATOR COMMENTS/CONDITIONS:**

The closing of the intersection of Cherry Springs Ranch Drive (CSRD) and 105 is conditioned with the construction of Appaloosa Drive into the site. The leaving of the CSRD intersection would create two locations where the intersection spacing would not be in conformance with the criteria, creating a compromise in public safety. This road is anticipated to be a 4 lane principal arterial in which the proposed spacing would not be in the best interest of the safety of the function of 105.

The statement that there is no additional access is incorrect. CSRD has access at Trumpeters court, as well, this intersection has no bearing on the creek crossing.

Due to the safety concerns, the CSRD connection to 105 will need to be closed at the time Appaloosa Drive is extended into the site. Construction documents for the extension of Appaloosa should include the construction of the cul-de-sac and the closing of the connection.

## **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.