

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

A deviation from the standards of or in Section **2.2.4.B.2** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

2.5.2.B.3 *“Concrete Thickness: Developments within a Planned Unit Development (PUD) zoning district shall be required to design and construct sidewalks to a thickness of five inches (5”) for all sidewalks along the entire length of any roadway*”

This request is to allow installation of asphalt sidewalk which is to be integral and adjacent to the private roadway pavement, delineated with double white lane line striping. The asphalt sidewalk is to be the same pavement section as the adjacent roadway (min. 3” of asphalt over 4” basecourse).

State the reason for the requested deviation:

The purpose of the deviation is to provide pedestrian access within the clustered residential portion of the subdivision while maintaining a more rural nature for the neighborhood. The residential area is surrounded by 45 acres of densely forested open space and the deviation will help to preserve the wooded nature of the site as much as possible. Concrete sidewalks would not harmonize with the intended character of the Sanctuary of Peace PUD.

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

The proposal is to provide for pedestrian access with the development by the use of asphalt sidewalks along one edge of the proposed paved roadway. The request for sidewalk on one side only is made by separate deviation request. The asphalt surface will provide a stable walking surface similar to concrete for residents and guests while allowing for efficient maintenance and winter clearing. The asphalt sidewalks will be maintained by the Sanctuary of Peace Property Owners Association together with the private roadway and other common facilities.

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 intended nature of the site is to be a clustered residential neighborhood amidst 45 acres of forested open space land in Black Forest. An asphalt surface along the roadway will harmonize with this purpose to a greater extent than a concrete surface, making the roadways resemble the existing connecting roadways for Benet Lane and the adjacent Benet Hill Monastery access drives. The asphalt surface will be easily maintained by the Sanctuary of Peace Property Owners Association. The use of the asphalt sidewalks adjacent to the paved roadway will preserve the existing trees and landforms as much as practically possible.

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.

There are no financial considerations associated with the deviation request. The deviation is requested to allow pedestrian access in a way that coincides with the desired character of the PUD.

The deviation will not adversely affect safety or operations.

This deviation will not adversely affect safety or operations. The use of asphalt for the sidewalks provides a stable walking surface and will not result in a decrease in safety from a concrete surface.

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

No portion of the site, including the asphalt sidewalks, are the maintenance responsibility of El Paso County. Maintenance will be performed by the Sanctuary of Peace Property Owners Association.

The deviation will not adversely affect aesthetic appearance.

There is no aspect of the proposed asphalt sidewalks which would adversely affect the aesthetic appearance of the site or roadway.

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

The proposed asphalt sidewalk will provide a stable walking surface for residents and guests.

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 paved surfaces of the site, including the proposed asphalt sidewalks are provided with storm detention and water quality treatment in an on-site private BMP's with Water Quality Treatment Volume and slow release.

REVIEW AND RECOMMENDATION:

Approved by the ECM Administrator

This request has been determined to have met the criteria for approval. A deviation from Section 2.5.2.B.3 of the ECM is hereby granted based on the justification provided.

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APPROVED
Engineering Department

10/29/2020 2:24:25 PM

dsdnijkamp

**EPC Planning & Community
Development Department**

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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.

