



Planning and Community  
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# DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

## PROJECT INFORMATION

Project Name : **Retreat at TimberRidge Filing No. 3**

Schedule No.(s) : 52214-00-001, 52280-00-039, 52272-00-007, 52272-00-008, 52220-00-026, portion of 52220-00-023

Legal Description : See attached

## APPLICANT INFORMATION

Company : Classic Companies

Name : Loren Moreland

Owner  Consultant  Contractor

Mailing Address : 2138 Flying Horse Club Dr.  
Colorado Springs, CO 80921

Phone Number : 719-592-9333

FAX Number : N/A

Email Address : [Lmoreland@classichomes.com](mailto:Lmoreland@classichomes.com)

## ENGINEER INFORMATION

Company : Classic Consulting

Name : Marc A. Whorton, P.E. Colorado P.E. Number : 37155

Mailing Address : 619 N. Cascade Ave., Suite 200  
Colorado Springs, CO 80903

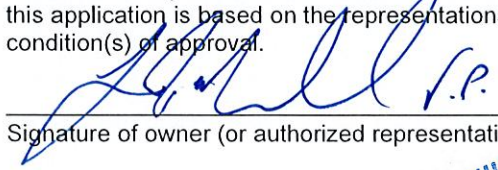
Phone Number : 719-785-2802

FAX Number : N/A

Email Address : [Mwhorton@classicconsulting.net](mailto:Mwhorton@classicconsulting.net)

## 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.

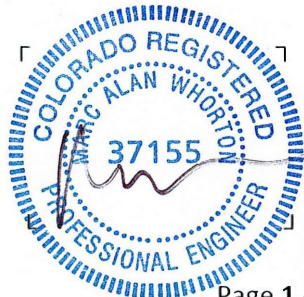
 L.P.

2/7/2024

Signature of owner (or authorized representative)

Date

Engineer's Seal, Signature  
And Date of Signature



2/7/2024

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

A deviation from the standards of or in Section **2.3.2 Table 2-5 & 2.3.4 Table 2-12, 2-14** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Rural Minor Collector – Arroya Lane  
Design Speed/Posted Speed 40/35 mph

Stopping Site Distance on Crest Curve – 40 mph Design Speed requires  $K = 44$   
Stopping Site Distance on Sag Curve – 40 mph Design Speed requires  $K = 64$

State the reason for the requested deviation:

The adjacent property owner directly north of Arroya Lane currently has a private driveway with access onto Arroya Lane 125' east of the culvert crossing of Sand Creek. The current roadway and culvert crossing design required several temporary construction and permanent drainage easements from this property owner. After many discussions and meetings, this neighbor is unwilling to grant any easements for work on his property.

Thus, we have revised the roadway and culvert crossing design to accommodate no disturbance on the adjacent property. In order to make this design work by keeping his current private driveway location in tact yet still provide the required culvert crossing upsizing across Sand Creek, sub-standard vertical curves at the Sand Creek crossing are being requested.

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

we are proposing that the Design Speed and Posted Speed be reduced along this stretch of roadway. More specifically, this reduction would take place between Vollmer Rd. and Hawks Hill Ct. Both the Design Speed and Posted Speed would meet the Urban Local roadway criteria of 25 mph. Thus, the vertical curves for this creek crossing will meet the following ECM criteria:

Table 2-12: Design Speed of 25 mph requires Crest Vertical Curve with  $K=12$  min.  
Table 2-14: Design Speed of 25 mph requires Sag Vertical Curve with  $K=26$  min.

**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:

In this specific situation, the natural topography adjacent to the Sand Creek channel along with the geographic location of the adjacent properties private driveway make the required Arroya roadway and drainage improvements undue hardships without the ability of gaining off-site easements from the adjacent property owner.

**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.

This deviation is not based on financial considerations as we were prepared to construct the current design but could not acquire the off-site easements. We even offered \$ for these easements but the adjacent owner would not even put a value on the easements.

The proposed deviation and lower posted speed will result in a comparable design for the roadway.

The deviation will not adversely affect safety or operations.

The proposed deviation will not affect safety or operations. In fact, it should increase the safety for this creek crossing given the slower speeds proposed.

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

Other than the vertical curves, the roadway design remains the same.

The deviation will not adversely affect aesthetic appearance.

Other than the vertical curves, the roadway design remains the same and does not affect the aesthetic appearance.

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

This deviation does indeed meet the design intent and purpose of the ECM as we are just proposing to use a lower speed for this stretch of roadway. In fact, with the private driveway location near the bottom of the creek crossing, the reduced speed through this stretch of roadway will provide better visibility and access safety for this stretch of 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.

This deviation has no effect on the County's MS4 permit as the collected runoff from this stretch of roadway will still be routed directly into a proposed SWQ facility.

**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.



619 N. Cascade Avenue, Suite 200 (719) 785-0790  
Colorado Springs, Colorado 80903

**LEGAL DESCRIPTION: RETREAT AT TIMBERRIDGE FILING NO. 3**

A PARCEL OF LAND BEING A PORTION OF SECTIONS 21, 22, 27 AND 28, ALL IN TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST END WHICH IS THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI PLS 10376, 2006" AND AT THE EAST END, WHICH IS A 30' WITNESS CORNER TO THE EAST OF THE EAST QUARTER CORNER OF SAID SECTION 28, BY A 3-1/4" ALUMINUM SURVEYORS CAP STAMPED "ESI 10376, 2006", IS ASSUMED TO BEAR S89°08'28"W A DISTANCE OF 1356.68 FEET.

COMMENCING AT THE CENTER-EAST 1/16 CORNER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, SAID POINT BEING ALSO ON THE SOUTHERLY RIGHT OF WAY LINE OF POCO ROAD AS PLATTED IN RETREAT AT TIMBERRIDGE FILING NO. 1 RECORDED UNDER RECEPTION NO. 220714653 RECORDS OF EL PASO COUNTY, COLORADO;

THENCE N09°49'11"E, A DISTANCE OF 2334.95 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF VOLLMER ROAD AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 430, SAID POINT BEING THE NORTHWESTERLY CORNER OF RETREAT AT TIMBERRIDGE FILING NO. 2 RECORDED UNDER RECEPTION NO. 222715015, SAID POINT BEING THE POINT OF BEGINNING;

THENCE N21°41'10"E, ON THE EASTERLY RIGHT OF WAY LINE OF SAID VOLLMER ROAD, A DISTANCE OF 342.36 FEET TO A POINT ON THE SOUTHWESTERLY CORNER OF ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431;

THENCE N89°40'23"E, ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431, A DISTANCE OF 761.52 FEET TO THE SOUTHEASTERLY CORNER OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431 SAID POINT BEING ON THE EAST LINE OF SAID SECTION 28;

THENCE N00°52'58"W, ON THE EASTERLY LINE OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431 AND THE EAST LINE OF SAID SECTION 28, A DISTANCE OF 30.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431 SAID POINT BEING THE SOUTHEAST CORNER OF SECTION 21, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;

THENCE N00°37'14"W, ON THE EASTERLY LINE OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431 AND THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 30.00 FEET TO THE NORTHEASTERLY CORNER OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431;

THENCE S89°40'23"W, ON THE NORTHERLY RIGHT OF WAY LINE OF SAID ARROYA LANE AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 431, A DISTANCE OF 736.82 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID VOLLMER ROAD AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 430;

THENCE N21°41'10"E, ON THE EASTERLY RIGHT OF WAY LINE OF SAID VOLLMER ROAD AS DESCRIBED IN A DOCUMENT RECORDED IN BOOK 2678 AT PAGE 430, A DISTANCE OF 113.86 FEET;

THENCE S68°26'02"E, A DISTANCE OF 147.97 FEET TO A POINT OF CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 21°53'35", A RADIUS OF 560.00 FEET AND A DISTANCE OF 213.98 FEET TO A POINT OF TANGENT;

THENCE N89°40'23"E, A DISTANCE OF 347.83 FEET;

THENCE N88°38'55"E, A DISTANCE OF 1330.86 FEET;

THENCE S00°54'30"E, A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN;

THENCE S00°54'30"E, A DISTANCE OF 1447.63 FEET TO THE NORTHEASTERLY CORNER OF RETREAT AT TIMBERRIDGE FILING NO. 2 RECORDED UNDER RECEPTION NO. 222715015;

THENCE ON THE NORTHERLY AND EASTERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 2 THE FOLLOWING SEVEN (7) COURSES:

1. N77°00'00"W, A DISTANCE OF 251.41 FEET;
2. S07°30'00"E, A DISTANCE OF 198.00 FEET TO A POINT ON CURVE;

3. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S07°30'00"E, HAVING A DELTA OF 83°24'30", A RADIUS OF 55.00 FEET AND A DISTANCE OF 80.07 FEET TO A POINT OF TANGENT;
4. S00°54'30"E, A DISTANCE OF 28.43 FEET;
5. S89°05'30"W, A DISTANCE OF 150.00 FEET;
6. S05°57'53"W, A DISTANCE OF 241.74 FEET;
7. S19°50'00"W, A DISTANCE OF 225.69 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 1;

THENCE ON THE NORTHERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 1 THE FOLLOWING TWO (2) COURSES:

1. N71°41'17"W, A DISTANCE OF 83.46 FEET;
2. N53°22'30"W, A DISTANCE OF 243.17 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 2;

THENCE ON THE EASTERLY AND NORTHERLY BOUNDARY OF SAID RETREAT AT TIMBERRIDGE FILING NO. 2 THE FOLLOWING TWENTY (20) COURSES:

1. N36°37'30"E, A DISTANCE OF 10.00 FEET;
2. N53°22'30"W, A DISTANCE OF 150.00 FEET;
3. N36°37'30"E, A DISTANCE OF 200.00 FEET;
4. N35°37'50"E, A DISTANCE OF 108.98 FEET;
5. N27°50'00"E, A DISTANCE OF 94.45 FEET;
6. N19°43'22"E, A DISTANCE OF 95.70 FEET;
7. N18°00'00"E, A DISTANCE OF 100.00 FEET;
8. N17°19'01"E, A DISTANCE OF 103.72 FEET;
9. N03°30'00"E, A DISTANCE OF 107.28 FEET;
10. N16°19'41"W, A DISTANCE OF 155.30 FEET;
11. N41°00'00"W, A DISTANCE OF 256.15 FEET;
12. N00°00'00"E, A DISTANCE OF 208.46 FEET;
13. N86°05'18"W, A DISTANCE OF 253.40 FEET;
14. N90°00'00"W, A DISTANCE OF 378.68 FEET;
15. N12°00'00"E, A DISTANCE OF 183.00 FEET;
16. N78°00'00"W, A DISTANCE OF 490.00 FEET;
17. S12°00'00"W, A DISTANCE OF 307.77 FEET TO A POINT ON CURVE;
18. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S68°21'36"W, HAVING A DELTA OF 114°51'36", A RADIUS OF 60.00 FEET AND A DISTANCE OF 120.28 FEET TO A POINT ON CURVE;
19. N46°30'00"W, A DISTANCE OF 243.59 FEET;
20. N68°18'50"W, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 44.351 ACRES.

**LEGAL DESCRIPTION STATEMENT:**

I, ROBERT L. MEADOWS, JR., A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.

\_\_\_\_\_  
ROBERT L. MEADOWS, JR, PROFESSIONAL LAND SURVEYOR  
COLORADO P.L.S. NO. 34977  
FOR AND ON BEHALF OF CLASSIC CONSULTING  
ENGINEERS AND SURVEYORS, LLC

\_\_\_\_\_  
DATE