



**Planning and Community  
Development Department**  
**2880 International Circle**  
**Colorado Springs, Colorado 80910**  
 Phone: 719.520.6300  
 Fax: 719.520.6695  
 Website www.elpasoco.com

**DEVIATION REQUEST  
AND DECISION FORM**

Updated: 12/21/2022

**PROJECT INFORMATION**

Project Name : Saddlehorn Ranch – Filing 2  
 Schedule No.(s) : 4300000602  
 Legal Description : SEE ATTACHED – Exhibit C

**APPLICANT INFORMATION**

Company : ROI PROPERTY GROUP, LLC  
 Name : NATHAN STEELE  
 Owner  Consultant  Contractor  
 Mailing Address : 1280 S. 800 E, SUITE 200, OREM, UT 84097  
  
 Phone Number : (949) 609-9492  
 FAX Number : N/A  
 Email Address : NATHAN.STEELE@ROIPROPERTYGROUP.COM

**ENGINEER INFORMATION**

Company : JR ENGINEERING  
 Name : BRYAN LAW Colorado P.E. Number : 25043  
 Mailing Address : 5475 TECH CENTER DRIVE, SUITE 235, COLORADO SPRINGS, COLORADO 80919  
  
 Phone Number : 303-267-6254  
 FAX Number : N/A  
 Email Address : BLAW@JRENGINEERING.COM

**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.

*Nathan Steele*

Signature of owner (or authorized representative)

05/02/2024

Date

Engineer's Seal, Signature  
And Date of Signature



05-02-2024

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

A deviation from the standards of or in Section **ECM section 4.3.6.3 Underground Utilities Standards** of the Engineering Criteria Manual (ECM) is requested for the culverts in Saddlehorn Filing 2.

Identify the specific ECM standard which a deviation is requested:

Criteria for cover of storm sewer lines per the ECM, shall be no less than 2 feet. The following request will be to deviate from this minimum, and instead request to utilize CDOT Standard M-603-2.

State the reason for the requested deviation:

In order to keep Pond F out of the groundwater table, the pond was constructed close to existing grade. Because this pond is the sole outfall for Filing 2, the roads and adjacent swales were constructed at 1% slopes in order to convey runoff from Curtis road all the way to Pond F. To maintain this drainage pattern, the culverts were proposed to have 1'-1.8' of cover. This allowed the swales to maintain a 1% slope, while still allowing the culverts to function as intended without specialty elliptical culverts, which will be more difficult to maintain over time.

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

For storm sewer design, a minimum cover of 2 feet is required, per 4.3.6.3 of the ECM. This deviation proposes a reduction of this cover, and instead utilize CDOT's M-603-2 standard for culvert design. This CDOT standard allows a minimum of 1' of cover from the top of the pipe, and includes the pavement thickness. The AASHTO LRFD tables were also used to check the Class III concrete pipe strength at each fill height. This will ensure the culverts can withstand AASHTO traffic loading for the rural roads. A total of 5 culvert crossings will be impacted by this deviation. See Exhibit C for culvert locations.

**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 order to keep Pond F out of the groundwater table, the pond was constructed close to existing grade. Because this pond is the sole outfall for Filing 2, the roads and adjacent swales were constructed at minimum slopes in order to convey runoff from Curtis road all the way to Pond F. To maintain this drainage pattern, the culverts were proposed to have 1'-1.8' of cover. It is requested that the culverts within Saddlehorn Filing 2 be allowed to have less than 2' of cover. Instead, the culverts will have 1'-1.8' of cover, per CDOT Standard M-603-2. Every culvert has been sized to convey the 100-year storm event without overtopping the road, and will allow the drainage conveyance within the site to function as intended.

**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 will achieve the intended result. The proposed culverts have adequate capacity to convey the flows of a 100-year storm event without overtopping the road. This will allow the culverts and intersections to function as intended without any effects on traffic or traffic flow.

The deviation will not adversely affect safety or operations.

This deviation will not adversely affect safety or operations. The culverts have adequate capacity to convey the developed runoff from a 100-year storm event without overtopping the road. This will ensure that the roads remain unaffected by the culverts and shall allow traffic to operate normally.

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

Maintenance of the culverts will not be impacted. Without this deviation, specialty pipes would be required which may cause additional maintenance cost in the long term.

The deviation will not adversely affect aesthetic appearance.

The deviation has no bearing on the aesthetic appearance.

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

Yes, the deviation meets the design intent and purpose of the ECM standards. The proposed culverts have adequate capacity to convey the runoff generated by the proposed development during a 100-year storm event, without overtopping the road.

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.

Yes, the deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, this project is proposing Water Quality facilities as required by the criteria.

**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**

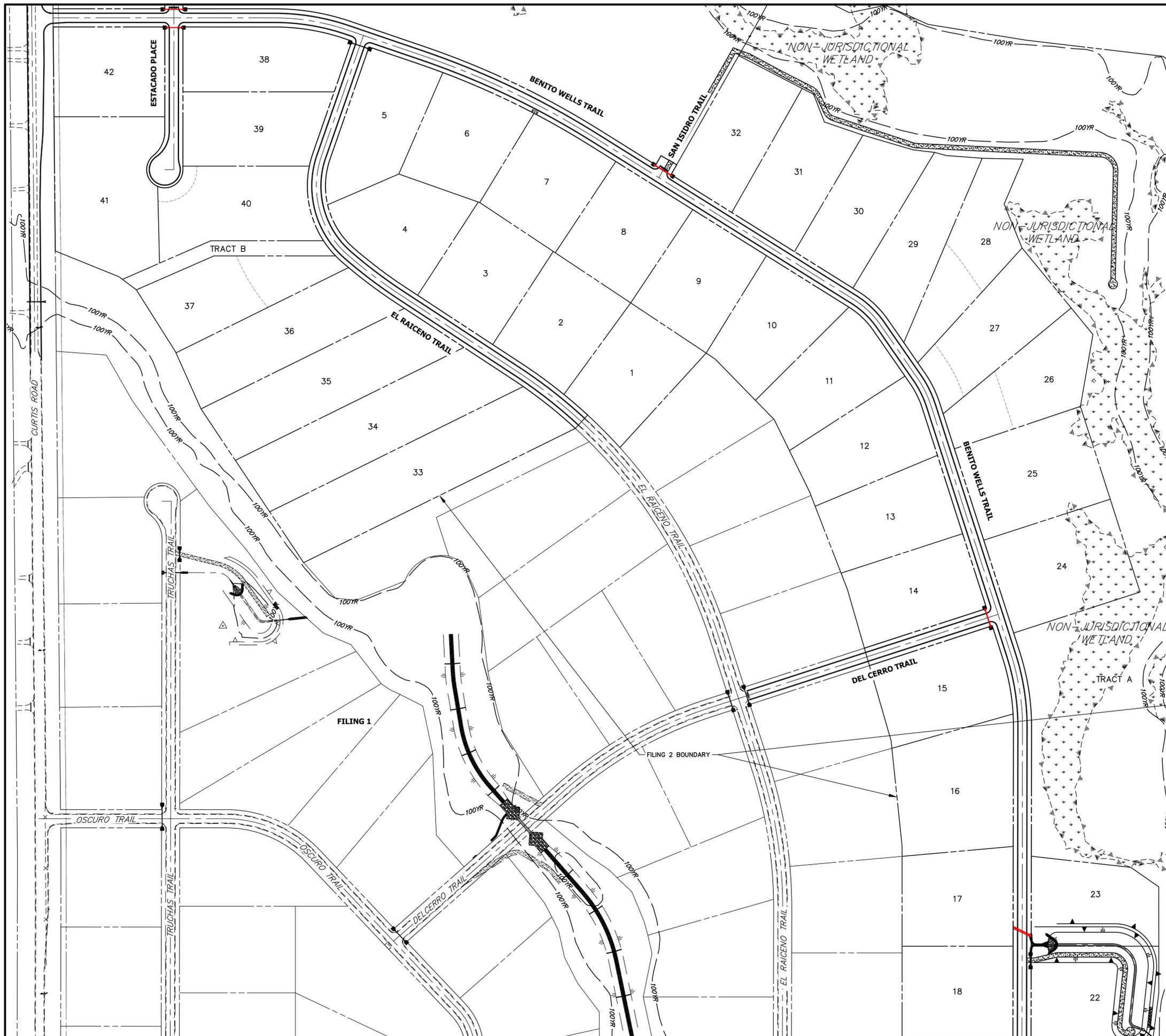
The review shall ensure all criteria for approval are adequately considered and that justification for the deviation is properly documented.

## **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.

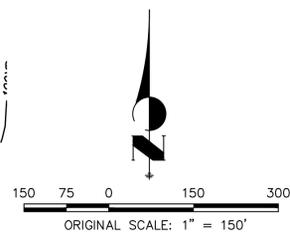
## **1.7. REVIEW FEES**

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.



**LEGEND**

CULVERTS REQUIRING VARIANCE



Know what's below.  
Call before you dig.

<p>UNTIL SUCH TIME AS THESE DRAWINGS ARE APPROVED BY THE APPROPRIATE REVIEWING AGENCIES, OR ENGINEERING APPROVES THEIR USE, THESE DRAWINGS ARE DESIGNATED BY WRITTEN AUTHORIZATION.</p>	
<p>PREPARED FOR <b>ROI PROPERTY GROUP, LLC</b> 1280 S. 800 E, SUITE 200 OREM, UTAH (949) 609-9492 NATHAN STEELE</p>	
<p><b>J.R. ENGINEERING</b> A Westman Company Central 303-740-9888 • Colorado Springs 719-583-2583 Fort Collins 970-491-9888 • www.jrengineering.com</p>	
No.	REVISION
H-SCALE	1"=200'
V-SCALE	N/A
DATE	5/1/24
DESIGNED BY	AAM
DRAWN BY	AAM
CHECKED BY	
<p>SADDLEHORN RANCH - FILING 2 CULVERT VARIANCE EXHIBIT</p>	
SHEET	1 OF 1
JOB NO.	25142.04