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DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

PROJECT INFORMATION

Project Name : Falcon Meadows @ Bent Grass Filing No. 4 Schedule No.(s) : 5301201061, 5301201062, 5301201063, 5301301054 Legal Description : Falcon Meadows @ Bent Grass Filing No. 4

APPLICANT INFORMATION

Company : Challenger Communities, LLC Name : Jim Buyers [X] Owner [ ] Consultant [ ] Contractor Mailing Address : 13570 Northgate Estates Dr. Colorado Springs, CO, 80921 Phone Number : 719-598-5190 FAX Number : N/A Email Address : Jim@ChallengerHomes.com

ENGINEER INFORMATION

Company : Galloway & Company, Inc. Name : Grant Dennis Colorado P.E. Number : 0051622 Mailing Address : 1155 Kelly Johnson Blvd., Suite 305 Colorado Springs, CO, 80920 Phone Number : 719-900-7220 FAX Number : N/A Email Address : GrantDennis@Gallowayus.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.

Signature of owner (or authorized representative) Date

Engineer's Seal, Signature And Date of Signature [Signature Line]

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

A deviation from the standards of or in Section **2.3.4 – 2.3.4** of the Engineering Criteria Manual (ECM) is requested.

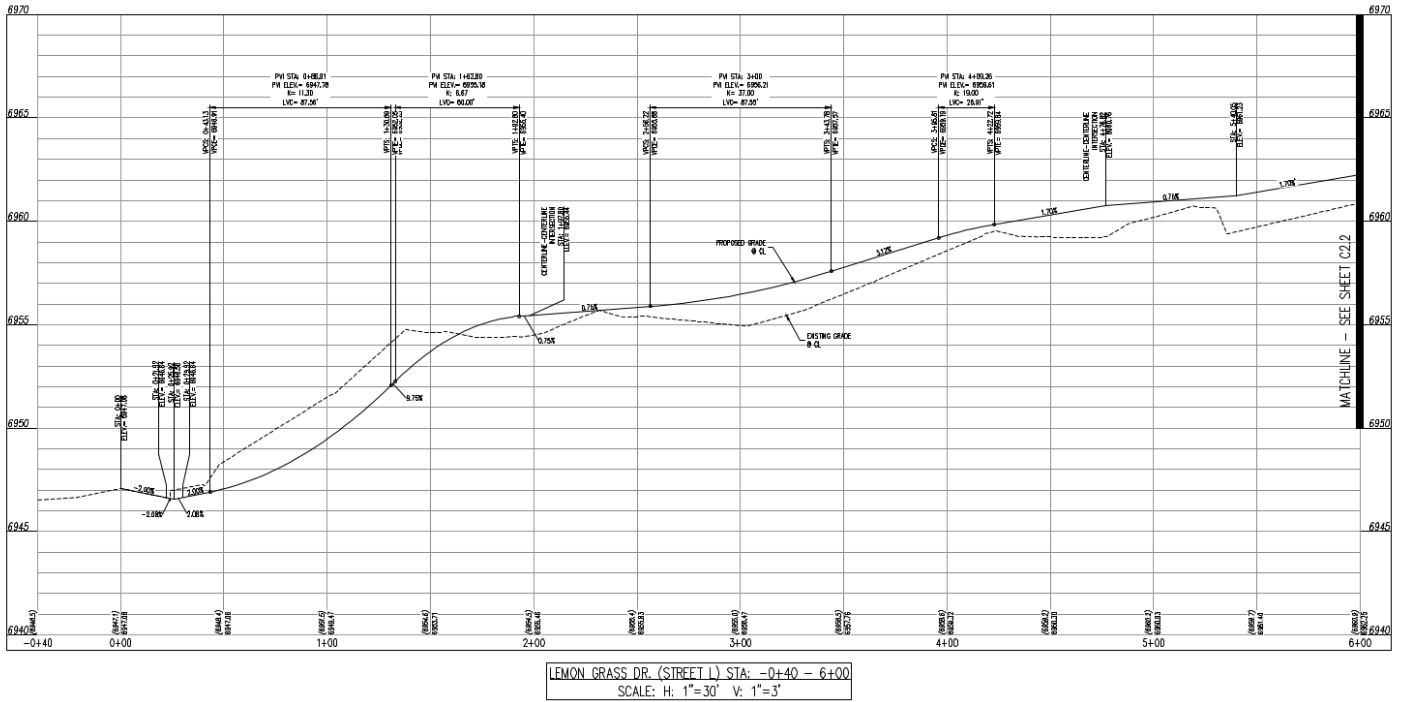
Identify the specific ECM standard which a deviation is requested:

The specific ECM Standards in which this deviation is being requested are ECM Table 2-12 and ECM Table 2-14

State the reason for the requested deviation:

We are requesting a deviation because our minimum K values are not being met on our Lemon Grass Road Improvement Plans in our Construction Drawings and we are not able to adjust the design in this area sufficiently to meet the K value requirements.

Provide a profile



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

We are proposing to maintain our current K values in our current plan. The K value for our non-compliant sag curve is 11.30 whereas the ECM standard is requiring a K value of 26. The K value for our non-compliant crest curve is 6.67 whereas the ECM standard is requiring a K value of 12.

Explain why Willmore, Silky Thread, and the north end of Lemon Grass Road cannot be revised to fix this situation.

What design speed would work with the vertical curves proposed?  
Address AASHTO requirements.

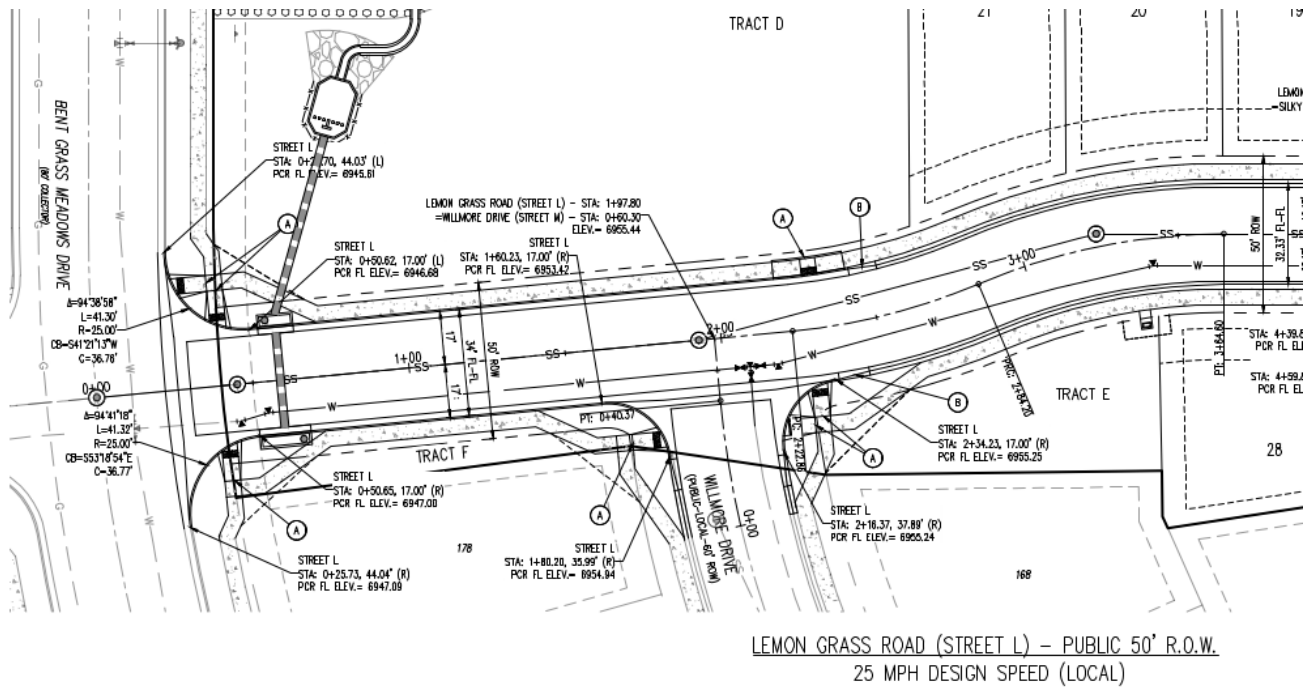
**LIMITS OF CONSIDERATION**

(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:

Due to the existing roads that Lemon Grass Rd. is tying into (Bent Grass Meadows Drive and Willmore Drive), the K values presented are the maximum K values we can produce given the horizontal and vertical constraints, while maintaining compliance to ADA standards.



**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 current design k-values produced **will achieve the intended result of adequate quality sufficiently.**

These are not true if  
criteria is not met.  
Provide additional  
supporting information.

The deviation will not adversely affect safety or operations.

The deviation **will not adversely affect safety or operations.**

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

Maintenance of the El Paso County roadways will not be impacted.

The deviation will not adversely affect aesthetic appearance.

Aesthetic appearance of the subdivision is not compromised by granting this deviation.

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

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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.

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How? Address specifically.

**REVIEW AND RECOMMENDATION:**

**Approved by the ECM Administrator**

This request has been determined to have met the criteria for approval. A deviation from Section 2.3.4 – 2.3.4 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 2.3.4 – 2.3.4 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.