



Planning and Community  
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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Clear Zone

Project Name : Winsome Filing No 1  
Schedule No.(s) : Existing Right of Way  
Legal Description : Same

### APPLICANT INFORMATION

Company : Winsome LLC  
Name : Joe DesJardin  
☒ Owner ☐ Consultant ☐ Contractor  
Mailing Address : 1864 Woodmoor Drive, Suite 100, Monument, CO 80132  
  
Phone Number : 719 476 0800  
FAX Number :  
Email Address : jdesjardin@proterraco.com

### ENGINEER INFORMATION

Company : Monument Hill CM LLC  
Name : Joseph W. DesJardin, PE  
Mailing Address : 1864 Woodmoor Drive, Suite 100, Monument, CO 80132  
  
Phone Number : 719 476 0800  
FAX Number :  
Email Address : jdesjardin@proterraco.com  
Colorado P.E. Number : 24207

### 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

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

A deviation from the standards of or in **Section 2.3.5** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

- **Section 2.3.5 – Clear Zone**
- **Table 2-4 Roadway Design Standards for Rural Minor Arterials**

State the reason for the requested deviation:

- Table 2-4 Roadway Design Standards for Rural Minor Arterials specifies a clear zone of 30'
- Approximately 4 overhead power poles exist north of Hodgen Road and west of Winsome Way and one utility pedestal east of Winsome Way within the clear zone.

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

- The proposed alternative is to allow the overhead power poles and utility pedestal to exist in the clear zone. This is an existing condition. Other alternatives such as guardrail, would provide greater obstruction and less opportunity for recovery.

## 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 proposed alternative is to allow the overhead power poles and utility pedestal to exist in the clear zone. This is an existing condition. Other alternatives such as guardrail, would provide greater obstruction and less opportunity for recovery.

## 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.

- Leaving the 4 power poles and 1 utility pedestal in the clear zone provides minimum obstruction and maximum recovery opportunities.

The deviation will not adversely affect safety or operations.

- The existing overhead power poles are approximately 18 inches wide. The utility pedestal is approximately the same width. These 5 obstacles provide 7.5 feet of minimal obstruction along a road frontage approximately 1,200 feet. All trees and other obstructions have been removed. Existing grades in the clear zone are gentle and do not exceed 6:1.

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

- The proposed deviation is no change and does not affect maintenance and associated costs.

The deviation will not adversely affect aesthetic appearance.

- The proposed deviation is no change and does not adversely affect the aesthetic appearance.

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

- The proposed deviation minimizes obstructions in the clear zone and allows maximum opportunity for recovery.

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.

- Water quality is provided. Storm water runoff sheet flows north from Hodgen Road, is reduced as it sheet flows across a grass field and is intercepted by a culvert beneath Clove Hitch Court discharging to Water Quality Pond 2.

**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:**

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### **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.