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**DEVIATION REQUEST
AND DECISION FORM**

Updated: 6/26/2019

Please update to use the deviation request associated with PUD. Copy of form has been uploaded in EDARP.

PROJECT INFORMATION

Project Name : Copper Chase at Sterling ranch
 Schedule No.(s) : TBD
 Legal Description : TBD

APPLICANT INFORMATION

Company : Challenger Homes
 Name : Jim Byers
 Owner Consultant Contractor
 Mailing Address : 8605 Explorer Drive, Suite 250, Colorado Springs, CO 80920
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ENGINEER INFORMATION

Company : M&S Civil Consultants, Inc.
 Name : Virgil A. Sanchez Colorado P.E. Number : 37160
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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 and **Section 2.5.2.C.4: Mid-Block Ramps on Local Roadways**- of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

A deviation from the number of ped ramps at a "T" intersection (4) is requested. An excerpt of the standard is provided below.

3. "T" Intersections. All "T" intersections shall have a minimum of four curb ramps as shown in Figure 2-36. A private access may be used as a curb ramp provided it is designed to meet ramp requirements and it is within the intersection and directly across from other ramps.

State the reason for the requested deviation:

The deviation is being requested in order to promote safer pedestrian circulation paths that function similar to or superior to that of the ECM standards and responds to market demands of lot density and various site constraints.

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

The proposed layout includes the following deviation(s) from standard ECM Standards for the number of PED ramps at a "T" intersection. Requesting;

- 2 PED ramps at Blue Feather Point and Lost Trail Point northeastern intersection.
- 2 PED ramps at Blue Feather Point and Salt Fork Point northeastern intersection.
- 2 PED ramps at Blue Feather Point and Blue Feather Point intersection.

The PED ramps at the southeastern end of these intersections will be installed as required. Installation of all required PED ramps at the northeastern end is not logical since it would create additional conflict points for pedestrian and vehicular travel paths due to the close proximity of the intersections. It is also not feasible to have these additional PED ramps due to the smaller lot geometry and associated features such as driveway requirements and lot density. As an alternative solution to these problems, one PED ramp will be constructed at a central point between the locations to create a comparable pedestrian circulation path that does not impede pedestrian movements and creates safer pedestrian crossings.

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:

Justification for the requested deviations for reduction in the number of PED ramps at these three intersections include:

- Proposed crossing location provides midpoint access coming from both sides
- Reduces number of conflict points between pedestrian and vehicle traffic paths resulting from proximity of intersections and lot density
- Lot geometry, density, and associated features such as driveways promote the desire for a solution to the original problem
- Similar circulation paths can be achieved with this solution
- Doesn't impede pedestrian movements
- Eliminates "cluttered" look at the close-proximity intersections

The deviation affects 3 of the proposed intersections. The PED ramps at the southeastern end of these intersections will be installed as required. Installation of all required PED ramps at the northeastern end is not logical since it would create additional conflict points for pedestrian and vehicular travel paths due to the close proximity of the intersections. It is also not feasible to have these additional PED ramps due to the smaller lot geometry and associated features such as driveway requirements and lot density. As an alternative solution to these problems, one PED ramp will be constructed at a central point between the locations to create a comparable pedestrian circulation path that does not impede pedestrian movements and creates safer pedestrian circulation paths.

The standard does not impose a particular hardship on the applicant. However, it will be more beneficial to pedestrian safety and circulation paths considering the aforementioned justifications.

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 number of PED ramps provided will achieve a comparable or superior level of performance as the standard with respect to the following:

- **Pedestrian ramp traffic volume accommodation** – Directly decreasing the number of available circulation patterns (by not adding the 4th ramp) moderately increases travel time to the proposed BFP crossing. Since the travel time and volume are directly related, capacity is anticipated to be similar to the non-deviation condition.
- **Pedestrian circulation patterns** – A central access point for crossing BFP is proposed which continues to provide a comparable path as the purpose the eliminated ramps would serve.
- **Pedestrian safety** – Adding the additional ramps at the close-proximity, affected intersections would result in additional conflict points with vehicular traffic, therefore, a superior level of safety is anticipated to be provided with the proposed alternative.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or roadway operations. Pedestrian crossings will be safer due to less conflicts points with vehicular traffic, and movements are not impeded since a central access point for crossing BFP is provided that serves the same purpose as the eliminated ramps.

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

Deviation will not adversely affect maintenance and its associated cost. Maintaining fewer pedestrian ramps will be less expensive and involve less man-hours.

The deviation will not adversely affect aesthetic appearance.

Deviation will not adversely affect aesthetic appearance of the impacted intersections. Fewer PED ramps will make the close-proximity intersections in question not look so cluttered.

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

The deviation meets the intent and purpose of the ECM standards as elimination of ramps at each intersection will not impede pedestrian movements and will result in safer pedestrian crossing due to the aforementioned justifications.

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. Stormwater quality requirements will be met regardless of PED ramp elimination.

REVIEW AND RECOMMENDATION:

Approved by the ECM Administrator

This request has been determined to have met the criteria for approval. A deviation from **Chapter 2, and Appendix F, SD 4-4** 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 **Chapter 2, and Appendix F, SD 4-4** 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.

DEVIATION EXHIBIT: # OF PED RAMPS AT T-INTERSECTION

