



**Planning and Community
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**DEVIATION REQUEST
AND DECISION FORM**

Updated: 6/26/2019

PROJECT INFORMATION

Project Name : Hay Creek Valley Subdivision
 Schedule No.(s) : 7133007014, 7133000001, 7100000270, 7100000267, 7100000268, 7100000269
 Legal Description : See attached

APPLICANT INFORMATION

Company : Matrix Design Group
 Name : Jason Alwine
 Owner Consultant Contractor
 Mailing Address : 2345 Research Parkway, Suite 300, Colorado Springs, Colorado 80920

 Phone Number : (719) 575-0100
 FAX Number :
 Email Address : Jason.alwine@matrixdesigngroup.com

ENGINEER INFORMATION

Company : Matrix Design Group
 Name : Jeff Odor Colorado P.E. Number : 39265
 Mailing Address : 2345 Research Parkway, Suite 300, Colorado Springs, Colorado 80920

 Phone Number : (719) 575-0100
 FAX Number :
 Email Address : Jeff.odor@matrixdesigngroup.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

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

A deviation from the standards of or in **2.3.2** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Design Standards by Functional Classification. Section 2.2.4 of these standards identifies the Roadway Functional Classifications recognized and used by the County. Table 2-4 through Table 2-7 summarize many of the minimum roadway design standards by category and functional classification. Detailed road Standard Drawings are provided in Appendix F. Table 2.5 states that the minimum centerline radius for a rural local roadway shall be 300'.

State the reason for the requested deviation:

The portion of the existing dirt access road that runs between the Hay Creek Valley property and Hay Creek Road is existing and not owned by the Hay Creek Valley Subdivision. The property owner has not been willing to grant any additional access easement and therefore the intersection of the existing roadway with Hay Creek Road is proposed to remain in its current location. Improvements will be made to that portion of the roadway including adjusting the intersection angle to within 10 degrees of 90, widening and paving; however the road alignment must remain within the existing ingress-egress ROW. Due to the confines of the existing 60' ingress-egress ROW, a 300' centerline radius can not be achieved.

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

The property boundary being subdivided does not include land that borders the intersection. As part of the general criteria for horizontal roadway alignments, "proposed road layouts shall have a logical relationship to existing or platted roads". This proposal keeps the existing ingress-egress ROW intact to maintain the current relationship of Hay Creek Road to the existing roadway. The largest radii possible is proposed within this portion of the road alignment to remain as the existing property owner of this portion is unwilling to grant additional access easements. The proposed roadway is to be owned and maintained by the HOA for the subdivision.

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 situation, the ingress-egress ROW meeting with Hay Creek Road is not being modified or adjusted and the property owner is unwilling to grant additional access easement. The roadway is proposed to be improved by paving up to the intersection with Hay Creek Road but must remain within the confines of the existing ingress-egress ROW because the developer does not own the land adjacent to the intersection. The property line begins approximately a quarter mile from the intersection. The road alignment in this area will propose the largest radii possible within the confines of the existing ingress-egress ROW. The private road will be owned and maintained by the governing HOA for the subdivision.

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 deviation will achieve the intended result of improving access to the subdivision by providing the largest radii possible within the existing ingress-egress ROW. The design proposed will improve the existing roadway intersection with Hay Creek Road by paving the existing road, widening, and adjusting the intersection angle to within 10 degrees of 90 allowing for a smoother transition for those entering and exiting that private driveway onto Hay Creek Road.

The deviation will not adversely affect safety or operations.

The deviation will not affect safety or operations as the existing intersection will remain operational and will be improved from its existing condition given the limited amount of use this access will provide.

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

The deviation will not affect maintenance and maintenance costs as it will be owned and maintained by the governing HOA for the subdivision, not the county.

The deviation will not adversely affect aesthetic appearance.

The proposed roadway will improve the aesthetic appearance of the subdivision by providing a smooth and wide paved surface for traffic that also reduces dust and dirt clouds from local traffic compared to the current dirt road through the site.

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

The deviation will meet the design intent and purpose of the ECM standards by providing access to dwellings via a paved private road from Hay Creek Road to the termination of the private road. Traffic will be limited to residents of the HOA.

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 requirements will be met regardless of the minimum centerline radii proposed.

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.

MONUMENT FIRE DISTRICT
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Proudly serving the Tri-Lakes Region



Jamey Bumgarner, Division Chief

April 10, 2023

To Whom it may Concern:

The Monument Fire District provides fire protection and emergency medical services to 70 square miles of northern El Paso County. Our current ISO rating is 3/3Y. The Hay Creek Valley Subdivision is located within our current district boundaries, and we will continue providing services to the area.

This is a follow to our letter dated January 4, 2023.

We have met with the developer and agreed to the following items for the Hay Creek Valley community.

- The road into the community will be private & gated with Fire Department-approved KnoxBox
- The Rural Local Street Section proposed for this road has 24' of asphalt with 4' shoulders on each side
- The road will be approximately 1 mile long and is required to provide a 100' diameter cul-de-sac at the end of the road. (No second point of access or mid-way turn-around is required)
- At the end of the cul-de-sac, we will install a 33,000-gallon cistern within a community tract, including a submersible pump and hydrant. (a second cistern is not required)

Please let me know if you have additional questions.

Jamey Bumgarner

Division Chief / Fire Marshal