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DEVIATION REQUEST  
AND DECISION FORM IN  
ASSOCIATION WITH  
A REQUEST FOR A PUD  
MODIFICATION FROM  
THE ECM

Updated: 6/26/2019

Pursuant to the El Paso County Land Development Code, the Board of County Commissioners may approve as part of the Planned Unit Development (PUD) approval a Modification to the Engineering Criteria Manual standards provided the Board can make the findings listed Section 4.2.6.F.2.h of the Land Development Code:

The proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

The review and approval of this Deviation does not authorize construction of the requested improvements until and unless the Board of County Commissioners approves the Modifications in association with the Planned Unit Development request, the applicant has received approval of all associated engineering documents, the applicant has provided the necessary financial assurances, and a construction permit has been issued by the Planning and Community Development Department.

**PROJECT INFORMATION**

Project Name : PONDEROSA AT LORSON RANCH FILING NO 3 (FINAL PLAT)  
Schedule No.(s) : 5514301027  
Legal Description : TRACT L, PONDEROSA AT LORSON RANCH FILING NO. 1, COUNTY OF EL PASO, STATE OF COLORADO.

**APPLICANT INFORMATION**

Company : LOVE IN ACTION  
Name : ATTN: JEFF MARK  
 Owner    Consultant    Contractor  
Mailing Address : 212 N. WAHSATCH AVE, COLORADO SPRINGS, CO 80903  
  
Phone Number : 719-635-3200  
FAX Number :  
Email Address : jmark@landhuisco.com

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**ENGINEER INFORMATION**

Company : Core Engineering Group  
  
Name : RICHARD SCHINDLER      Colorado P.E. Number : 33997  
  
Mailing Address : 15004 1st Avenue S.  
Burnsville, MN 55306

**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 9/3/20

Engineer's Seal, Signature  
And Date of Signature



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

A deviation from the standards of or in Section **2.1.3, Standard Drawings; Table 2-2, Standard drawings** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

In the case of those improvements that are required by the County, but are not specifically addressed by the ECM, the County will require the owner, permit holder, developer, contractor, and their agents to follow applicable local, state, and federal guidelines or standards promulgated by professional organizations. The ECM Administrator shall be consulted for guidance on proper references.

According to the ECM Section 1.9.1(PUD Zoning Districts), "The ECM Administrator may establish, on a case-by-case basis, special standards (i.e., deviations) that apply to a project with a Planned Unit Development (PUD) zoning classification. The ECM Administrator, in establishing such standards, shall first find that there are mitigating elements in the design of the project that allow for such special standards and that the special standards are in conformance with the intent and purpose of these Standards."

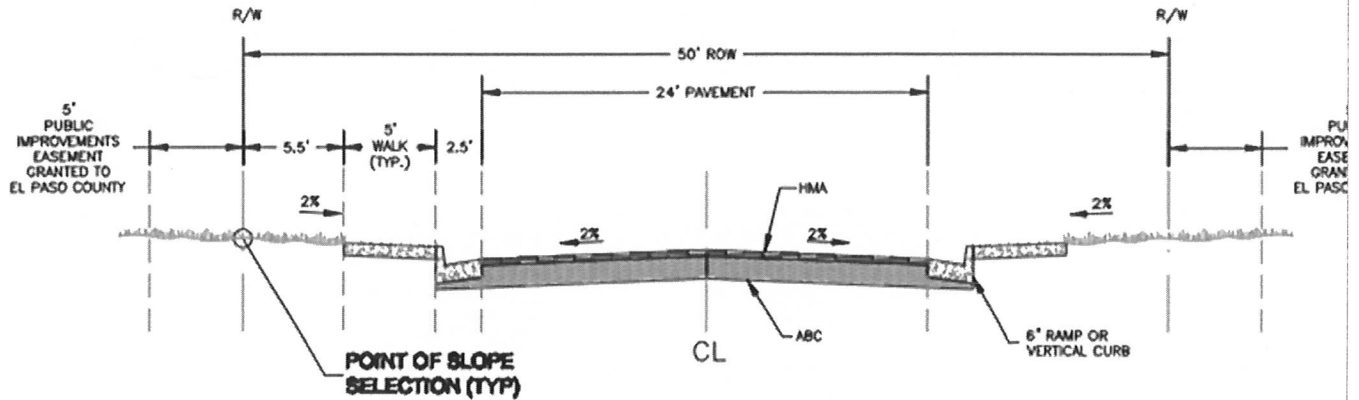
State the reason for the requested deviation:

LDC Section 8.4.4.E.3 Private Roads to Meet County Standards, generally requires private roads to be constructed to an ECM standard cross section except as otherwise determined in the modification request. Since no private road standard exists, use of private roads and the proposed modified cross section are intended to minimize space devoted to road use, promote the proposed urban densities, reduce the automobile dominance in support of increased pedestrian circulation within the development area. The private road configuration and design is intended to achieve optimum subdivision of land to support the irregular shaped development parcel and support planned densities and housing options.

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

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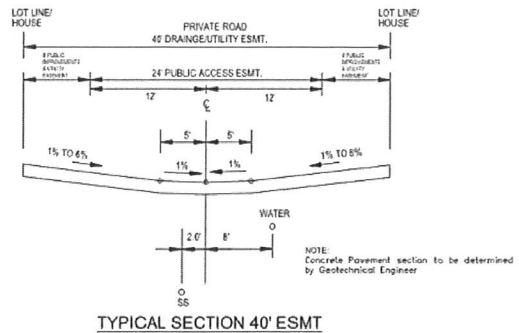
The typical cross section for an urban local (low volume) roadway includes two (2) twelve-foot travel lanes within a 24-foot pavement section, 2.5-foot curb/gutter, five (5) foot attached sidewalk, 5.5-foot tree lawn within a 50 ROW, see cross section diagram below for details:



The proposed modification includes a 40' and 50' private right of way. The reduced width does not include pedestrian walkways or dry utilities.

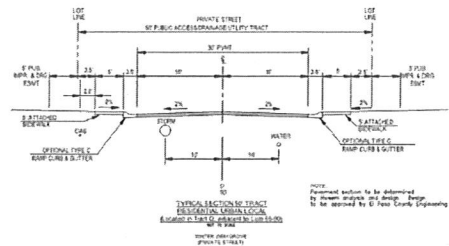
Proposed Modified "**Private Road**" Cross Section for White Wolf Point located in Tracts L, K, & M, of the PUDSP and Final Plat, includes:

- a. 40' drainage/utility easement
- b. 24' public access easement
- c. Two (2) 12' travel lanes
- d. Two (2) 8' utility/drainage easements
- e. No curb/gutter
- f. No 5' attached sidewalk



Proposed Modified "**Private Road**" Cross Section for Winter Gem Grove located in Tract Q, includes:

- a. 50' public access easement
- b. Two (2) 15' travel lanes
- c. Two (2) 5' public utility/drainage easements
- d. Curb/gutter
- e. 5' attached sidewalk



In lieu of modifying an existing roadway cross section to fit the proposed alley way, a new cross section has been provided for ECM and LDC administrator recommendation to the BOCC for use in the Ponderosa Filing 3 as depicted. The 'Modified Private Road Cross Section' provides equivalent travel surface/lanes width same pavement width as the typical local urban low volume cross section. As depicted on the PUD and associated private road cross sections and details, adequate provision has been made for water/wastewater utility lines within the private road easement.

**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:

No private road cross section exists in the ECM. The LDC allows the use of private roads by waiver, or by modification when proposed within a PUD. Use of the private roads for rear vehicle loaded garages is intended to create a reduction in vehicular dominance of the public right-of-way and create a more pedestrian oriented street frontage. Ample pedestrian paths and internal sidewalks have been provided for pedestrian access at the fronts of townhome units in-lieu of sidewalks within the private roadways.

The private streets have been designed to achieve development economies to minimize impacts on existing infrastructure and to encourage the most efficient use of public infrastructure while limiting the costs of providing services and to reduce the burden on existing streets and utilities by more efficient development. The planned townhome style development is in direct response to the market demand for attainably priced housing. The housing market is undergoing increased demands for urban style walkable communities which are close to recreational and retail opportunities. Completion of commercial phases within Lorson Ranch will provide pedestrian accessible shopping and retail opportunities to future residents.

**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.

All required roadway improvements, pedestrian facilities, and public utility easements within the standard cross sections have been provided within the modified road design. The modified road cross sections have been reviewed and approved by the BOCC with findings that both the location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development to authorize administrative final plat approval;

The deviation will not adversely affect safety or operations.

The proposed modified roadway cross sections will not adversely affect safety or operations. All private roads have been designed and approved to meet required

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

The deviation will not adversely affect maintenance and associated costs. Maintenance will be the responsibility of the Ponderosa 3 HOA and funded by HAO dues/fees. The County may enforce maintenance responsibilities upon the Lorson Ranch Metropolitan District in the event the HOA fails or is unable to perform required roadway maintenance.

The deviation will not adversely affect aesthetic appearance.

The deviation will not adversely affect aesthetic appearance of the development. The use of private roads and modified cross section are intended to make the garage and automobile a less visually dominant feature in the community via rear loaded garages accessed from the private streets as depicted on the approved PUD. The fronts of homes are oriented towards the pedestrian realm which includes enhanced landscaping and both active and passive recreation opportunities.

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

The approved roadway design modifications meet the intent and purpose of the ECM standards which are to provide safe/efficient vehicular and pedestrian access, minimize through trips, control access points to adjacent roads with higher classifications and functionalities, discourage speeding, minimize modal conflicts, minimize the space devoted to roadway use, and layout/orientation which helps to achieve optimal utility of land development and subdivision.

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.

The design and functionality of the private roadway design meets the control measure requirements of the County's MS4 Permit together with applicable performance standards for stormwater management and erosion and sediment quality control permit requirements.

**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.

Γ \_\_\_\_\_ 7

L \_\_\_\_\_ J

**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.

Γ \_\_\_\_\_ 7

L \_\_\_\_\_ J

**ECM ADMINISTRATOR COMMENTS/CONDITIONS:**

The Deviation is only valid until and unless the Board of County Commissioners approves the Planned Unit Development Modifications.



**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.