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# DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

Please revise/correct deviation per comments below.

## PROJECT INFORMATION

Project Name :	Joyful View Subdivision
Schedule No.(s) :	3300000466 & 3300000467
Legal Description :	Unplatted

## APPLICANT INFORMATION

Company :	Respec		
Name :	Mike Bartusek		
	<input type="checkbox"/> Owner	<input checked="" type="checkbox"/> Consultant	<input type="checkbox"/> Contractor
Mailing Address :	121 S Tejon St, Suite 1110, Colorado Springs CO 80903		
Phone Number :	719-640-8057		
FAX Number :			
Email Address :	mike.bartusek@respec.com		

## ENGINEER INFORMATION

Company :	Respec		
Name :	Mike Bartusek	Colorado P.E. Number :	23329
Mailing Address :	121 S Tejon St, Suite 1110, Colorado Springs CO 80903		
Phone Number :	719-640-8057		
FAX Number :			
Email Address :	mike.bartusek@respec.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

SF2231

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

A deviation from the standards of or in Section 4.3.6.A.3 of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Section 2.3.8A Cul-de-Sacs states that cul-de-sacs shall have a maximum length of 1,600 feet for rural conditions.

revise to the correct section(i.e. 2.3.8A)

State the reason for the requested deviation:

A deviation from the criteria is requested since this is a Private gravel cul-de-sac road that will service only 10 single family residence with a total length of 2860', with 1174' from N Peyton Hwy to Joyful View Circle and 1686' from Joyful View Road to the end of the Circle.

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

Section 2.3.8A Cul-de-Sacs states that cul-de-sacs shall have a maximum length of 1,600 feet for rural conditions. The actual length of the Cul-De-Sac from the Private Joyful View Road is only 84' beyond the maximum length to provide for adequate lot areas.

The actual deviation is 2860ft not 1600  
The deviation is asking for ~1260ft beyond the 1600ft max length

provide an exhibit of the cul-de-sac road showing the proposed length.

**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 actual length of the Cul-De-Sac from the Private Joyful View Road is only 84' beyond the maximum length to provide for adequate lot areas.

Provide justification in terms of on how risk will be mitigated or reduced with FD directives for additional turnaround points.

Per ECM 2.3.8.A this deviation will not be considered unless a written endorsement from the Fire District (FD) is provided. Please reference the endorsement and attach to this deviation.

**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 additional length will result in a comparable design and therefore follows to the intent of the design.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or operations since the existing culvert cover meets the manufacturer's recommendation for the proposed loading.

Provide explanation in terms of on how risk will be mitigated with FD directives for additional turnaround points. How is risk being reduced?

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

The deviation will not adversely affect maintenance and its associated cost since this is a Private Roadway and will not be maintained by the County.

Explain how Joyful View will be maintained across all the undeveloped lots to the east. Who will be responsible for maintenance? There are 6 additional 35ac parcels with a potential for 42 lots. This amount of traffic will require improvement to Joyful View and possibly future paving.



The deviation will not adversely affect aesthetic appearance.

The deviation will not adversely affect aesthetic appearance.

please elaborate how it will not affect aesthetic appearance

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

The deviation meets the design intent and purpose of the ECM standards to provide access to lots that does not affect safety, operations, maintenance or cost.

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 deviation does not change how the standards meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable. The site will meet these standards by following to guideline of Runoff Reduction.

**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.