

Procedures Manual

Subject: DEVIATION REVIEW AND DECISION FORM

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Date Issued: 12/31/07
Revision Issued: N/A
Rescinded: N/A

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.

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 5.9 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. RELATED PROCEDURES

1.6.1. Governing Procedures

P-AR-063-07 Deviation

1.6.2. Other Related Procedures

P-AR-012-07 Administrative Relief

1.7. RESOURCE

Attached are the Deviation Review and Decision Form that is used by the applicant/engineer for requesting and justifying a deviation. The form is reviewed by the ECM Administrator and approved or denied. 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.



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DEVIATION REVIEW AND DECISION FORM

Procedure # R-FM-051-07
Issue Date: 12/31/07
Revision Issued: 00/00/00

DSD FILE NO.:

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General Property Information:

Address of Subject Property (Street Number/Name):

Tax Schedule ID(s) #: 5233301002

Legal Description of Property: Branding Iron at SR Filing No. 2 _____

Subdivision or Project Name: Branding Iron
at SR Filing No. 2

Section of ECM from Which Deviation is Sought: Appendix I Section 1.7.1.B _____

Specific Criteria from Which a Deviation is Sought: Providing Water Quality for Entire Development _____

Summary _____

Proposed Nature and Extent of Deviation: A small portion of the proposed development will not be physically routed to a Full Spectrum Detention (FSD) facility at the initial onset of its construction.

Applicant Information:

Applicant: M&S Civil Consultants, Inc. _____ Email Address: virgils@mscivil.com _____

Applicant is: _____ Owner ☒ Consultant _____ Contractor

Mailing Address: PO Box 1360 _____ State: CO _____ Postal Code: 80901 _____

Telephone Number: 719-491-0818 _____ Fax Number: _____

Engineer Information:

Engineer: Virgil A. Sanchez, P.E. _____ Email Address: virgils@mscivil.com _____

Company Name: M&S Civil Consultants, Inc. _____

Mailing Address: PO Box 1360 _____ State: CO _____ Postal Code: 80901 _____

Registration Number: 37160 _____ State of Registration: CO _____

Telephone Number: 719-491-0818 _____ Fax Number: _____

Explanation of Request (Attached diagrams, figures and other documentation to clarify request):

Section of ECM from Which Deviation is Sought: Appendix I Section 1.7.1.B _____

Specific Criteria from Which a Deviation is Sought: 1st Bullet: Providing Water Quality for Entire Development _____

Proposed Nature and Extent of Deviation: Due to grading constrains runoff from a small portion of the residential back yards of lots 4-6 and 23-40 is unable to be physically routed to the existing full spectrum detention facility located west of the proposed site or to the proposed Full Spectrum detention pond which is being provided onsite. A drainage exhibit has been provided as an attachment to this deviation request which illustrates the approximately 10.9% (2.05 acres of 18.88 acres) of the proposed development which is being discharged directly to Sand Creek. It should be noted that this areas consist primarily of backyards which have lesser impervious surfaces and will be able to drain across landscaped yard and vegetated open space. This condition will be re-evaluated with future channel improvements.

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Reason for the Requested Deviation: The topography of the site will not allow for all the backyards and landscaping areas and dedicated trail corridors to drain to the to the local FSD pond which is being constructed concurrently with this filing.

Comparison of Proposed Deviation to ECM Standard: The areas of backyards that do not drain to the detention pond for this site are less than the historic drainage discharged from this area. Typically backyards, trail corridors and landscaped areas require very limited water quality or detention.

Applicable Regional or National Standards used as Basis: _ Detention and/or water quality facilities are used primarily for mitigation of impervious surface runoff. The excluded area possesses limited impervious areas and thus requires little future mitigation.

Application Consideration:

CHECK IF APPLICATION MEETS CRITERIA FOR CONSIDERATION

JUSTIFICATION

☐ 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.

The topography of the site does not allow for all backyard areas to be conveyed to the future Full Spectrum detention pond which in being constructed with this project. .

☐ 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.

_ N/A _

If at least one of the criteria listed above is not met, this application for deviation cannot be considered.

Criteria for Approval:

PLEASE EXPLAIN HOW EACH OF THE FOLLOWING CRITERIA HAVE BEEN SATISFIED BY THIS REQUEST

The request for a deviation is not based exclusively on financial considerations.

Does not relate to financial considerations _____

The deviation will achieve the intended result with a comparable or superior design and quality of improvement.

The current drainage plan will not treat a portion of runoff from the site; however runoff from the backyards will run along landscaped lot lines and across open space. This will function to provide some water quality treatment for the area. The deviation in drainage criteria does not create a safety concern, operation concern or maintenance issue. _____

The deviation will not adversely affect safety or operations.

There will be not negative effects related to safety or operations _____

The deviation will not adversely affect maintenance and its

There is no maintenance costs associated with this deviation.

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DSD File No. _____

associated cost.

The deviation will not adversely
affect aesthetic appearance.

_No negative effects to the aesthetic appearance as (existing pond No.8 is
recorded on Sterling Ranch Filing No.1) is located away from the development and
the trail corridor will enhance the aesthetics of the area and the development.

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, 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

Signature of applicant (if different from owner)

Date

Signature of Engineer

Date

Engineer's Seal

Review and Recommendation:
APPROVED by the ECM Administrator

Date _____
This request has been determined to have met the criteria for approval. A deviation from Section
_____ of ECM is hereby granted based on the justification provided. Comments:

Additional comments or information are attached.

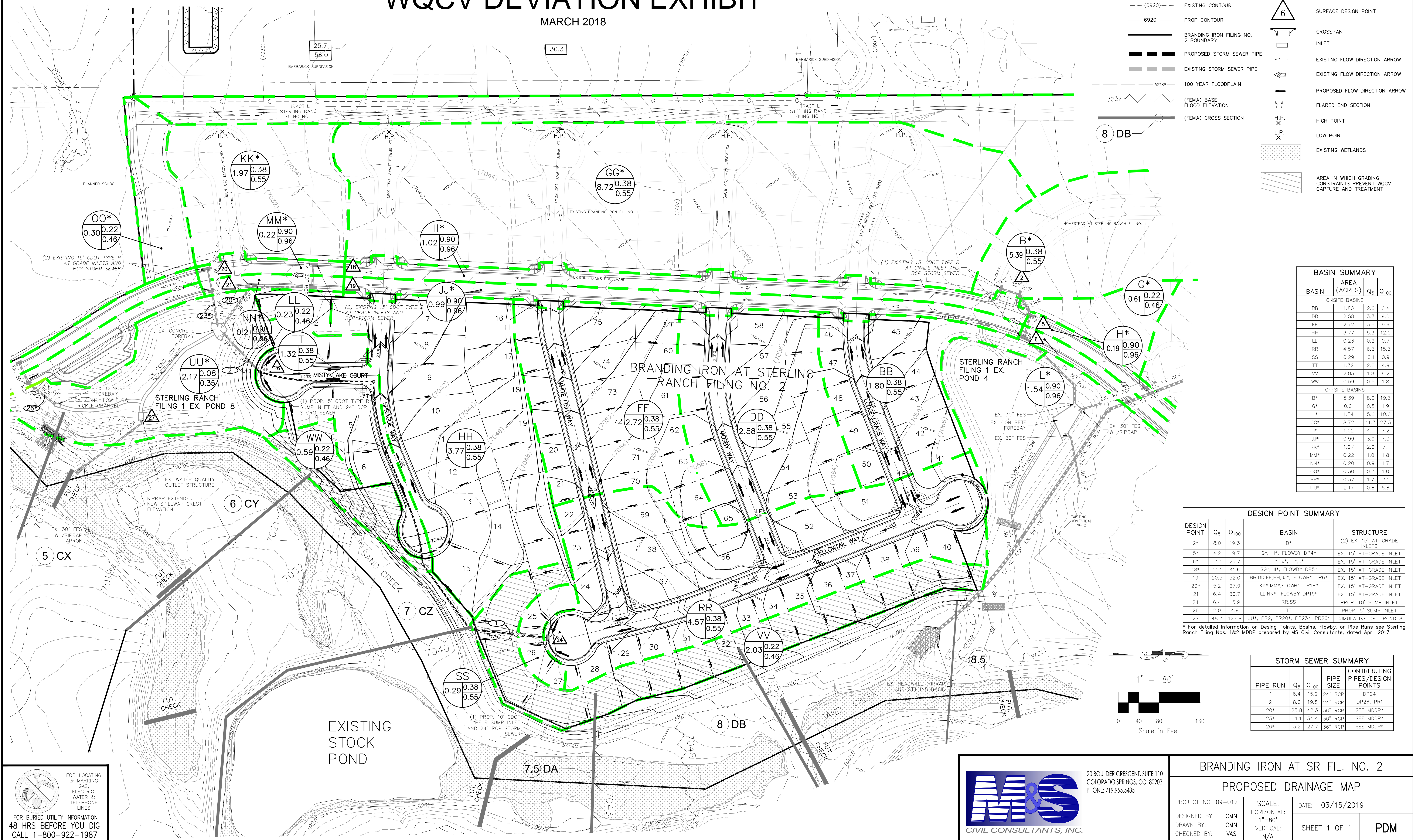
DENIED by the ECM Administrator

Date _____
This request has been determined not to have met criteria for approval. A deviation from Section
_____ of ECM is hereby denied. Comments:

Additional comments or information are attached.

COUNTY OF EL PASO, STATE OF COLORADO
WQCV DEVIATION EXHIBIT

MARCH 2018



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