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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.:

P	U	D	S	P	1	8	0	0	5
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### General Property Information:

Address of Subject Property (Street Number/Name): (PUDSP 18-005)  
Tax Schedule ID(s) #:551408088, 5514400006, 5514400007, 5500000402

A PARCEL OF LAND IN THE NORTH HALF OF SECTION 23, T15S, R65W, OF THE 6th P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS USED IN THIS LEGAL DESCRIPTION IS THE EAST-WEST CENTERLINE OF SECTION 23, BEING MONUMENTED AT THE QUARTER CORNER COMMON TO SECTIONS 23 AND 24 WITH A 3.25 INCH ALUMINUM CAP ON A NO. 6 REBAR STAMPED "T15S R65W, S23 S24, PLS 31161", AND MONUMENTED AT THE QUARTER CORNER COMMON TO SECTIONS 22 AND 23 WITH A NO. 6 REBAR (NO CAP). SAID CENTERLINE IS ASSUMED TO BEAR S89°41'54"W, 5319.46 FEET.

COMMENCING AT THE QUARTER CORNER COMMON TO SECTIONS 22 AND 23;  
THENCE N89°41'54"E ALONG SAID CENTERLINE 142.46 FEET TO THE SOUTHEAST CORNER OF "CARRIAGE MEADOWS SOUTH AT LORSON RANCH FILING NO. 1" AS PLATTED IN THE EL PASO COUNTY RECORDS UNDER RECEPTION NO. 218714083 AND THE POINT OF BEGINNING;  
THENCE ALONG THE EASTERLY LINES OF SAID "CARRIAGE MEADOWS SOUTH AT LORSON RANCH FILING NO. 1" THE FOLLOWING THREE (3) COURSES;  
(1) THENCE N20°36'33"E A DISTANCE OF 560.24 FEET TO A POINT OF CURVE;  
(2) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 2169.98 FEET, A CENTRAL ANGLE OF 06°34'13", (THE CHORD OF WHICH BEARS N17°19'26"E, 248.71 FEET), AN ARC DISTANCE OF 248.84 FEET TO A POINT OF TANGENT;  
(3) THENCE N04°02'20"E ALONG SAID TANGENT 295.75 FEET TO THE SOUTHWEST CORNER OF "THE MEADOWS AT LORSON RANCH FILING NO. 4" AS PLATTED IN THE EL PASO COUNTY RECORDS UNDER RECEPTION NO. 215713698;  
THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID "THE MEADOWS AT LORSON RANCH FILING NO. 4" THE FOLLOWING EIGHT (8) COURSES;  
(1) THENCE N89°35'58"E A DISTANCE OF 508.54 FEET TO A POINT OF CURVE;  
(2) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 948.17, A CENTRAL ANGLE OF 35°42'15", (THE CHORD OF WHICH BEARS N71°44'51"E, 581.34 FEET), AN ARC DISTANCE OF 590.86 FEET TO A POINT OF TANGENT;

(3) THENCE N53°53'43"E ALONG SAID TANGENT 488.36 FEET TO A POINT OF CURVE;

(4) THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1058.48 FEET, A CENTRAL ANGLE OF 36°19'14", (THE CHORD OF WHICH BEARS N72°03'20"E, 659.81 FEET), AN ARC DISTANCE OF 670.99 FEET;

(5) THENCE N44°35'58"E NON-TANGENT TO THE PREVIOUS COURSE 35.36 FEET;

(6) THENCE N00°24'02"W A DISTANCE OF 158.34 FEET TO A POINT OF CURVE;

(7) THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 566.89 FEET, A CENTRAL ANGLE OF 15°51'49", (THE CHORD OF WHICH BEARS N08°19'56"W, 156.45 FEET), AN ARC DISTANCE OF 156.96 FEET;

(8) THENCE N73°44'10"E RADIAL TO THE PREVIOUS COURSE 5.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF "OLD GLORY DRIVE" AS RECORDED IN A SPECIAL WARRANTY DEED UNDER RECEPTION NO. 208057388 IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE ALONG THE WESTERLY, SOUTHERLY AND EASTERLY LINES OF SAID "OLD GLORY DRIVE" THE FOLLOWING FOUR (4) COURSES;

(1) THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, RADIAL TO THE PREVIOUS COURSE, SAID CURVE HAVING A RADIUS OF 571.99 FEET, A CENTRAL ANGLE OF 15°51'37", (THE CHORD OF WHICH BEARS S08°19'52"E, 157.83 FEET), AN ARC DISTANCE OF 158.33 FEET TO A POINT OF TANGENT

(2) THENCE S00°24'02"E ALONG SAID TANGENT 183.34 FEET;

(3) THENCE N89°35'58"E A DISTANCE OF 60.00 FEET;

(4) THENCE N00°24'02"W A DISTANCE OF 40.01 FEET TO THE SOUTHWEST CORNER OF "ALLEGIANT AT LORSON RANCH" AS PLATTED UNDER RECEPTION NO. 212713204 IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE ALONG THE SOUTHERLY LINES OF SAID "ALLEGIANT AT LORSON RANCH" THE FOLLOWING TWO (2) COURSES;

(1) THENCE S45°24'02"E A DISTANCE OF 56.57 FEET;

(2) THENCE N89°35'59"E A DISTANCE OF 594.34 FEET TO THE SOUTHWEST CORNER OF "THE MEADOWS AT LORSON RANCH FILING NO. 3" AS PLATTED UNDER RECEPTION NO. 213713396 IN THE EL PASO COUNTY, COLORADO RECORDS;

THENCE N89°29'15"E ALONG THE SOUTHERLY LINE THEREOF 85.20 FEET TO THE WESTERLY LINE OF "LORSON RANCH EAST FILING NO. 1" AS PLATTED UNDER RECEPTION NO.

IN THE EL PASO COUNTY, COLORADO RECORDS;  
THENCE ALONG THE WESTERLY AND SOUTHERLY LINES OF SAID "LORSON RANCH EAST FILING NO. 1" THE FOLLOWING SIX (6) COURSES;

(1) THENCE S00°24'02"E A DISTANCE OF 80.00 FEET;

(2) THENCE N89°35'58"E A DISTANCE OF 14.76 FEET;

(3) THENCE S45°24'02"E A DISTANCE OF 14.14 FEET;

(4) THENCE N89°35'58"E A DISTANCE OF 60.00 FEET;

(5) THENCE N51°59'14"E A DISTANCE OF 29.49 FEET

(6) THENCE N89°35'58"E A DISTANCE OF 693.52 FEET;

THENCE S21°18'01"W A DISTANCE OF 20.20 FEET;

THENCE S11°46'57"W A DISTANCE OF 127.69 FEET;

THENCE S00°29'43"W A DISTANCE OF 173.06 FEET;

THENCE S11°17'09"W A DISTANCE OF 285.14 FEET;  
THENCE S31°55'05"W A DISTANCE OF 182.34 FEET;  
THENCE S 58°54'51"E A DISTANCE OF 4.71 FEET;  
THENCE S31°05'09"W A DISTANCE OF 90.00 FEET;  
THENCE S76°28'55"W A DISTANCE OF 247.86 FEET;  
THENCE N82°16'06"W A DISTANCE OF 188.62 FEET;  
THENCE S77°50'20"W A DISTANCE OF 405.01 FEET;  
THENCE S60°55'25"W A DISTANCE OF 219.41 FEET;  
THENCE S17°08'25"W A DISTANCE OF 123.42 FEET;  
THENCE S85°20'33"W A DISTANCE OF 169.20 FEET;  
THENCE N65°32'01"W A DISTANCE OF 188.46 FEET;  
THENCE N44°43'03"W A DISTANCE OF 230.04 FEET;  
THENCE N88°34'10"W A DISTANCE OF 160.16 FEET TO A POINT OF CURVE;  
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A  
RADIUS OF 215.00 FEET, A CENTRAL ANGLE OF 74°59'26", (THE CHORD OF WHICH  
BEARS S53°56'07"W, 261.74 FEET), AN ARC DISTANCE OF 281.40 FEET TO A POINT  
OF TANGENT;  
THENCE S16°26'24"W ALONG SAID TANGENT 116.82 FEET;  
THENCE S83°30'09"W A DISTANCE OF 446.06 FEET;  
THENCE N77°01'58"W A DISTANCE OF 350.83 FEET;  
THENCE S28°55'26"W A DISTANCE OF 265.02 FEET;  
THENCE S36°43'29"W A DISTANCE OF 311.41 FEET TO THE EAST-WEST  
CENTERLINE OF SECTION 23;  
THENCE S89°41'54"W ALONG SAID CENTERLINE 749.79 FEET TO THE POINT OF  
BEGINNING;

SAID PARCEL OF LAND CONTAINS A CALCULATED AREA OF 83.085 ACRES MORE  
OR LESS.

Subdivision or Project Name:  
Creekside at Lorson Ranch Filing No. 1  
(PUD/SP 18-005)

Section of ECM from Which Deviation is Sought: ECM Section I.7.1.B - WQ provided for entire site  
Specific Criteria from Which a Deviation is Sought: Requirement to provide WQ treatment for the entire site  
Proposed Nature and Extent of Deviation: Creekside has over 5,000 feet of creek frontage and is a flat site which makes drainage difficult to design. There are three small areas that will be difficult to redirect runoff to ponds/bmp structures due to distance/grades to the ponds and WQ bmp's. We propose to allow 0.91ac (1.1% of 83.085ac) of the site located adjacent to East Tributary of Jimmy Camp Creek/Jimmy Camp Creek to flow west directly to the creek without treatment for WQ. This area is only from backyards and flows over an open space tract prior to entering the East Tributary of Jimmy Camp Creek/Jimmy Camp Creek.

**Applicant Information:**

Applicant: Lorson, LLC  
Applicant is:  Owner  Consultant  Contractor  
Mailing Address: 212 N. Wahsatch Avenue, Suite 301, Colorado Springs  
Telephone Number: 719-635-3200  
Email Address: jmark@landhuisco.com  
State: CO Postal Code: 80903  
Fax Number: \_\_\_\_\_

**Engineer Information:**

Engineer: Richard Schindler, P.E.  
Company Name: Core Engineering Group, LLC  
Mailing Address: 15004 1st Avenue S, Burnsville  
Registration Number: 33997  
Telephone Number: 719-659-7800  
Email Address: rich@ceg1.com  
State: MN Postal Code: 55306  
State of Registration: Colorado  
Fax Number: \_\_\_\_\_

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

Section of ECM from Which Deviation is Sought: ECM Section I.7.1.B  
Specific Criteria from Which a Deviation is Sought: Requirement to provide WQ treatment for the entire site

Proposed Nature and Extent of Deviation: Allow 1.1% (0.91ac of 83.085ac) of the site located adjacent to East Tributary of Jimmy Camp Creek/Jimmy Camp Creek to flow directly to the creek without treatment for WQ. This area is only from backyards and flows over a grass buffer located in an open space tract prior to entering the East Tributary of Jimmy Camp Creek/Jimmy Camp Creek.

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Reason for the Requested Deviation: Redirection of the runoff from this area to the on-site stormwater quality pond would result a long swale which would be difficult to maintain and would cross numerous lots. Raising the backyards would require significant amounts of fill.

Comparison of Proposed Deviation to ECM Standard: The Current County ECM does not allow for the back yards to bypass a WQCV facility, however the ECM is currently being revised to accommodate this type of drainage characteristic. This is an acceptable alternative in the MS4 permit.

Applicable Regional or National Standards used as Basis: As stated above, this is allowable in the County's current MS4 permit and the County ECM is being being revised at this time.

**Application Consideration:**

**CHECK IF APPLICATION MEETS CRITERIA FOR CONSIDERATION**

**JUSTIFICATION**

The ECM standard is inapplicable to a particular situation.

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X 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.

Redirection of the runoff from this area to the on-site stormwater quality pond would result a long swale which would be difficult to maintain and would cross numerous lots. Raising the backyards would require significant amounts of fill.

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.

ECM is currently being revised to add this  
type of availability to not provide WQCV on  
100% of a project, with specific  
requirements.

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**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.	The Grass Buffer behind Lots 124-128 would need to be over 800' long and would have to drain across the backyards of Lots 129-136 and the FMIC easement. Because of the length, flat slope, and the backyard location, the swale would be difficult to maintain. The Grass Buffer behind lots 161-166 would be 400' long, drain across FMIC easement, flat slope which makes the swale difficult to maintain. The Grass Buffer behind lots 181-184 would be 600' long. Based on these site conditions the multiple swales would be difficult to maintain.
The deviation will achieve the intended result with a comparable or superior design and quality of improvement.	Runoff will flow over a grass buffer located in a tract which is an open space tract owned/maintained by Lorson Ranch Metro District.
The deviation will not adversely affect safety or operations.	Grass Buffer behind Lots 124-128 is 0.35ac and is non-concentrated flow which flows across a 30' wide open space tract before entering Jimmy Camp Creek. There will be no adverse affects from the shallow sheet flow. The Grass Buffer behind lots 161-166 is 0.37ac and is non-concentrated flow and flows across a 100' wide open space tract before entering the East Tributary. There will be no adverse affects from the shallow sheet flow. The Grass Buffer behind lots 181-184 is 0.19ac and sheet flows across an open space tract that is 130' wide. There will be no adverse affects from the shallow sheet flow and the very small contributing drainage area of 0.19ac. Allowing the flow to drain to the creeks will not affect safety or operations of the creek due the small size of the drainage basins, length of flow across the open space tracts, and it will be shallow sheet flow which reducing the chance of creating gulley's/washouts prior to entering the creek.
The deviation will not adversely affect maintenance and its associated cost.	The open space tracts where the shallow sheet flow runoff crosses will be easier to maintain/mow if there isn't a long swale to cross with equipment. Maintenance of flat level ground is less expensive maintaining a swale. Due to the shallow sheet flow entering the creeks the possibility of erosion creating gulley's/washouts is greatly reduced resulting in lower future costs to maintain the banks of the creek
The deviation will not adversely affect aesthetic appearance.	The lots adjacent to the creek will be able to see the creek and open space better from the back yard. No debris will build up on level flat ground whereas a swale increases the chances of debris buildup in the open space tracts.

**Owner, Applicant and Engineer Declaration:**

El Paso County Procedures Manual  
Procedure # R-FM-051-07  
Issue Date: 12/31/07  
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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] \_\_\_\_\_ Date 1/18/19

[Signature] \_\_\_\_\_ Date 1/18/19

\_\_\_\_\_  
Signature of Engineer \_\_\_\_\_ Date \_\_\_\_\_



**Review and Recommendation:**  
**APPROVED by the ECM Administrator**

Approved  
by Elizabeth Nijkamp  
El Paso County Planning and Community Development  
on behalf of Jennifer Innes, County Engineer, ECM Administrator  
01/29/2019 3:05:49 PM



Date \_\_\_\_\_

This request has been determined to have met the criteria for approval. A deviation from Section 1.7.1.B 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.

# EXHIBIT B - GRASS BUFFER BMP LOCATION

FUTURE OPEN SPACE TRACT, CREEKSIDE AT LORSON RANCH FILING NO. 1



