



Development Services Department  
 2880 International Circle  
 Colorado Springs, Colorado 80910

**DEVIATION REVIEW  
 AND DECISION FORM**

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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): *Southwest corner of Fontaine Blvd and Powers Blvd*

Tax Schedule ID(s) #: *55201-13-005*

Legal Description of Property: *Lot 1 Sunrise Ridge Sub. 3, except that dedicated to the County (Rec. #214005445).*

Subdivision or Project Name: *Powers and Fontaine Commercial – Lot 1 Sunrise Ridge Subdivision Filing No. 3*

Section of ECM from Which Deviation is Sought: *Section 3.2.6 County Policy on Drainage Diversion*

Specific Criteria from Which a Deviation is Sought: *Diversion of stormwater runoff from one basin to another is discouraged unless specific and prudent reasons justify such a transfer.*

Proposed Nature and Extent of Deviation: *Request that runoff from the Big Johnson Drainage Basin that would fall onto the Powers and Fontaine Commercial site be routed to the West Fork Jimmy Camp Creek (WFJCC) Drainage Basin.*

**Applicant Information:**

Applicant: *Ryan Watson / Widefield Investment Group* Email Address: *ryan@widefieldinvestmentgroup.com*

Applicant is:  Owner  Consultant  Contractor

Mailing Address: *3 Widefield Boulevard, Colorado Springs*

State: *CO* Postal Code: *80911*

Telephone Number: *(719) 392-0194*

Fax Number: *(719) 392-4278*

**Engineer Information:**

Engineer: *Andrew W. McCord, PE*

Email Address: *amccord@kiowaengineering.com*

Company Name: *Kiowa Engineering Corporation*

Mailing Address: *1604 South 21st Street, Colorado Springs*

State: *CO* Postal Code: *80904*

Registration Number: *25057*

State of Registration: *CO*

Telephone Number: *(719) 630-7342*

Fax Number:

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

Section of ECM from Which Deviation is Sought: *Section 3.2.6 County Policy on Drainage Diversion*

Specific Criteria from Which a Deviation is Sought: *Diversion of stormwater runoff from one basin to another is discouraged unless specific and prudent reasons justify such a transfer.*

Proposed Nature and Extent of Deviation: *Request that runoff from the Big Johnson Drainage Basin that would fall onto the Powers and Fontaine Commercial site be routed to the West Fork Jimmy Camp Creek (WFJCC) Drainage Basin.*

Reason for the Requested Deviation:

It is of our opinion that the deviation be approved for the following reasons:

1. The historical discharge path has been blocked by Sunrise Ridge Subdivision Filing No. 2 a fully developed single-family residential subdivision.
2. With the historical discharge path being blocked by Sunrise Ridge Subdivision Filing No. 2, no dedicated easement for discharge or storm sewer system to tie into was left for the Big Johnson portion of the commercial site.
3. Developed conditions of the commercial site would require the Big Johnson runoff to discharge at historical rates for a longer time period down the Brook Forest Drive within the Sunrise Ridge Subdivision.

Comparison of Proposed Deviation to ECM Standard:

The ECM Standard discourages diversion of stormwater runoff from one basin to another unless specific and prudent reasons justify such a transfer without impacting the historical drainage paths. The request is to allow diversion of Big Johnson stormwater runoff to the West Fork Jimmy Camp Creek basin.

Applicable Regional or National Standards used as Basis: *Not Applicable*

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**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.

Proposed development in the Fontaine and Powers commercial site will require water treatment before being released. The Sunrise Ridge Subdivision does not possess an easement or storm sewer system to convey historical discharge rates from the historical discharge point of the commercial site. In addition, the historical discharge rates will discharge for a longer period down Brook Forest Drive of the Sunrise Ridge Subdivision.

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.

The change to the standard is to allow diversion of storm water runoff from the Big Johnson Drainage Basin to the West Fork Jimmy Camp Creek Drainage Basin and maintain discharge flows to historical levels along South Powers Blvd's roadside swale per CDoT requirements.

**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.

This deviation is based upon the fact that the historical discharge point is no longer feasible due to the Sunrise Ridge Subdivision's lack of a drainage easement, storm sewer system tie-in, and the resulting excess runoff water down Forest Brook Drive within the Sunrise Ridge Subdivision.

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

The deviation will allow the diversion of storm water runoff from the Big Johnson Drainage Basin to the West Fork Jimmy Camp Creek Drainage Basin and allow historical discharge to occur at the WFJCC historical discharge point on the commercial site.

The deviation will not adversely affect safety or operations.

The deviation will allow the diverted storm water runoff to discharge at historical rates without impacting with the existing Sunrise Ridge Subdivision.

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

The deviation will not adversely affect maintenance and its associated cost by reducing the number of water treatment ponds, thus allowing for easier maintenance and its associated cost.

The deviation will not adversely affect aesthetic appearance.

The deviation will not adversely affect the aesthetic appearance, as the diversion of storm water runoff will not be visibly apparent to the surrounding area. Allowing the diversion of the storm water runoff will keep the Big Johnson runoff from discharging onto Brook Forest Drive, thus keeping Brook Forest Drive from having runoff from the historical discharge point.

**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]  
Signature of owner (or authorized representative)

January 5<sup>th</sup> 2018  
Date

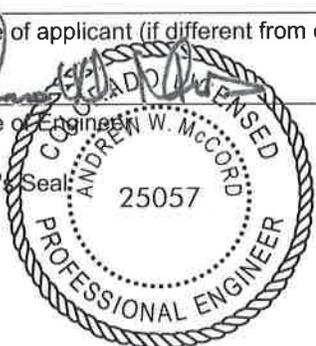
Signature of applicant (if different from owner)

\_\_\_\_\_  
Date  
January 4, 2018

Signature of Engineer

\_\_\_\_\_  
Date

Engineer's Seal



**Review and Recommendation:**

APPROVED by the ECM Administrator

[Signature]

Date 21 FEB 2018

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: **CONDITIONS:**

- Provide documentation from State Engineer that no water rights are affected
- Provide documentation from CDOT that diversion is acceptable.
- ALL OTHER ECM/DCM/LDC, LOCAL, STATE, FEDERAL REQUIREMENTS ARE MET.

Additional comments or information are attached:

- DRAINAGE FEES SHALL BE BASED ON THE ADJUSTED BASIN (PAID UNDER THE DENIED by the ECM Administrator THEN JIMINY CAMP CREEK BASIN). THE FINAL DRAINAGE REPORT SHALL

\_\_\_\_\_  
Date

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

EVALUATE THE NEED TO ADJUST THE DRAINAGE FEES IN BOTH BASINS BASED UPON THE ADJUSTMENT TO THE SUB-BASIN BOUNDARY (DIVERSION) AND THE APPLICANT MAY BE REQUIRED TO UPDATE THE FEES IN EACH BASIN BASED UPON THIS EVALUATIONS.

- THIS APPROVAL OF DEVIATION IS VOID IF EITHER DOWNSTREAM CONDITIONS ARE ALTERED PRIOR TO IMPLEMENTATION OF SITE DEVELOPMENT OR A DEVELOPMENT APPLICATION IS NOT SUBMITTED AND APPROVED WITHIN TWO YEARS OF DEVIATION APPROVAL DATE.