

## Procedures Manual

**Subject: DEVIATION REVIEW AND DECISION FORM**

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Rescinded: N/A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 is 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.



**Development Services Department**  
**2880 International Circle**  
**Colorado Springs, Colorado 80910**

Phone: 719.520.6300  
 Fax: 719.520.6695  
 Website www.elpasoco.com

**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): 734 Western Drive  
 Tax Schedule ID(s) #: 5407407047  
 Legal Description of Property: Lot 2, Western Hills Subdivision Filing No. 2  
 Subdivision or Project Name: Freedom Springs

Section of ECM from Which Deviation is Sought: 2.3.4 Table 2-12 & Table 2-14  
 Specific Criteria from Which a Deviation is Sought: Rate of Vert. Curve K for 25 mph design speed for local roadway

Proposed Nature and Extent of Deviation: Allow crest K value of 8.3 and sag K value of 13.1 near at intersection of proposed Shawnee Drive at Constitution Ave.

**Applicant Information:**

Applicant: M.V.E., Inc. Email Address: daveg@mvecivil.com  
 Applicant is:  Owner  Consultant  Contractor  
 Mailing Address: 1903 Lelaray Street, Suite 200, Colorado Spgs State: CO Postal Code: 80909  
 Telephone Number 719-635-5736 Fax Number:

**Engineer Information:**

Engineer: David R. Gorman, P.E. Email Address: daveg@mvecivil.com  
 Company Name: M.V.E., Inc.  
 Mailing Address: 1903 Lelaray St., Suite 200, Colorado Springs State: CO Postal Code: 80909  
 Registration Number: 31672 State of Registration: CO  
 Telephone Number: 719-635-5736 Fax Number:

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

Section of ECM from Which Deviation is Sought: Appendix L.1.7.B  
 Specific Criteria from Which a Deviation is Sought: Water Quality Capture Volume (WQCV), as discussed later in DCM2, shall be provided for the total site or individual lots/parcels.

Proposed Nature and Extent of Deviation: Allow totally pervious (0% impervious) landscape areas of the site to drain off the site without WQCV treatment.

Reason for the Requested Deviation: All developed portions of the proposed site containing building or pavement will drain to the proposed Full Spectrum Sand Filter Basin with WQCV. However, certain pervious landscaped portions of the site adjacent to Western Drive do not drain into the pond but into the existing street as in existing conditions. Also, there is a 4400-sf portion of the site that consists mainly of the existing paved drive into the site which drains to Western Drive. It would be an impractical matter to direct these flows into the pond. Site grades do not allow it. Further, directing these flows to pond would produce no benefit to water quality of the site. The majority of these areas consist of non-irrigated grass with the remaining areas containing landscape plantings and wood mulch.

Applicable Regional or National Standards used as Basis: \_\_\_\_\_

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**Application Consideration:**

**CHECK IF APPLICATION MEETS CRITERIA FOR CONSIDERATION**

**JUSTIFICATION**

The ECM standard is inapplicable to a particular situation.

The required amount of WQCV is based on percent impervious of the contributing area. Portions of the site having 0% imperviousness, such as the pervious landscaped ground, have a required WQCV of 0 cubic feet. The remaining paved area (0.10 acres) which can not reach the pond is insignificant to the amount of the site that is captured in the pond.

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 subject landscaped areas adjacent to Western Drive currently drain to Western Drive. The topography and the site grades relative to the proposed Full Spectrum Sand Filter Basin do not allow these landscape areas to drain into the pond. Since the size of WQCV for 0% impervious areas is 0 cubic feet, the absence of WQCV facilities for these areas produces no compromise to water quality, 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.

Non-impervious and landscape areas of a site should not be included in the requirement to provide WQCV. The requirement for treatment of non-impervious and landscape produces no benefit for water quality.

**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 request is based on the topographic constraints and the lack of material benefit of complying with the requirement. The pervious landscape areas require no WQCV treatment. The paved area that is not captured in the new pond (0.10 acres) is mostly made up of existing paved drive into the site which currently drains into Western Drive. The proposed inlet to be located on the east edge of existing drive near Western Drive is positioned at the lowest elevation that will allow drainage into the pond. The new inlet will also capture flows from a significant portion of the exiting paved drive, which currently drains directly into Western Drive. It would not be possible to gather more flows from the site and direct them into the pond due to topographic and grade restraints.

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

The WQCV sizing method does not add volume for non-impervious areas. The water quality design is not diminished by the proposal. The proposed design is adding high quality landscape planting and ground cover which will be more effective in treating runoff compared to the existing site. The proposed design captures as much of the site as practically possible and delivers the flows to the proposed full spectrum detention and water quality sand filter basin BMP.

The deviation will not adversely affect safety or operations.

This deviation will in no way adversely affect safety or operations. The proposed landscaping and water quality BMP are not located in the public R.O.W. and the existing drive entrance will remain undisturbed except for the addition of ADA Ped Ramps and sidewalk. The project is a benefit to safety due to the addition of sidewalk along Western Drive.

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

This deviation will in no way adversely affect maintenance of the roadway or cost of maintenance. The proposed landscaping and BMP are to be maintained by the site owner. No maintenance is added to the County.

The deviation will not adversely affect aesthetic appearance.

No aspects of the aesthetic appearance of the site will be negatively affected by the granting of this deviation. The proposed on-site facilities and landscaping will enhance the aesthetic appearance of the site and streetscape.

**Owner, Applicant and Engineer Declaration:**

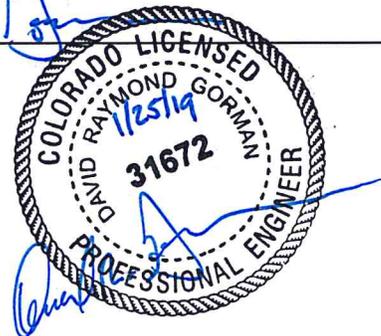
To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial. I have familiarized myself with the rules, regulations 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) 1-16-19  
Date

\_\_\_\_\_  
Signature of applicant (if different from owner) Date

*David R. Gorman*  
\_\_\_\_\_  
Signature of Engineer 1/25/19  
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:  
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\_\_\_\_\_

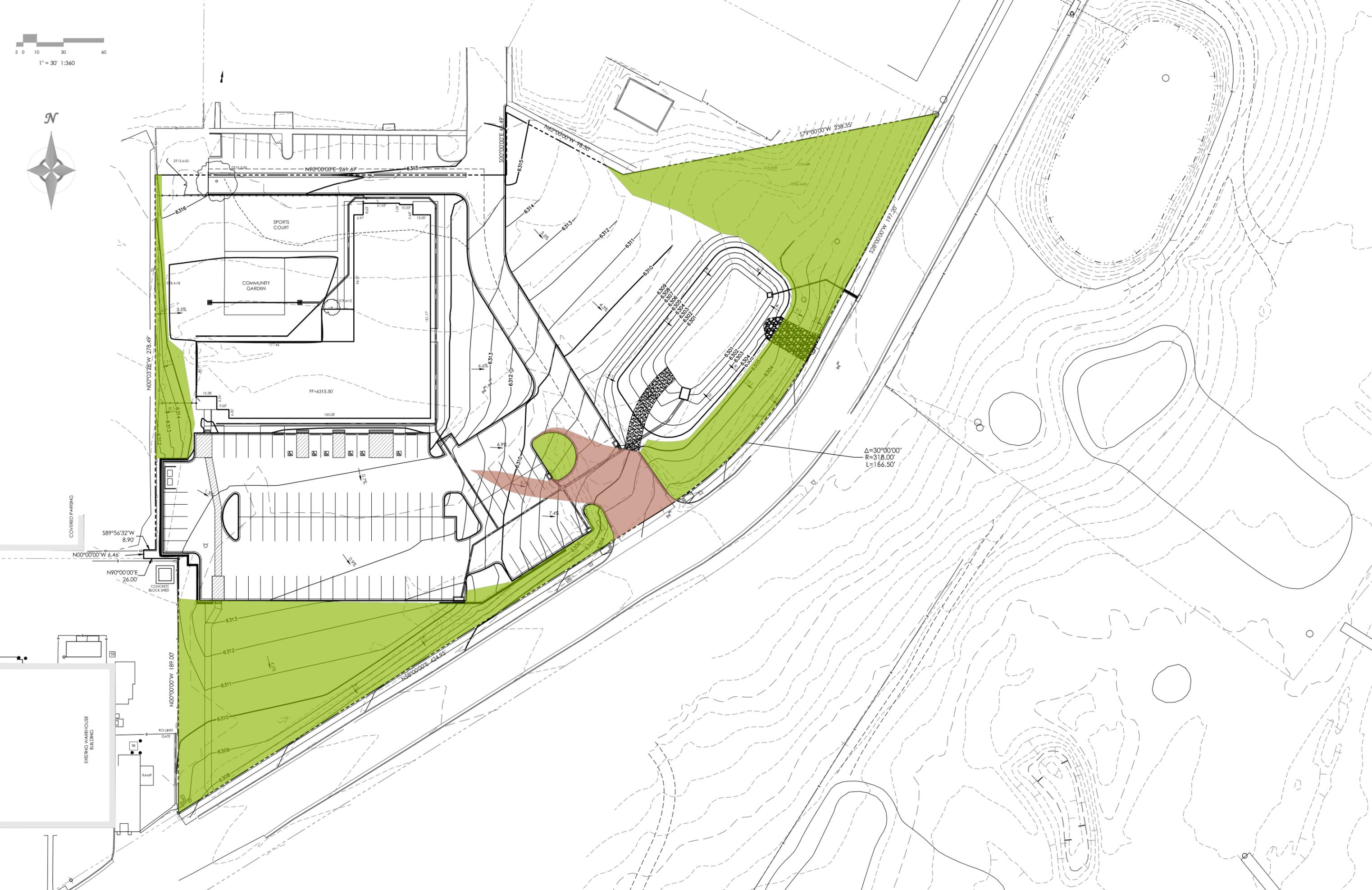
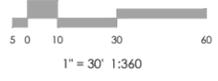
\_\_\_\_ Additional comments or information are attached.

**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.



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 $R=318.00'$   
 $L=166.50'$

COVERED PARKING

S89°56'32\"W 8.90'

N00°00'00\"W 6.46'

N90°00'00\"E 26.00'

CONCRETE BLOCK SHED

EXISTING WAREHOUSE BUILDING

ROLLING GATE

RAMP

SPORTS COURT

COMMUNITY GARDEN

FF=6315.50'

N68°00'00\"E 424.35'

S79°00'00\"W 238.35'

S28°00'00\"W 197.20'

N00°03'28\"W 278.49'

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