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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): 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: 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.

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 I.7.1.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. To also allow an existing driveway to continue to drain to the public street and not drain through a WQ facility.

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: 1 the current EPC MS4 permit allows for small areas to not be treated. the EPC ECM is currently being revised to allow for these types of situations where it is impracticable to direct these small areas to WQ ponds with little or no benefit.

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. This is currently being addressed in changes to the EPC ECM.

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) Date

1-16-19

Signature of applicant (if different from owner) Date

Signature of Engineer Date

1/25/19

Engineer's Seal



Review and Recommendation:
APPROVED by the ECM Administrator

Approved
by Elizabeth Nijkamp
El Paso County Planning and Community Development
on behalf of Jennifer Irvine, County Engineer, ECM Administrator
01/29/2019 4:29:54 PM
Date

This request has been determined to have met the criteria for approval. A deviation from Section 17.1.B of ECM is hereby granted based on the justification provided. Comments:

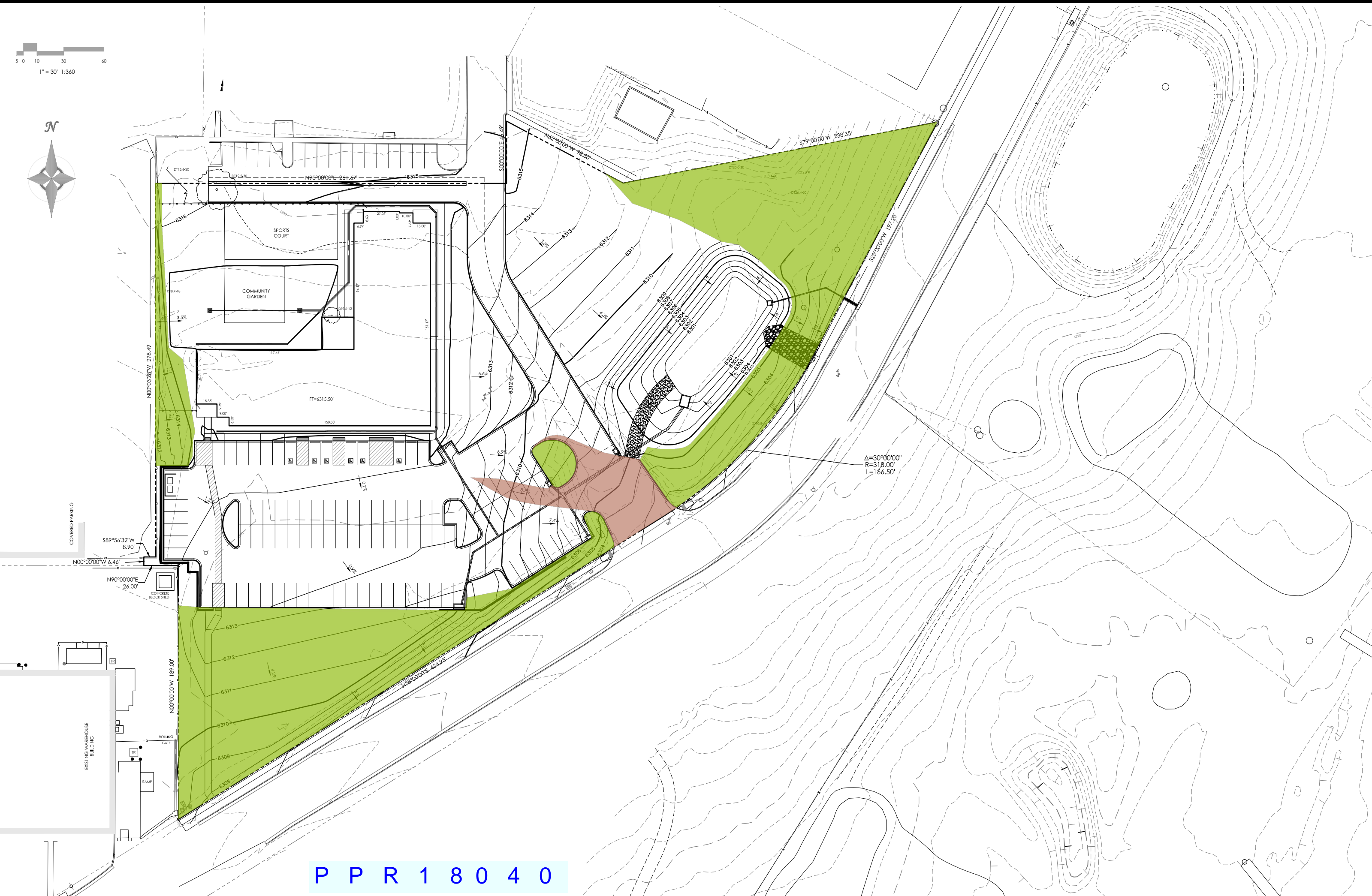
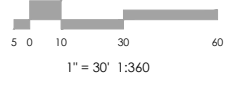
____ Additional comments or information are attached.

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.

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