

## Procedures Manual

**Subject: DEVIATION REVIEW AND DECISION FORM**

Page 1 of 5

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Rescinded: N/A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 5.8 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.:**

--	--	--	--	--	--	--	--

### General Property Information:

Address of Subject Property (Street Number/Name): \_\_\_\_\_

Tax Schedule ID(s) #: 53320-02-014

Legal Description of Property: \_\_\_\_\_

Subdivision or Project Name: \_\_\_\_\_

Section of ECM from Which Deviation is Sought: \_\_\_\_\_

Specific Criteria from Which a Deviation is Sought: \_\_\_\_\_

Proposed Nature and Extent of Deviation: \_\_\_\_\_

### Applicant Information:

Applicant: \_\_\_\_\_ Email Address: \_\_\_\_\_

Applicant is: \_\_\_\_\_ Owner \_\_\_\_\_ Consultant \_\_\_\_\_ Contractor

Mailing Address: \_\_\_\_\_ State: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

### Engineer Information:

Engineer: \_\_\_\_\_ Email Address: \_\_\_\_\_

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ State: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Registration Number: \_\_\_\_\_ State of Registration: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

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

Section of ECM from Which Deviation is Sought: \_\_\_\_\_

Specific Criteria from Which a Deviation is Sought: \_\_\_\_\_

Proposed Nature and Extent of Deviation: \_\_\_\_\_

Reason for the Requested Deviation: \_\_\_\_\_

Comparison of Proposed Deviation to ECM Standard: \_\_\_\_\_

**Applicable Regional or National Standards used as Basis:**

(A) WQCV Standard: The control measure(s) is designed to provide treatment and/or infiltration of the WQCV and: 1) 100% of the applicable development site is captured, except the permittee may exclude up to 20 percent, not to exceed 1 acre, of the applicable development site area when the permittee has determined that it is not practicable to capture runoff from portions of the site that will not drain towards control measures. In addition, the permittee must also determine that the implementation of a separate control measure for that portion of the site is not practicable (e.g., driveway access that drains directly to street).

**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.

☒ 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 MS4 permit (Modification 4) Part 1 section E.4.a.iv. (A).1 indicates that up to 20% not to exceed 1 acre may be excluded. The ECM is currently being updated to reflect this change and is scheduled to go into effect July 1, 2019

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The deviation will not adversely affect safety or operations.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The deviation will not adversely affect aesthetic appearance.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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

7/3/19

Signature of applicant (if different from owner)

Date

Signature of Engineer

Date

Engineer's Seal



**APPROVED**  
**Engineering Department**

07/15/2019 10:27:27 AM

dsdnijkamp

**EPC Planning & Community  
Development Department**

Date

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

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.



