

## Post Construction Stormwater Management Applicability Evaluation Form

This form is to be used by the Engineer of Record to evaluate applicable construction activities to determine if the activities are eligible for an exclusion to permanent stormwater quality management requirements. Additionally Part III of the form is used to identify and document which allowable control measure design standard is used for the structure.

Part I. Project Information	
<b>1. Project Name: Arby's - Falcon PPR</b>	
<b>2. El Paso County Project #:</b>	<b>3. ESQCP #:</b>
<b>4. Project Location: 11775 Meridian Market VW; Falcon, CO 80831</b>	<b>Project Location in MS4 Permit Area (Y or N): YES</b>
<b>5. Project Description: New 2,600± SF Arby's Restaurant to be located on Lot 2 of the Falcon Highlands Market Place (FIL No 1B) subdivision, which is a vacant commercial outlot.</b>	
If project is located within the El Paso County MS4 Permit Area, please provide copy of this completed form to the Stormwater Quality Coordinator for reporting purposes; and save completed form with project file.	

Part II. Exclusion Evaluation: Determine if Post-Construction Stormwater Management exclusion criteria are met. Note: Questions A thru K directly correlate to the MS4 permit Part I.E.4.a.i (A) thru (K). If Yes, to any of the following questions, then mark Not Applicable in Part III, Question 2.				
Questions	Yes	No	Not Applicable	Notes:
A. Is this project a "Pavement Management Site" as defined in Permit Part I E.4.a.i.(A)?			X	This exclusion applies to "roadways" only. Areas used primarily for parking or access to parking are not included.
B. Is the project "Excluded Roadway Development"?				
• Does the site add less than 1 acre of paved area per mile?			X	
• Does the site add 8.25 feet or less of paved width at any location to the existing roadway?			X	
C. Does the project increase the width of the existing roadway by less than 2 times the existing width?			X	For redevelopment of existing roadways, only the area of the existing roadway is excluded from post-construction requirements when the site does not increase the width by two times or more. <b><i>This exclusion only excludes the original roadway area it does NOT apply to entire project.</i></b>
D. Is the project considered an aboveground and Underground Utilities activity?			X	Activity can NOT permanently alter the terrain, ground cover or drainage patterns from those present prior to the activity
E. Is the project considered a "Large Lot Single-Family Site"?			X	Must be a single-residential lot or agricultural zoned land, ≥ 2.5 acres per dwelling and total lot impervious area < 10 percent.

Questions (cont'd)	Yes	No	Not Applicable	Notes
F. Do Non-Residential or Non-Commercial Infiltration Conditions exist? Post-development surface conditions do not result in concentrated stormwater flow or surface water discharge during an 80 <sup>th</sup> percentile stormwater runoff event.			X	Exclusion does not apply to residential or commercial sites for buildings. A site specific study is required and must show: rainfall and soil conditions; allowable slopes; surface conditions; and ratios of imperviousness area to pervious area.
G. Is the project land disturbance to Undeveloped Land where undeveloped land remains undeveloped following the activity?			X	Project must be on land with no human made structures such as buildings or pavement.
H. Is the project a Stream Stabilization Site?			X	Standalone stream stabilization projects are excluded.
I. Is the project a bike or pedestrian trail?			X	Bike lanes for roadways are not included in this exclusion, but may qualify if part of larger roadway activity is excluded in A, B or C above.
J. Is the project Oil and Gas Exploration?			X	Activities and facilities associated with oil and gas exploration are excluded.
K. Is the project in a County Growth Area?				Note, El Paso County does not apply this exclusion. All Applicable Construction Activity in El Paso County must comply the Post-Construction Stormwater Management criteria.

Part III. Post Construction (Permanent) Stormwater Control Determination		
Questions	Yes	No
1. Is project an Applicable Construction Activity?	X	
2. Do any of the Exclusions (A-K in Part II) apply?		X
<p>If the project is an Applicable Construction Activity and no Exclusions apply then Post-Construction (Permanent) Stormwater Management is required. Complete the applicable sections of Part IV below and then coordinate signatures for form and place in project file.</p> <p>If the project is not an Applicable Construction Activity, or Exclusion(s) apply then Post-Construction (Permanent) Stormwater Management is NOT required. Coordinate signatures for form and place in project file.</p>		

Part IV: Onsite PWQ Requirements, Documentation and Considerations	Yes	No
1. Check which Design Standard(s) the project will utilize. Standards align with Control Measure Requirements identified in permit Part I.E.4.a.iv.	X	
A. Water Quality Capture Volume (WQCV) Standard	X	
B. Pollutant Removal/80% Total Suspended Solids Removal (TSS)		X
C. Runoff Reduction Standard		X
D. Applicable Development Site Draining to a Regional WQCV Control Measure		X
E. Applicable Development Site Draining to a Regional WQCV Facility	X	
F. Constrained Redevelopment Sites Standard		X
G. Previous Permit Term Standard		X
2. Will any of the project permanent stormwater control measure(s) be maintained by another MS4? If Yes, you must obtain a structure specific maintenance agreement with the other MS4 prior to advertisement.		X
3. Will any of the project permanent stormwater control measures be maintained by a private entity or quasi-governmental agency (e.g. HOA or Special District, respectively)? If Yes, a Private Detention Basin/Stormwater Quality Best Management Practice Maintenance Agreement and Easement must be recorded with the El Paso County Clerk and Recorder.	X	

Part V Notes (attach an additional sheet if you need more space)
<p>The proposed project is within the Falcon Highlands Market Place commercial subdivision. The site has been master planned for stormwater detention and stormwater quality.</p>

Project design is complete to include the project design, construction plans, drainage report, specifications, and maintenance and access agreements as required. The engineering, drainage considerations and information used to complete these documents is complete, true, and accurate to the best of my belief and knowledge.

\_\_\_\_\_  
Signature and Stamp of Engineer of Record

\_\_\_\_\_  
Date

Post-Construction Stormwater Management Applicability Form has been reviewed and the project design, construction plans, drainage report, specifications, and maintenance and access agreements as required, have been reviewed for compliance with the Post Construction Stormwater Management process and MS4 Permit requirements.

\_\_\_\_\_  
Signature of El Paso County Project Engineer

\_\_\_\_\_  
Date

## EROSION AND STORMWATER QUALITY CONTROL PERMIT (ESQCP) EL PASO COUNTY APPLICATION AND PERMIT

### APPLICANT INFORMATION

### PERMIT NUMBER

Owner Information	
Owner	Arby's - RB American Group, LLC
Name (person of responsibility)	Bob Lach
Company/Agency	Flynn Restaurant Group, LLC
Position of Applicant	Manager
Address (physical address, not PO Box)	8930 Bash Street, Suite L
City	Indianapolis
State	Indiana
Zip Code	46256
Mailing address, if different from above	Same as Above
Telephone	317-288-9581
FAX number	317-288-9582
Email Address	<a href="mailto:blach@flynnrg.com">blach@flynnrg.com</a>
Cellular Phone number	
Contractor/Operator Information	
Name (person of responsibility)	Contractor TBD (Same information as above for now)
Company	
Address (physical address, not PO Box)	
City	
State	
Zip Code	
Mailing address, if different from above	
Telephone	
FAX number	
Email Address	
Cellular Phone number	
Erosion Control Supervisor (ECS)*	
ECS Phone number*	
ECS Cellular Phone number*	

\*Required for all applicants. May be provided at later date pending securing a contract when applicable.

**PROJECT INFORMATION**

<b>Project Information</b>	
Project Name	Arby's – Falcon, CO
Legal Description	Lot 2, Falcon Highlands Market Place Filing No. 1B, County of El Paso, State of Colorado.
Address (or nearest major cross streets)	11775 Meridian Market View Falcon, CO 80831
Acreage (total and disturbed)	Total: 1.14 acres Disturbed: 0.80 acres
Schedule	Start of Construction: December 2020 Completion of Construction: December 2021 Final Stabilization: Fall 2021
Project Purpose	New Fast-Food Restaurant with Drive-thru
Description of Project	Construction of a 2,579 SF Arby's Fast-Food Restaurant with its associated parking, drainage, and utility infrastructure on an existing pad-ready vacant commercial outlot.
Tax Schedule Number	5312101019

**FOR OFFICE USE ONLY**

The following signature from the ECM Administrator signifies the approval of this ESQCP. All work shall be performed in accordance with the permit, the El Paso County Engineering Criteria Manual (ECM) Standards, City of Colorado Springs Drainage Criteria Manual, Volume 2 (DCM2) as adopted by El Paso County Addendum, approved plans, and any attached conditions. The approved plans are an enforceable part of the ESQCP. Construction activity, except for the installation of initial construction BMPs is not permitted until issuance of a Construction permit and Notice to Proceed.

Signature of ECM Administrator: \_\_\_\_\_

Date \_\_\_\_\_

## 1.1 REQUIRED SUBMISSIONS

In addition to this completed and signed application, the following items must be submitted to obtain an ESQCP:

- Permit fees
- Stormwater Management Plan (SWMP) meeting the requirements of DCM2 and ECM either as part of the plan set or as a separate document;
- Cost estimates of construction and maintenance of construction and permanent stormwater control measures (Cost estimates shall be provided on a unit cost basis for all stormwater BMPs);
- Financial surety in an amount agreeable to the ECM Administrator based on the cost estimates of the stormwater quality protection measures provided. The financial surety shall be provided in the form of a Letter of Credit, Surety with a Bonding Company, or other forms acceptable to El Paso County;
- Operation and Maintenance Plan for any proposed permanent stormwater control measures; and
- Signed Private Detention Basin/Stormwater Quality Best Management Practice Maintenance Agreement and Easement, if any permanent stormwater control measures are to be located on site.

## 1.2 RESPONSIBILITY FOR DAMAGE

The County and its officers and employees, including but not limited to the ECM Administrator, shall not be answerable or accountable in any manner, for injury to or death of any person, including but not limited to a permit holder, persons employed by the permit holder, persons acting in behalf of the permit holder, or for damage to property resulting from any activities undertaken by a permit holder or under the direction of a permit holder. The permit holder shall be responsible for any liability imposed by law and for injuries to or death of any person, including but not limited to the permit holder, persons employed by the permit holder, persons acting in behalf of the permit holder, or damage to property arising out of work or other activity permitted and done by the permit holder under a permit, or arising out of the failure on the permit holder's part to perform the obligations under any permit in respect to maintenance or any other obligations, or resulting from defects or obstructions, or from any cause whatsoever during the progress of the work, or other activity, or at any subsequent time work or other activity is being performed under the obligations provided by and contemplated by the permit.

To the extent allowed by law, the permit holder shall indemnify, save, and hold harmless the County and its officers and employees, including but not limited to the BOCC and ECM Administrator, from all claims, suits or actions of every name, kind and description brought for or on account of injuries to or death of any person, including but not limited to the permit holder, persons employed by the permit holder, persons acting in behalf of the permit holder and the public, or damage to property resulting from the performance of work or other activity under the permit, or arising out of the failure on the permit holder's part to perform his obligations under any permit in respect to maintenance or any other obligations, or resulting from defects or obstructions, or from any cause whatsoever during the progress of the work, or other activity or at any subsequent time work or other activity is being performed under the obligations provided by and contemplated by the permit, except as otherwise provided by state law. The permit holder waives any and all rights to any type of expressed or implied indemnity against the County, its officers or employees.

**1.3 APPLICATION CERTIFICATION**

We, as the Applicants or the representative of the Applicants, hereby certify that this application is correct and complete as per the requirements presented in this application and the El Paso County Engineering Criteria Manual and Drainage Criteria Manual, Volume 2 and El Paso County Addendum.

We, as the Applicants or the representatives of the Applicants, have read and will comply with all of the requirements of the specified Stormwater Management Plan and any other documents specifying stormwater best management practices to be used on the site including permit conditions that may be required by the ECM Administrator. We understand that the stormwater control measures are to be maintained on the site and revised as necessary to protect stormwater quality as the project progresses. We further understand that a Construction Permit must be obtained and all necessary stormwater quality control measures are to be installed in accordance with the SWMP, the El Paso County Engineering Criteria Manual, Drainage Criteria Manual, Volume 2 and El Paso County Addendum before land disturbance begins and that failure to comply will result in a Stop Work Order and may result in other penalties as allowed by law. We further understand and agree to indemnify, save, and hold harmless the County and its officers and employees, including but not limited to the BOCC and ECM Administrator, from all claims, suits or actions of every name, kind and description as outlined in Section 1.2 Responsibility for Damage.

Kyle Blanck  
Signature of Owner or Representative

Date: 10/16/2020

Kyle Blanck - Hamilton Designs, LLC  
Print Name of Owner or Representative

\_\_\_\_\_  
Signature of Operator or Representative

Date: \_\_\_\_\_

\_\_\_\_\_  
Print Name of Operator or Representative

Permit Fee \$ \_\_\_\_\_

Surcharge \$ \_\_\_\_\_

Financial Surety \$ \_\_\_\_\_

Type of Surety \_\_\_\_\_

Total \$ \_\_\_\_\_