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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name : **BENT GRASS EAST COMMERCIAL FILING NO. 3**  
Schedule No.(s) : 53011-01-060  
Legal Description : Tract BB, Bent Grass East Commercial Filing No. 2B

### APPLICANT INFORMATION

Company : Classic Consulting  
Name : Marc A. Whorton, P.E.  
☐ Owner ☒ Consultant ☐ Contractor  
Mailing Address : 619 N. Cascade Ave., Suite 200  
Colorado Springs, CO 80903  
  
Phone Number : 719-785-2802  
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Email Address : Mwhorton@classicconsulting.net

### ENGINEER INFORMATION

Company : Classic Consulting  
Name : Marc A. Whorton, P. E. Colorado P.E. Number : 37155  
Mailing Address : Same as above  
  
Phone Number : Same as above  
FAX Number :  
Email Address :

### 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 until corrections are made, 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.

*Marc A. Whorton, P.E.*  
Signature of owner (or authorized representative)

*5/6/21*  
Date

Engineer's Seal, Signature  
And Date of Signature



**DEVIATION REQUEST** (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or in **Chapter 4.2 – Extended Detention Basin (EDB)** of the Drainage Criteria Manual (DCM) Volume 1 is requested.

Identify the specific DCM standard which a deviation is requested:

The DCM discusses the need for a concrete low-flow channel (trickle channel) from the forebay to the micropool.

No trickle channel is proposed based on the existing pond design (pre-2014 SWQ stds.) utilizing a large area micropool design.

State the reason for the requested deviation:

The existing pond design that this development will be connecting to utilized the current design standards of 2013, which allowed for large area soft bottom micropool design. This pond was designed using nearly the entire eastern half of the pond as the micropool area. With this design there is no formal concrete 30" min. depth micropool directly adjacent to the outlet structure. A soft bottom low-flow channel design was utilized for this facility. Thus, the installation of a concrete trickle channel within this pond would not function properly and would end up being under water much of the time.

Explain the proposed alternative and compare to the DCM standards (May provide applicable regional or national standards used as basis):

In this situation of connecting into a pond that was designed meeting prior County design standards, we are still proposing a concrete forebay to be installed at the pipe outlet but are proposing to utilize the existing soft bottom channel from the forebay to the outlet structure rather than the typical concrete trickle channel.

## LIMITS OF CONSIDERATION

(At least one of the conditions listed below must be met for this deviation request to be considered.)

- ☐ The DCM standard is inapplicable to the particular situation.
- ☒ Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship 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.

Provide justification:

The DCM does not discuss stormwater pipe connections to an existing pond that was constructed under previous design standards. With the proposed construction of the concrete forebay at the pipe outlet, we believe we are meeting as much of the current stormwater design criteria practical and possible.

## CRITERIA FOR APPROVAL

Per ECM section 5.8.7 the request for a deviation may be considered if the request is **not based exclusively on financial considerations**. The deviation must not be detrimental to public safety or surrounding property. The applicant must include supporting information demonstrating compliance with **all of the following criteria**:

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

With the construction of the concrete forebay and the utilization of the existing soft bottom existing channel to the outlet structure, we seem to meet the intent of the current criteria.

The deviation will not adversely affect safety or operations.

With or without a concrete trickle channel, this existing facility will still function properly and will not adversely affect safety or operations. The existing natural soft bottom channel continues to allow for the proper function of the pond.

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

The request for no concrete trickle channel will not adversely affect maintenance and its associated cost.

The deviation will not adversely affect aesthetic appearance.

The request will not adversely affect the aesthetic appearance of the facility.

The deviation meets the design intent and purpose of the ECM standards.

With the installation of the proposed concrete forebay and continuing to utilize the existing soft bottom channel continues to meet the design intent of the ECM and DCM.

The deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable.

This private detention/stormwater quality facility will continue to meet the intent of the County's MS4 permit.

**REVIEW AND RECOMMENDATION:**

**Approved by the ECM Administrator**

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

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**Denied by the ECM Administrator**

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

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**ECM ADMINISTRATOR COMMENTS/CONDITIONS:**

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## **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. 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.

## **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. LIMITS OF APPROVAL**

Whether a request for deviation is approved as proposed or with conditions, the approval is for project-specific use and shall not constitute a precedent or general deviation from these Standards.

## **1.7. REVIEW FEES**

A Deviation Review Fee shall be paid in full at the time of submission of a request for deviation. The fee for Deviation Review shall be as determined by resolution of the BoCC.

