



Development Services Department  
2880 International Circle  
Colorado Springs, Colorado 80910

# DEVIATION REVIEW AND DECISION FORM

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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): Vacant Land  
Tax Schedule ID(s) #:52280-00-016, 52000-00-081, 52330-00-001, 52000-00-136, 52000-00-231, 52000-00-135, 5200-00-265, 53000-00-173  
Legal Description of Property: \_\_\_(See Attached)\_\_\_\_\_

Subdivision or Project Name: Sterling Ranch

Section of ECM from Which Deviation is Sought: \_\_\_ECM Section 3.2.6\_\_\_\_\_  
Specific Criteria from Which a Deviation is Sought: \_\_\_Diversion of stormwater runoff from one basin to another\_\_\_\_\_  
\_\_\_is discouraged, unless specific prudent reasons justify such a transfer without impacting the historical drainage\_\_\_\_\_  
\_\_\_paths within the basin and the appropriate legal agreements have been recorded\_\_\_\_\_

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

**Applicant Information:**

Applicant: \_\_\_Morley-Bentley Investments, Inc.\_\_\_\_\_  
Email Address: \_\_\_Jmorley3870@aol.com\_\_\_\_\_  
Applicant is: \_\_\_X\_\_\_ Owner \_\_\_ \_\_\_ Consultant \_\_\_ Contractor  
Mailing Address: \_\_\_20 Boulder Crescent, 2nd Floor\_\_\_\_\_  
State: \_\_\_CO\_\_\_ Postal Code: 80903\_\_\_\_\_  
Telephone Number: \_\_\_719-471-1742\_\_\_\_\_  
Fax Number: \_\_\_\_\_

**Engineer Information:**

Engineer: \_\_\_Virgil A. Sanchez, P.E.\_\_\_\_\_  
Email Address: \_\_\_virgils@mscivil.com\_\_\_\_\_  
Company Name: \_\_\_M&S Civil Consultants, Inc.\_\_\_\_\_  
Mailing Address: \_\_\_20 Boulder Crescent, STE 110\_\_\_\_\_  
State: \_\_\_CO\_\_\_ Postal Code: 80903\_\_\_\_\_  
Registration Number: \_\_\_#37160\_\_\_\_\_  
State of Registration: \_\_\_CO\_\_\_\_\_  
Telephone Number: \_\_\_719-955-5485\_\_\_\_\_  
Fax Number: \_\_\_\_\_

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

Section of ECM from Which Deviation is Sought: \_\_\_ECM Section 3.2.6\_\_\_\_\_  
Specific Criteria from Which a Deviation is Sought: \_\_\_Prudent reasons to justify diversion of stormwater runoff\_\_\_\_\_  
\_\_\_without impacting the historical drainage paths within the basin.\_\_\_\_\_

Proposed Nature and Extent of Deviation: \_\_\_A maximum of 280 acres of Developed stormwater runoff will be\_\_\_\_\_  
\_\_\_diverted from the East Fork Sand Creek Basin to the Main Stem Sand Creek Basin. However, the Historic\_\_\_\_\_  
\_\_\_drainage discharge from Sterling Ranch will be held at the boundaries. Therefore, the offsite properties and\_\_\_\_\_  
historical drainage flows will not be impacted with an increase/decrease in stormwater flows.\_\_\_\_\_

Reason for the Requested Deviation: \_\_\_The diversion of flows inside of Sterling Ranch is proposed to consolidate the\_\_\_\_\_  
locations for detention and water quality. There are several small historical discharge points along the south\_\_\_\_\_  
boundary. It is proposed to construct 3 detention ponds as opposed to 7 of them. Also, The Sterling Ranch property\_\_\_\_\_  
is being served at the southwest corner of the site by a Sanitary Sewer lift station. Therefore, the site is proposed to\_\_\_\_\_  
convey a majority of the gravity systems to the southwest. A maximum of 280 acres of the historical basin boundary\_\_\_\_\_  
may be conveyed to the southwest. Once specific layouts and grading occur for development of this area, an exact

amount of area will be determined. The historical stormwater discharge points at the boundaries of Sterling Ranch will be fed by local systems, and will not exceed the historical amount of flow at any point. \_\_\_\_\_

Comparison of Proposed Deviation to ECM Standard: \_\_\_ Historic drainage flows will not be increased with developed flows at the historical drainage path locations. Therefore, no deviation of historic flow is realized off site. The increase in developed flows into the Main stem of the Sand Creek Basin will be mitigated by an increased detention pond size, with no increase in the historic flow release rates into the Sand Creek channel. There are no used agricultural stock ponds immediately downstream of Sterling Ranch that will be negatively impacted. \_\_\_\_\_

Applicable Regional or National Standards used as Basis: \_\_\_ Colorado law recognizes the inequity in transferring the \_\_\_ burden of managing storm drainage from one location to another. However, the historic drainage continuum will \_\_\_ not be altered. The downstream properties were platted prior to the approval of the Sand Creek Drainage Basin Planning Study, and the proposed infrastructure was never installed. This diversion alleviates the need for some of these drainage facilities. The diversion also allows Sterling Ranch to mitigate and treat the developed flows in fewer locations prior to release downstream. \_\_\_\_\_

**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.

\_\_\_ In order to meet EPC criteria and minimize downstream drainage impacts the deviation allows for better a better drainage system  
\_\_\_\_\_  
\_\_\_\_\_

**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. \_\_\_ Not based upon financial considerations, but better engineering to mitigate the downstream impacts. \_\_\_\_\_

The deviation will achieve the intended result with a comparable or superior design and quality of improvement. \_\_\_ Yes, the deviation will provide for a superior design of drainage facilities. \_\_\_\_\_

The deviation will not adversely affect safety or operations. \_\_\_ The deviation will not adversely impact the downstream properties.

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

The deviation will not adversely affect aesthetic appearance.                          Less full spectrum detention and water quality ponds will require less locations for maintenance and visually unpleasing drainage facilities.

**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.

*Sam Furdy*  
Signature of owner (or authorized representative)

9/20/2018  
Date

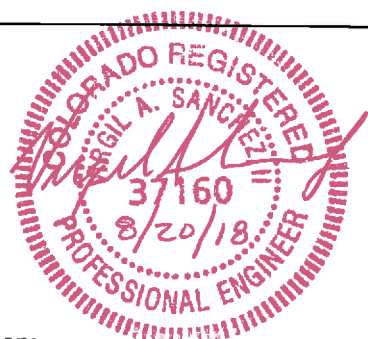
\_\_\_\_\_  
Signature of applicant (if different from owner)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Engineer

\_\_\_\_\_  
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 3.2.6 of the ECM is hereby granted based on the justification provided. Comments:

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

**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:

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

EXHIBIT 'A'

STERLING RANCH MASTER PLAN

THE WEST HALF OF THE WEST HALF OF THE EAST HALF AND EAST HALF OF THE WEST HALF AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27; THE EAST HALF OF THE SOUTHEAST QUARTER AND THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER LYING SOUTH AND EAST OF THE COUNTY ROAD KNOWN AS VOLLMER ROAD, OF SECTION 28; THE WEST HALF OF THE EAST HALF AND THE WEST HALF OF SECTION 34; THE EAST HALF AND THE EAST HALF OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, AND ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 33 LYING SOUTH AND EAST OF THE COUNTY ROAD KNOWN AS VOLLMER ROAD, EXCEPT THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33 LYING SOUTH AND EAST OF SAID COUNTY ROAD AS DEEDED TO COLORADO INTERSTATE GAS COMPANY BY WARRANTY DEED RECORDED IN BOOK 1173 AT PAGE 359; AND THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER LYING SOUTHEAST OF THE COUNTY ROAD KNOWN AS VOLLMER ROAD, OF SECTION 32, EXCEPT THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 32 DEEDED TO J. MARCUS BROWN BY TRUSTEES' DEED RECORDED IN BOOK 3292 AT PAGE 168; ALL IN TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup> P.M., EL PASO COUNTY, COLORADO. ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup> P.M., EL PASO COUNTY, COLORADO LYING SOUTH AND EAST OF THE COUNTY ROAD (VOLLMER ROAD), ALSO: THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, LYING SOUTHERLY OF AN EXISTING EAST- WEST FENCE AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED DECEMBER 23, 2004 AT RECEPTION NO. 204209417, COUNTY OF EL PASO, STATE OF COLORADO, ALSO: THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup> P.M., LYING SOUTHEASTERLY OF THE PUBLIC ROAD KNOWN AS VOLLMER ROAD, EL PASO COUNTY, COLORADO, AND CONTAINING 1443.695 ACRES MORE OR LESS.

DESCRIPTION PREPARED BY:  
M&S CIVIL CONSULTANTS, INC.  
20 BOULDER CRESCENT, SUITE 110  
COLORADO SPRINGS, CO 80903