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## **DEVIATION REQUEST AND DECISION FORM**

Updated: 6/26/2019

### **PROJECT INFORMATION**

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Project Name : Waterbury Filing No. 1

Schedule No.(s) : 4200000417

Legal Description : Waterbury Filing No. 1

**APPLICANT INFORMATION**

Company : ACM ALF VIII JV SUB II LLC

Name : Jason Pock

Owner  Consultant  Contractor

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Phone Number : 303-984-9800

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**ENGINEER INFORMATION**

Company : Terra Nova Engineering, Inc.

Name : Quentin Armijo

Colorado P.E. Number : 37170

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Colorado Springs, CO 80904

Phone Number : 719-635-6422

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Email Address : quentin.armijo@tnesinc.com

**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.

Signature of owner (or authorized representative)

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 Section 3.3.1.J.8. of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

**Maximum Velocity.** The maximum storm sewer velocity shall be 18 fps.

State the reason for the requested deviation:

The 100-year velocity of 21.71 fps in Pipe run 17-1 is higher than the 18 fps listed in the EPCCM.

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

A proposed alternative is to add a drop MH upstream of Pipe run 17-1 instead of the 9.7% slope of the pipe. El Paso County does not have information on drop Manholes but working with City of Colorado Springs SWENT they prefer not to use them as they are a maintenance issue with runoff falling and splashing in the manhole.

**LIMITS OF CONSIDERATION**

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

- The ECM 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:

This velocity is 21.71 fps in the 100-Year storm event. In theory this storm should only occur once in a 100-years and therefore is not a common occurrence that will be harmful to a pipe that has a 50-year life expectancy. We have called out for a "C" wall RCP Pipe, which has a thicker wall and allows for erosion. Also, if a drop manhole was used upstream, you would have more maintenance in this Manhole due to more frequent minor storms falling in the drop manhole.

**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.

The deviation would be the best design as the deficiency only occurs once in a 100-years and we have provided a superior pipe than required to help alleviate any erosion of the pipe wall. The velocity in the 5-year event is 17.11 fps

The deviation will not adversely affect safety or operations.

The flow in all major and minor events will be passed safely through the underground pipe and to proposed Detention Basin.

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

As mentioned above this is a once in a 100-year occurrence and would not affect maintenance by the Metro District in charge.

The deviation will not adversely affect aesthetic appearance.

The pipe is underground and not seen.

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

This deviation does not meet the standards of 18 fps or less in a pipe. But it does route the runoff to a water quality and detention basin safely in a pipe that has upgraded the thickness to offset the higher velocity.

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 deviation still meets the requirements of Part I.E.3 by providing a site plan for review that meets all control measures for construction activity.

This deviation still meets the requirements of Part I.E.4 by providing a storm sewer route to a Detention Basin to provide water quality and detention.

**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:**

## **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.