



Planning and Community
Development Department
2880 International Circle
Colorado Springs, Colorado 80910
Phone: 719.520.6300
Fax: 719.520.6695
Website www.elpasoco.com

DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

PROJECT INFORMATION

Project Name : East Fork Jimmy Camp Creek Stabilization Design
 Schedule No.(s) : 5500000406
 Legal Description : Creekside at Lorson Ranch Filing 1

APPLICANT INFORMATION

Company : Lorson Development
 Name : Jeff Mark
 Owner Consultant Contractor
 Mailing Address : 212 North Wahsatch Suite 301
 Corado Springs, CO 80903

 Phone Number : 719-210-7747
 FAX Number :
 Email Address : JMark@landuisco.com

ENGINEER INFORMATION

Company : Kiowa Engineering
 Name : Richard N. Wray
 Colorado P.E. Number : 19310
 Mailing Address : 1604 South 21st
 Colorado Springs, CO 80904

 Phone Number : 719-630-7342
 FAX Number :
 Email Address : rwrap@kiowaengineering.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 1/24/2020

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 _____ of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Section 10.5.4 City of Colorado Springs and El Paso County Drainage Criteria Manual

State the reason for the requested deviation:

In order to conform with the Lorson Development 404 permit, the low flow channel of East fork Jimmy Camp Creek where it is adjacent to Creekside Filing 1 is to remain in its natural configuration, with the low flow area of the creek and associated wetland vegetation be preserved. This requirement was also encouraged by the US Fish and Wildlife Service as preserving the low flow channel as currently configured would support fish habitat due to the base flow that existing in this segment of East Fork.

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

Low flow channel has been designed to be capable of conveying 110 cubic feet per second which is the bankfull capacity determined in the Jimmy Camp Creek Drainage Basin Planning study. The 110 cubic feet per second also corresponds to the equilibrium slope for East Fork Jimmy Camp Creek which is also being used in the design of the stream stabilization measures that are shown on the drawings. DCM section 10.5.4 would require a flow of 550 cubic feet per second. Designing the low flow channel to 550 cubic feet per second would require that the exiting low flow thread be expanded from its current 12 to 20 foot topwidth to 35 to 40 feet, thereby requiring excavation and re-establishment of the existing wetland vegetation that now populates the low flow thread of East Fork Jimmy Camp Creek..

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:

Using the bankfull flow of 110 cubic feet per second is consistent with the findings of the bankfull flow analysis carried out in the Jimmy Camp Creek Drainage Basin Planning Study. Keeping the low flow thread in its present vertical and horizontal locations through the design reach is consistent with the Lorson Ranch 404 Permit issued by the US Army Corps of Engineering in 2005 and reissued in 2017. Stabilizing the low flow area of the drainageway will be accomplished with ungrouted 36-48 boulders. Grouting of the low flow is not permitted within the conditions of the 404 permit. Grade control along the low flow will be provided using sheet pile check structures. Long-term degradation is addressed by the use of the grade control structures and by imbedding the boulder lining so that the bottom of the boulders is at least two-feet below the design invert. The long-term slope as determined in the Jimmy Camp Creek DBPS was estimated at 0.09 percent.

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.

Stabilizing the low flow to its bank full capacity is consistent with the design of natural drainageways. The bank full capacity and equilibrium slope is a property of the watershed and therefore represents a more applicable design criteria as compared to the arbitrary requirement set forth in section 10.5.4 which is generally a criteria for engineered channel sections.

The deviation will not adversely affect safety or operations.

The drainageway will has also be stabilized for the 100-year design event as the outside bends of the floodplain overbanks will be stabilized with soil riprap bank lining, and the channel benches above the low flow channel will also be stabilized using soil riprap capable of withstanding the 100-year velocities and tractive forces indicated for this reach in the hydraulic analysis.

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

Cost for maintenance will be borne by the Lorson Ranch Metropolitan District. Maintenance of the drainageway in the proposed configuration would cause no more maintenance to be performed than a drainageway having the low flow area design to the flow set forth in Section 10.5.4. of the DCM.

The deviation will not adversely affect aesthetic appearance.

Proposed design will enhance the natural setting of this segment of East Fork Jimmy Camp Creek. It will provide for a stable low flow area that would eliminate the possibility of meandering. Native vegetation is expected to be established naturally long the overbank of the channel.

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

ECM and DCM criteria are intended to provide for stable drainageways adjacent to urban development so that the public is protected from damages related to bank and invert erosion caused during a 100-year flow event. The proposed design meets this intention as the 100-year floodplain will be has been proposed for stabilization. There will be no lots that will be platted with any portion of it within the 100-year floodplain.

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.

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.