

## Procedures Manual

**Subject: DEVIATION REVIEW AND DECISION FORM**

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Date Issued: 12/31/07  
Revision Issued: N/A  
Rescinded: N/A

### 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.

### 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 5.9 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. RELATED PROCEDURES

#### 1.6.1. Governing Procedures

P-AR-063-07 Deviation

#### 1.6.2. Other Related Procedures

P-AR-012-07 Administrative Relief

**1.7. RESOURCE**

Attached is the Deviation Review and Decision Form that is used by the applicant/engineer for requesting and justifying a deviation. The form is reviewed by the ECM Administrator and approved or denied. 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.



Development Services Department  
2880 International Circle  
Colorado Springs, Colorado 80910

Phone: 719.520.6300  
Fax: 719.520.6695  
Website www.elpasoco.com

## DEVIATION REVIEW AND DECISION FORM

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): 14010 Judge Orr Road

Tax Schedule ID(s) #: 4233000027

Legal Description of Property: Tract located at SW4SW4 SEC 33-12-64 TOG WITH THE ELY 20.0 FT OF THE SE4SE4 SEC 32-12-64

Subdivision or Project Name:

Judge Orr Road RV Park & Storage  
Development

Section of ECM from Which Deviation is Sought: ECM Chapter 3 Section 3.2.5.E Water Quality and MS4 Permit Section 4.a.i(G)

Specific Criteria from Which a Deviation is Sought:

Treatment of all stormwater from the project area.

Proposed Nature and Extent of Deviation:

Two areas of the project area are not tributary to the water quality/detention basin:

Basins A2B and A5 contain 2.49 acres of which 0.74 acres are developed.

Basin B contains 0.87 acres of which none are developed.

### Applicant Information:

Applicant: Guman & Associates

Email Address: bill@guman.net

Applicant is: \_\_\_\_\_ Owner    X Consultant \_\_\_\_\_ Contractor

Mailing Address: 731 N. Weber St. Suite 10

State: CO

Postal Code: 80903

Telephone Number: 719-633-9700

Fax Number: \_\_\_\_\_

### Engineer Information:

Engineer: Michael A. Bartusek, PE

Email Address: mbartusek@adpcivil.com

Company Name: Associated Design Professionals, Inc.

Mailing Address: 3520 Austin Bluffs Pkwy., Suite 102

State: CO

Postal Code: 80918

Colorado Springs

Registration Number: 23329

State of Registration: Colorado

Telephone Number: (719) 266-5212

Fax Number: (719) 266-5341

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

Section of ECM from Which Deviation is Sought: ECM Chapter 3 Section 3.2.5.E Water Quality and MS4 Permit Section 4.a.i(G)

Specific Criteria from Which a Deviation is Sought: Two areas of the project area are not tributary to the water quality/detention basin:

Basins A2B and A5 contain 2.49 acres of which 0.74 acres are developed.

Basin B contains 0.87 acres of which none are developed.

Proposed Nature and Extent of Deviation:

Reason for the Requested Deviation: The MS4 Permit states that areas that are to remain undeveloped after the site

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is developed may be excluded from providing water quality and only minimal disturbance is occurring in these areas.

Comparison of Proposed Deviation to ECM Standard: Minimal impacts to water quality will occur

Applicable Regional or National Standards used as Basis: \_\_\_\_\_

**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.

Basins A2B and A5 developed area of 0.74 acres cannot reach the water quality/detention basin due to topography

☐ 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.

**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.

Request is needed due to topographical issues which prevent the flows from reaching the water quality basin.

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

The northeastern area will not be disturbed as a result of the site construction and the southern area only has two access roads crossing the area containing less than an acre of impervious area.

The deviation will not adversely affect safety or operations.

Since only minimal work will occur in the one area there will be no effect on safety or operation since.

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

There will be no effect on maintenance.

The deviation will not adversely affect aesthetic appearance.

There will be no effect on appearance.

**Owner, Applicant and Engineer Declaration:**

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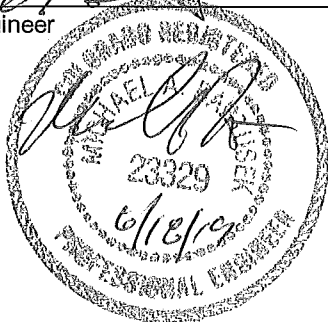
To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial. I have familiarized myself with the rules, regulations 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.

Andrea Munich 6-18-19  
Signature of owner (or authorized representative) Date

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

[Signature] 6/18/19  
Signature of Engineer Date

Engineer's Seal



**APPROVED**  
**Engineering Department**

07/23/2019 5:17:45 PM

*dsdnijkamp*

**EPC Planning & Community  
Development Department**

**Review and Recommendation:**  
**APPROVED by the ECM Administrator**

This request has been determined to have met the criteria for approval. A deviation from Section ECM 3.2.5.E of ECM is hereby granted based on the justification provided. Comments:

ECM updates approved 7/2019 now allow for this provision, however at the time this site was submitted for approval, the ECM had not been updated to allow for all the same provisions as the MS4 permit.

\_\_\_\_ Additional comments or information are attached.

**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:

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

\_\_\_\_ Additional comments or information are attached.



