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## 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): 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 SKP-18-003

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: ☒ 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: Approximately 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 detention ponds per DBPS. 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

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SKP-18-003

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.

\_\_\_\_ N/A \_\_\_\_\_

☒ 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.

In order to meet EPC criteria and minimize downstream drainage impacts the deviation allows for a better drainage system when coupled with other utility and grading constraints. The existing topography does not easily define an exact basin boundary. \_\_\_\_\_

☐ 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.

\_\_\_\_ N/A \_\_\_\_\_

**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 comparable 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 comparable design of drainage facilities. \_\_\_\_\_

The deviation will not adversely affect safety or operations.

\_\_\_\_ Detention will be provided therefore the deviation will not adversely impact the downstream properties. \_\_\_\_\_

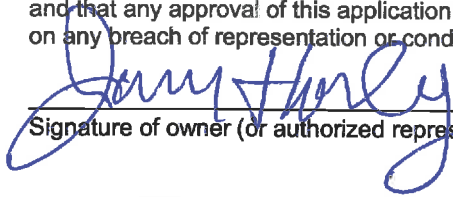
The deviation will not adversely affect maintenance and its associated cost.

As no additional infrastructure is created the deviation will not increase maintenance or costs. \_\_\_\_\_

The deviation will not adversely affect aesthetic appearance. N/A

**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.

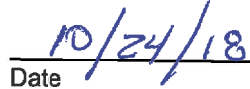
  
Signature of owner (or authorized representative)

  
Date

Signature of applicant (if different from owner)

Date

Signature of Engineer

  
Date

Engineer's Seal



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

Approved

by Elizabeth Nijkamp  
El Paso County Planning and Community Development  
on behalf of Jennifer Irvine, County Engineer, ECM Administrator



11/08/2018 12:47:51 PM  
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:

Provide documentation from the State Engineer that water rights will not be negatively affected.

All other County ECM/DCM/LDC, State and Federal Requirements shall be met.

This approval is void if either downstream conditions are altered or a development application is not submitted and approved within two year of deviation approval date.

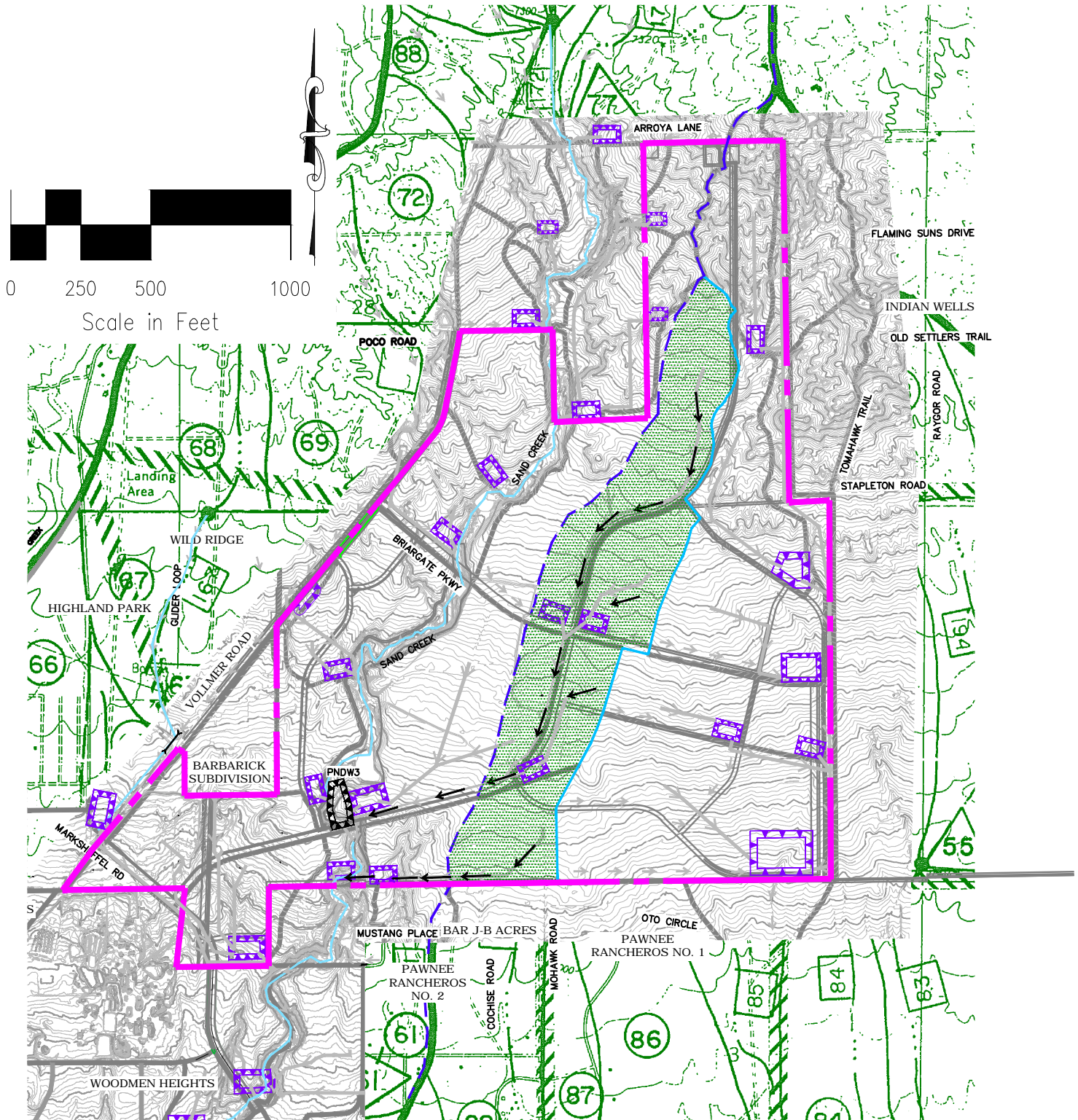
**DENIED by the ECM Administrator**

Date

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



# STERLING RANCH DRAINAGE DIVERSION EXHIBIT



PROPERTY BNDRY

HISTORIC SC/EFSC BNDRY LINE

PROPOSED SC/EFSC BNDRY LINE

BASIN DIVERSION AREA  
(EAST FORK SAND CREEK TO  
SAND CREEK) \* ~267.3 AC

\*ALL DIVERTED RUNOFF SHALL BE DIRECTED TO FULL SPECTRUM  
DETENTION PONDS PRIOR TO DISCHARGE INTO SAND CREEK CHANNEL.  
WHENEVER POSSIBLE ADDITIONAL LID BMP'S WILL BE UTILIZED TO  
REDUCE INCREASES IN RUNOFF VOLUMES.

PNDW3



POND W3 WILL BE UTILIZED TO AID  
IN REDUCING CHANNELIZED RUNOFF  
TO HISTORIC LEVELS.



POTENTIAL LOCATION FOR FULL  
SPECTRUM DETENTION POND



CIVIL CONSULTANTS, INC.

20 BOULDER CRESCENT, SUITE 110  
COLORADO SPRINGS, CO 80903  
PHONE: 719.955.5485

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