



**Planning and Community  
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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name : Bradley Point Filing No. 1

Schedule No.(s) : 6503400038, 6503400040

Legal Description :

TR IN SEC 3-15-66 DESC AS FOLS: COM AT THE INTERSECTION OF THE N LN OF S2 OF THE SW4 OF SEC 34-14-66 WITH A LN BEING 30.0 FT SWLY OF & PARA WITH THE CENTER LN OF THE FORMER MAIN LN OF THE DENVER & RIO GRANDE WESTERN RR CO, TH SELY ON SD PARA LN S 20<28'07" E 2042.86 FT, TH ALG ARC OF CUR TO L HAVING A RAD OF 2802.58 FT AN ARC DIST OF 995.29 FT A C/A OF 20<20'52", S 40<48'39" E 3097.26 FT FOR POB, S 40<48'39" E 486.79 FT, N 84<09'19" E 363.30 FT TO A PT ON A LN BEING 75.0 FT SWLY OF & PARA WITH THE CENTER LN OF THE MAIN LN OF THE ATCHISON, TOPEKA & SANTA FE RR CO, S 36<33'39" E 762.98 FT, S 48<48'20" W 362.99 FT TO POB

TR IN SEC 3-15-66 DESC AS FOLS: COM AT INTERSEC OF N LN S2SW4 OF SEC 34-14-66 W/A LN BEING 30.0 FT SWLY & PARA W/ C/L OF FORMER MAIN LN DENVER & RIO GRANDE WESTERN R/R TH SELY 30.0 FT SWLY & PARA W/ SD C LN, TH S 20<28'27" E 2042.86 FT, TH ALG ARC OF CUR TO TO L HAVING A RAD OF 2802.58 FT A C/A OF 20<20'52" AN ARC DIS OF 995.29 FT, TH S 40<48'39" E 3584.05 FT FOR POB, TH S 89<00'48" E 411.47 FT, S 36<33'39" E 610.08 FT TO A PT ON THE NLY R/W LN ACADEMY BLVD, TH S 48<16'19" W 256.26 FT, N 40<49'56" W 824.02 FT, S 89<42'05" W 6.59 FT, N 40<48'39" W 58.45 FT TO POB

### APPLICANT INFORMATION

Company : Bradley Point, LLC

Name : Stephen J. Schnurr

☒ Owner ☐ Consultant ☐ Contractor

Mailing Address : 2010 Fox Mountain Point  
Colorado Springs, CO 80906

Phone Number : 719-491-3101

FAX Number : N/A

Email Address : M & S Civil Consultants, Inc.

### ENGINEER INFORMATION

Company : M & S Civil Consultants, Inc.

Name : Virgil Sanchez

Colorado P.E. Number : 37160

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Colorado Springs, Colorado, 80906

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**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

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**DEVIATION REQUEST** (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or in Section 4.2 of the Drainage Criteria Manual (DCM) is requested.

Identify the specific ECM standard which a deviation is requested:

**Extended Detention Basin- 12.) Forebay Design:** The forebay is included as a component in an EDB to provide mechanical sediment removal for larger particles prior to reaching the outlet structure

State the reason for the requested deviation:

The topography of the site and general need for runoff conveyance vertically limits the placement of a forebay.

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

The proposed alternative is to allow the flows to enter the trickle channel uninterrupted. The main concern is those entering from the proposed swale. Flows from the swale enter the channel well below non-erosive velocities, as shown in the Final Drainage Report.

## 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:

The site has an approximately 1400' watershed length with an average slope of about 0.9%. Grading constraints resulting from detention criteria, runoff conveyance, and minimum slope requirements factor into the justification of the alternative solution. Based on the topography, swale analysis, and overall size of the site it has been determined that energy dissipation is unnecessary and mechanical sedimentation at the micropool is sufficient.

## 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 will achieve a comparable result at the micropool.

The deviation will not adversely affect safety or operations.

The deviation proposes removing a structure from the system. Although the potential location of the forebay would be out of the way of any proposed uses of the site, removal avoids any other potential safety concerns of this nature. The nature of the runoff coming to and from the low-flow channel has been determined by the drainage analysis to not be detrimental to any surrounding infrastructure and/or personnel during any storm event.

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

The deviation will not adversely affect maintenance due to removing a component that needs to be maintained.

The deviation will not adversely affect aesthetic appearance.

The deviation will provide a natural appearance to the pond's infrastructure, compared to a concrete structure out in the open.

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

The deviation still meets the purpose and intent of the forebay standard (sedimentation and energy dissipation) at another location (micropool) in the system.

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.

The deviation correlates to the same or similar control measures associated with the original BMP selection, and therefore meets the requirements for El Paso County's MS4 Permit.

**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:**

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## **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.