



Planning and Community
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DEVIATION REQUEST AND DECISION FORM

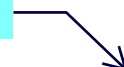
Updated: 6/26/2019

PROJECT INFORMATION

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Add SF-21-015



Project Name : Winsome Filing No. 2

Schedule No.(s) : 5100000497/4100000435

Legal Description : COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24, SAID POINT BEING THE POINT OF BEGINNING; THENCE N00°14'25"E ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, SAID LINE ALSO BEING ON THE WEST BOUNDARY OF PARCEL 4, AS RECORDED UNDER RECEPTION NUMBER 218900072, A DISTANCE OF 2636.99 FEET TO THE NORTHWEST CORNER OF SAID SECTION 24; THENCE N89°21'38"E ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 2633.02 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 24; THENCE N00°10'29"E ON THE WEST LINE OF THE SOUTH HALF OF THE SOUTH EAST QUARTER OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 65 WEST, A DISTANCE OF 1321.95 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N89°20'26"E ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 1873.37 FEET; THENCE S00°34'43"W A DISTANCE OF 2,706.21 FEET; THENCE S89°15'17"E A DISTANCE OF 769.17 FEET TO A POINT ON THE WEST LINE OF SECTION 19 TOWNSHIP 11 SOUTH, RANGE 64 WEST; THENCE S89°15'18"E A DISTANCE OF 1,158.32 FEET TO THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF SAID SECTION 19; THENCE S00°17'06"W ON THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF SAID SECTION 19, A DISTANCE OF 3,838.66 FEET TO A POINT 30.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19; THENCE S89°55'06"W, ON A LINE 30.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19, ON SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 30.00 FEET TO A POINT ON THE BOUNDARY LINE PARCEL NUMBER RW-36 AS SHOWN IN THE WARRANTY DEED AS RECORDED UNDER RECEPTION NUMBER 213096397; THENCE ON THE BOUNDARY OF SAID PARCEL THE FOLLOWING (3) THREE COURSES:

1. N00°17'06"E, 30.00 WEST OF AND PARALLEL WITH THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF SAID SECTION 19, A DISTANCE OF 5.25 FEET
2. N89°47'54"W A DISTANCE OF 368.05 FEET
3. S89°14'50"W A DISTANCE OF 603.68 FEET TO A POINT BEING 30.00 FEET NORTH OF THE SOUTH LINE OF SOUTHWEST QUARTER OF SAID SECTION 19;

THENCE S89°55'06"W ON A LINE 30.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19, ON SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 173.03 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 24; THENCE S89°30'15"W ON A LINE 30.00 NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, A DISTANCE OF 5238.44 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24; THENCE N00°14'17"E ON THE WEST LINE OF SOUTHWEST QUARTER A DISTANCE OF 2,606.92 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 33,455,315 SQUARE FEET OR 768.028 ACRES.
COLORADO.

APPLICANT INFORMATION

Company : Winsome, LLC

Name : Joseph DesJardin

☒ Owner ☐ Consultant ☐ Contractor

Mailing Address : 1864 Woodmoore Drive, Suite 100 Monument, CO 80132

Phone Number : 719-476-0800

FAX Number :

Email Address : jdesjardin@proterraco.com

ENGINEER INFORMATION

Company : Kimley-Horn and Associates, Inc.

Name : Kevin Kofford

Colorado P.E. Number : 57234

SF-21-015

Mailing Address : 2 North Nevada, Suite 300 Colorado Springs, CO 80903

Phone Number : 719-453-0181

FAX Number :

Email Address : kevin.kofford@kimley-horn.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

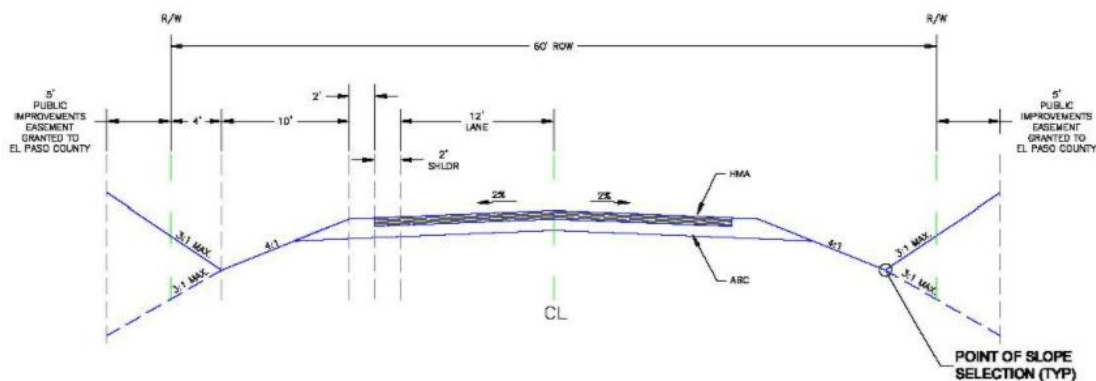
Engineer's Seal, Signature
And Date of Signature

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

A deviation from the standards of or in Section **2.2.4.A.6** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Local roadways provide direct lot access and deliver lot-generated trips to collector roadways. Although access needs are high, accesses shall not be allowed to compromise the safety, health or welfare of roadway users (See Figure 2-8). Also see the cross section provided in Standard Detail SD_2-11. This deviation is to alter the one side of the roadside ditch from a triangular ditch to a trapezoidal ditch with a 6 foot bottom.

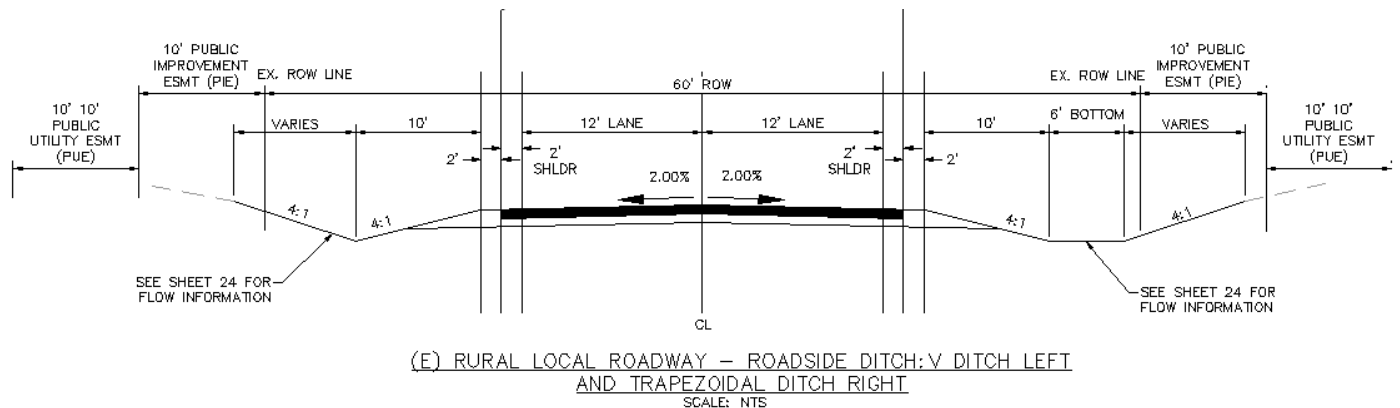


State the reason for the requested deviation:

Offsite runoff and runoff generated from the proposed commercial lot will be captured, treated, and detained in a proposed Full Spectrum Detention Basin, Pond 6, near the southeast corner of the Site. The Extended Detention basin will release flows per state criteria downstream. The outfall from this pond will be routed in a drainage channel to the roadside ditch, south of Woodridge Road and in Early Light Drive, until it reaches Pond 5, another proposed Extended Detention Basin, near West Kiowa Creek. The standard rural ditch/channel section carries approximately 80% of roadside ditch capacity and but does not meet the 0.5 foot freeboard requirement from Section 3.3.B.2 (ECM). The wider ditch section allows for the appropriate freeboard, allows for double culverts to be added into the bottom of the ditch section and allows a maintainable and constructable bottom ditch section to help convey the additional flow from Pond 6.

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

6 foot bottom width instead of a 0 FT triangular bottom will be used on one side. Reference the image below for proposed alternative roadside ditch section



See ECM 2.5.8.C 2nd bullet point and update recommendations to provide the additional ROW.

C. Roadside Ditches.

Roadside ditches shall be designed to the following criteria.

- Ditches shall have a minimum depth of 24 inches to accommodate driveway culverts.
- If 100-year flows require ditches to be greater than 24 inches deep, additional rights-of-way must be provided to accommodate the ditch.
- Ditches shall be stabilized with vegetation, stone or concrete paving where velocities will erode.

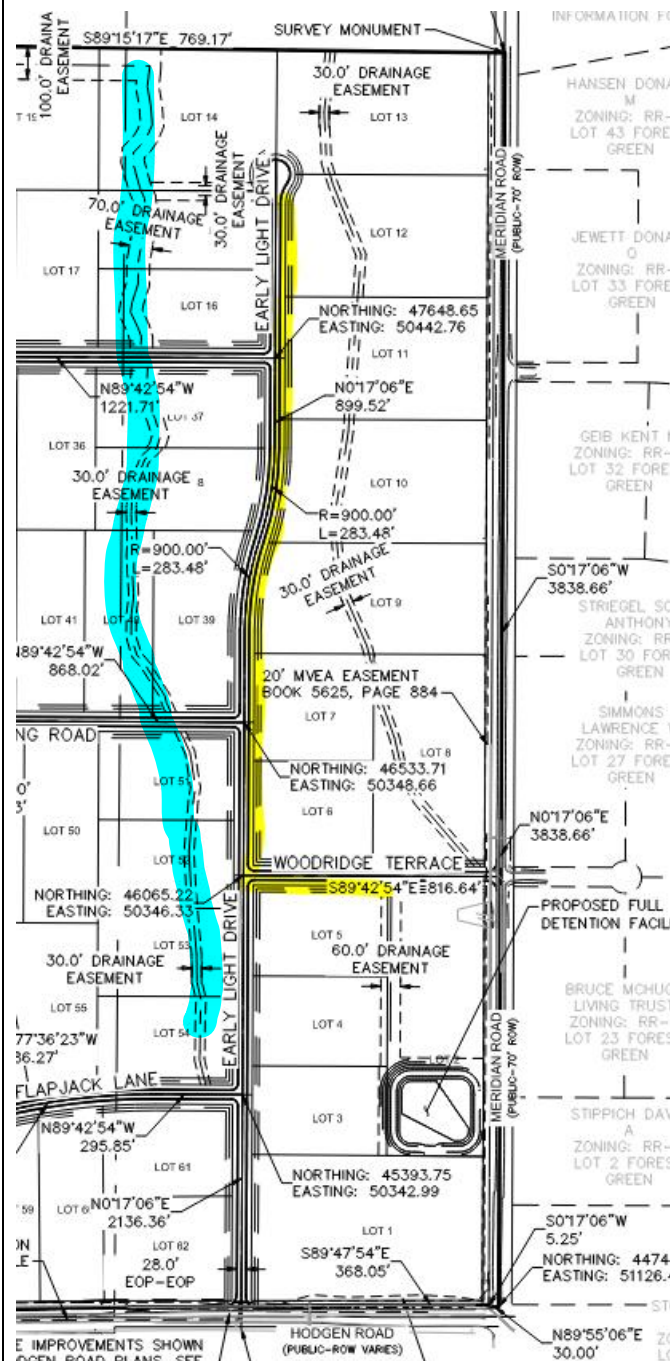
LIMITS OF CONSIDERATION

(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:

Additional flows from Pond 6 will be routed to Pond 5 as identified in the Preliminary Drainage Report. Additional capacity is needed in the ditch section to convey the additional flow and runoff with the appropriate freeboard. The modification to the local cross section adds a 6 foot bottom to the proposed roadside ditch. All slope criteria, depth and distances are maintained on the foreslopes and backslopes. The larger ditch section will only be used on the east side of Early Light Drive between Woodridge Terrace and the dead end turnaround, to route the flows from Pond 5 to Pond 6. See the proposed route on the image below. It is approximately 2,515 linear feet.



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.

All slope criteria, depth and distances are maintained on the foreslopes and backslopes. The additional 6 foot bottom width allows for increased capacity from approximately 100 CFS to 170 CFS. The large bottom width of the ditch provides easy maintenance to remove sediment and allows space to place double culverts in the ditch section.

The deviation will not adversely affect safety or operations.

All slope criteria, depth and distances are maintained on the foreslopes and backslopes which includes recoverable slopes for the given roadway classification. The additional bottom width allows for more drainage capacity and provides easy maintenance to remove sediment. The 6 foot bottom width has minimal impact on roadway safety.

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

The 6' bottom provides a wide and easy path to remove sediment and debris. There are some additional earthwork costs to grade the larger ditch section, but the additional costs are negligent.



revise word to
"negligible"

The deviation will not adversely affect aesthetic appearance.

The 6' flat bottom will have minimal affect on aesthetic appearance as it will slightly modify the existing roadside ditch.

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

Intent and purpose of rural local roadside ditch is to provide a path for flows from the impervious roadway surface to be captured and conveyed to be treated and detained. The larger ditch section maintains this intent and purpose, while providing greater capacity and space.

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.

N/A

REVIEW AND RECOMMENDATION:

Approved by the ECM Administrator

This request has been determined to have met the criteria for approval. A deviation from Section 2.2.4.A.6 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 2.2.4.A.6 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.