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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

March 25, 2020

### PROJECT INFORMATION

Project Name: Mountain View Academy  
Schedule No.(s):  
Legal Description: Tract H, Claremont Ranch Filing No. 4 as recorded under Reception No. 204062712 of the records of the El Paso County Clerk and Recorder, County of El Paso, State of Colorado, containing 7.884 Acres or 343,420 Square Feet, more or less.

### APPLICANT INFORMATION

Company: Charter Development Company, LLC  
Name: Joe Sprys  
Mailing Address: c/o National Heritage Academies  
3850 Broadmoor SE  
Grand Rapids, MI 49512  
Phone Number: (616) 929-1290  
FAX Number: N/A  
Email Address: JSprys@nhaschools.com

### ENGINEER INFORMATION

Company: Merrick & Company  
Name: Scott A. Zimmermann, PE  
Mailing Address: 5970 Greenwood Plaza Blvd.  
Greenwood Village, CO 80111  
Phone Number: (303) 353-3637  
FAX Number: N/A  
Email Address: Scott.Zimmermann@Merrick.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.

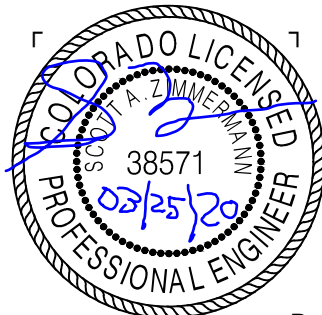
**(signed) Scott A. Zimmermann, PE**

**March 25, 2020**

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 in Appendix I, Section I.7.3 of the Engineering Criteria Manual (ECM) which states that WQCV ponds should be incorporated into Minor- and 100-Year Storm Stormwater Detention Structures is requested. This deviation request also applies to Chapter 13 of the Drainage Criteria Manual Vol. 1 Update (DCM v1 update) regarding full-spectrum ponds and EURV as well as Board of County Commissioners resolution 15-042 stating that the "most restrictive" requirements shall apply.

Identify the specific ECM standard which a deviation is requested:

While language varies across the various sources cited above, in general the Project seeks relief from having to provide stormwater flood attenuation in the form of a full-spectrum detention pond at this proposed school site.

State the reason for the requested deviation:

The drainage design provides for ample WQCV treatment, in accordance with current El Paso design standards and requirements.

As described in the approved *Final Drainage Report for Claremont Ranch, Filing 4* (Matrix Design Group, Inc, June 2003), regional detention in the form of 10-year and 100-year attenuation was provided on the East Fork Sand Creek in accordance with the *Sand Creek Drainage Basin Planning Study, Preliminary Design Report, City of Colorado Springs, El Paso County, Colorado* (Kiowa Engineering Corp, January 1993, rev'd March 1996).

Given the required flood reduction detention volumes were provided at a regional level, the site, always intended for a school, was not left with site conditions that would accommodate a full-spectrum pond. More specifically, the provided storm sewer tie-in invert provided by the developer at the south end of the site is just over 4' below the top of the adjacent inlet which is barely enough room to build adequate staging intervals required for WQCV, as well as freeboard, micropool, etc. There is physically not enough vertical room to add EURV and 100-Year flood attenuation storage on top of the WQCV, no matter how much the pond is expanded horizontally. We have attached a copy of the cross section of our WQCV pond, as originally proposed, which shows the vertical relationship between the provided storm sewer and the adjacent street.

Serial detention may violate Colorado SB15-212 which requires that 99% of all detained stormwater in excess of the five-year event must be released within 120 hours after the end of the rainfall event. {37-92-602 (8)(C)}. Serial flood attenuation may violate this statute.

Lastly, we are of the opinion that a full spectrum pond (roughly 7-8 feet deep), even if it were possible, would pose an "attractive nuisance" to students while simultaneously providing a life-safety hazard and concern.

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

Recognizing this, we proposed a compromise measure with our most recently submitted Preliminary Drainage report that was a part of our EGP-202 submittal package. In it, we proposed to provide WQCV based on the entire site area, equating to 7.88 acres.

The "over-detention" for the WQCV calculated on 7.88 acres equates to a volume of 0.21 acre-feet. If we were to calculate the WQCV solely on tributary areas (Basins P1, R1) consisting of the parking lot and building roof top, we arrive at a 0.12 acre-foot WQCV requirement for the 4.48 tributary acres while the EURV totaled 0.47 acre-feet.

While not ideal, the compensating "over detention" provides twice the minimum required WQCV and roughly half the specified EURV while making full available use of the stage / storage available based on the existing storm sewer invert and top-back-of inlet (overflow point).

Copies of the MHFD Detention spreadsheets highlighting the above results are included as an attachment.

## 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 depth of the storm sewer at the provided tie-in point does not allow for the stage-range required for a fully functioning full-spectrum pond. Previous design of the surrounding development provided for flood attenuation requirements in effect at the time (10-year and 100-year). The site will still be served by the regional detention facility as described in the *Final Drainage Report for Claremont Ranch, Filing 4*. The engineer has worked with the available stage / storage to provide compensatory over-detention equating to roughly twice the required WQCV and ½ the specified EURV volume. Serial flood attenuation, as suggested, may violate SB15-212 and if a full-spectrum pond were possible, it would be of a size, depth, and release regimen that could prove to be a life-safety hazard for young students who would naturally be attracted to such a feature.

## 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 A) through F):

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

Undetained 100-year runoff from the site will be captured by adjacent inlets and storm sewer, which have sufficient interception and carrying capacity. The design engineer has made full use of the available stage / storage in an effort to provide "over detention" at the WQCV level equating to approximately twice the required WQCV, while reaching half the desired EURV goal. With flood attenuation for the entire surrounding community being provided at the regional level, there should be no degradation in the drainage design or performance for this site.

B) The deviation will not adversely affect safety or operations

The WQCV pond, as currently proposed, is very long and narrow with limited depth. The slow release regimen of a WQ pond is such that an individual getting "stuck" or "pinned" against the outlet structure is not a consideration.

A full spectrum pond serving this site would need to be nearly 3 times bigger and likely twice as deep. Any students caught in the middle when the pond is full would be unreachable from shore in water over their heads. Furthermore, the outlet structure on a full-spectrum pond would be much larger, making it more attractive to youngsters, as well as taller, with the potential for students to be trapped or pinned down when the pond was operating in its flood water release ranges.

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

By its very nature, the WQCV pond area, depth, and release structure is smaller than that typical of a full-spectrum pond, thus making maintenance easier. Ease of maintenance equates to reduced costs.

D) The deviation will not adversely affect aesthetic appearance.

As designed and sited, the pond is very long and narrow, while lying below adjacent roadways (i.e. not a "perched" pond with embankments, etc.). It is proposed to be screened from general view via the use of fast growing ornamental grasses that will require little to no-maintenance and irrigation. Appearances should not be a current concern, as it might be with a pond that is three times the size and twice the depth.

Even when full, as currently proposed, the long thin pond should mimic the appearance of a road-side borrow ditch or irrigation ditch, both of which are in common use here in Colorado.

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

Between the regional detention provided for the surrounding development, the ample down-stream storm sewer capacity, the over-design on the WQCV, and the fact that full use of the available stage / storage relationship has been used, we feel strongly, and without reservation, that the design intent of the ECM, DCM, and other standards, references, and requirements have been met while best working within the constraints of the site.

F) 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 requested deviation does not affect Part I.E.3 (construction sites). No waiver or variance is requested in this regard. The developer intends to comply with all applicable environmental requirements. The requirements of Part I.E.4 is similarly not affected. As is generally the case, the developer intends to meet the WQCV standard for the entire site, with no deviations or variances therefrom.

#### REVIEW AND RECOMMENDATION:

##### Approved by the ECM Administrator

This request has been determined to have met the criteria for approval. A deviation from Section Res 15-042, FSD of the ECM is hereby granted based on the justification provided.



##### 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.

#### 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**

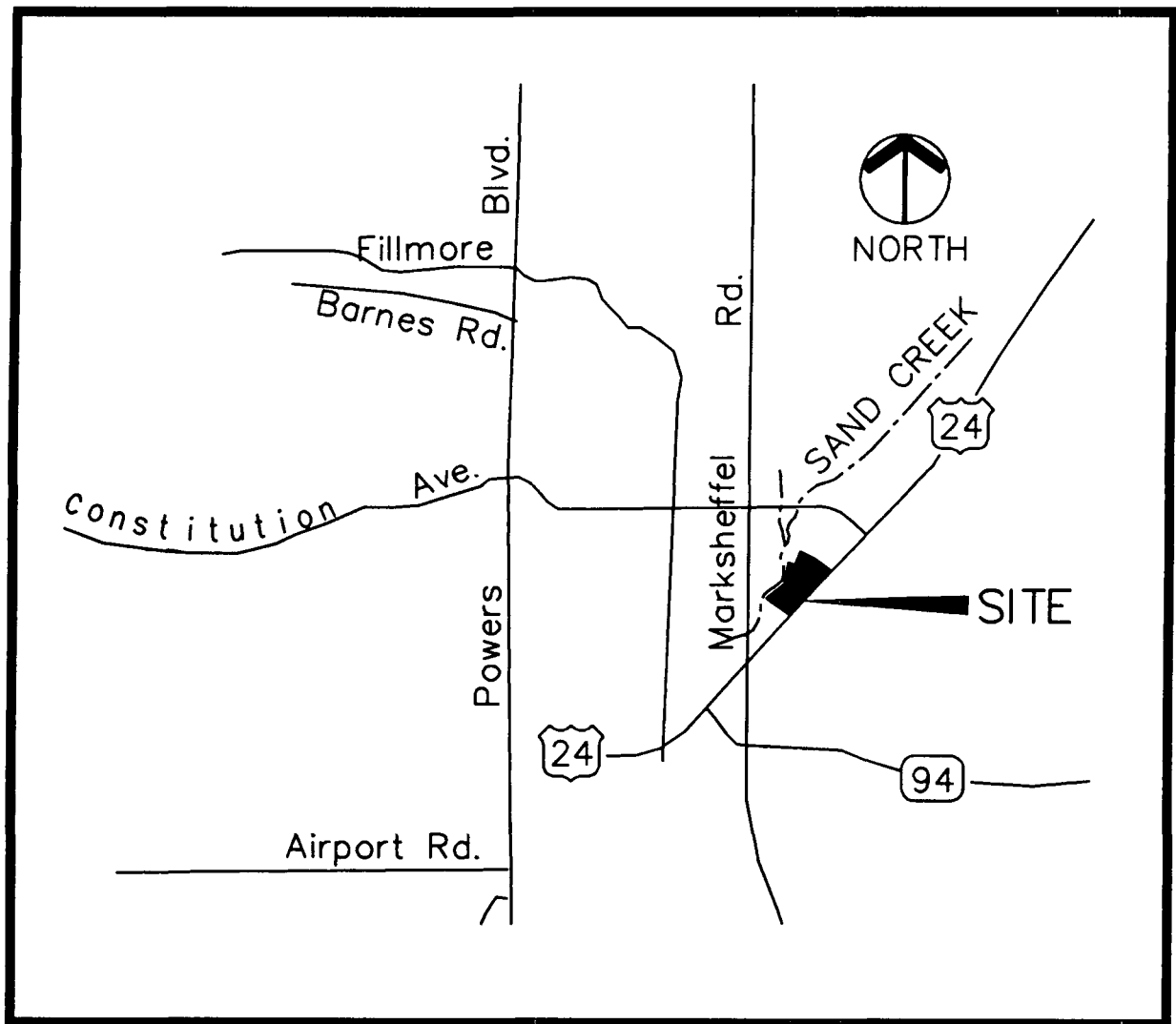
The review shall ensure all criteria for approval are adequately considered and that justification for the deviation is properly documented.

### **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



## VICINITY MAP



**Matrix Design Group, Inc.**  
Integrated Design Solutions

2925 Professional Place, Suite 202  
Colorado Springs, CO 80904  
Phone 719-575-0100  
Fax 719-575-0208

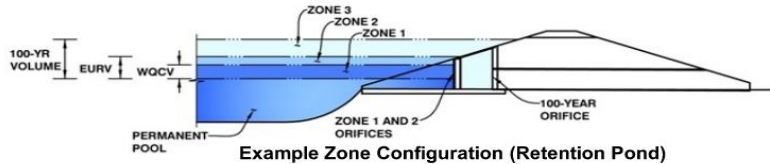


## DETENTION BASIN

MHFD-L

Project: Mountain View Academy

Basin ID: Water Quality Pond



Example Zone Configuration (Retention Pond)

### Watershed Information

Selected BMP Type =	<b>EDB</b>
Watershed Area =	4.48 acres
Watershed Length =	432 ft
Watershed Length to Centroid =	200 ft
Watershed Slope =	0.015 ft/ft
Watershed Imperviousness =	79.40% percent
Percentage Hydrologic Soil Group A =	100.0% percent
Percentage Hydrologic Soil Group B =	0.0% percent
Percentage Hydrologic Soil Groups C/D =	0.0% percent
Target WQCV Drain Time =	40.0 hours
Location for 1-hr Rainfall Depths =	User Input

After providing required inputs above including 1-hour rainfall depths, click 'Run CUHP' to generate runoff hydrographs using the embedded Colorado Urban Hydrograph Procedure

Water Quality Capture Volume (WQCV) =	0.121 acre-feet
Excess Urban Runoff Volume (EURV) =	0.467 acre-feet
2-yr Runoff Volume (P1 = 1.19 in.) =	0.211 acre-feet
5-yr Runoff Volume (P1 = 1.5 in.) =	0.403 acre-feet
10-yr Runoff Volume (P1 = 1.75 in.) =	0.477 acre-feet
25-yr Runoff Volume (P1 = 2 in.) =	0.564 acre-feet
50-yr Runoff Volume (P1 = 2.25 in.) =	0.649 acre-feet
100-yr Runoff Volume (P1 = 2.52 in.) =	0.747 acre-feet
500-yr Runoff Volume (P1 = 3.14 in.) =	0.966 acre-feet

### Optional User Overrides

	acre-feet
	acre-feet
1.19	inches
1.50	inches
1.75	inches
2.00	inches
2.25	inches
2.52	inches
	inches

Note: L / W Ratio < 1  
L / W Ratio = 0.96

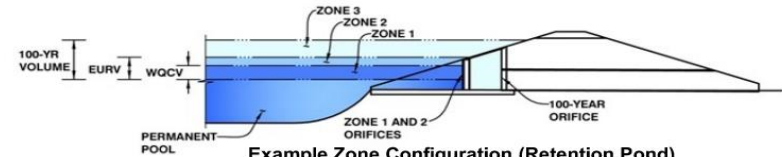
Based on basins tributary to the pond.  
See Drainage Map.

## DETENTION BASIN

MHFD-L

Project: Mountain View Academy

Basin ID: Water Quality Pond



Example Zone Configuration (Retention Pond)

### Watershed Information

Selected BMP Type =	<b>EDB</b>
Watershed Area =	7.88 acres
Watershed Length =	432 ft
Watershed Length to Centroid =	200 ft
Watershed Slope =	0.015 ft/ft
Watershed Imperviousness =	76.00% percent
Percentage Hydrologic Soil Group A =	100.0% percent
Percentage Hydrologic Soil Group B =	0.0% percent
Percentage Hydrologic Soil Groups C/D =	0.0% percent
Target WQCV Drain Time =	40.0 hours
Location for 1-hr Rainfall Depths =	User Input

After providing required inputs above including 1-hour rainfall depths, click 'Run CUHP' to generate runoff hydrographs using the embedded Colorado Urban Hydrograph Procedure

Water Quality Capture Volume (WQCV) =	0.213 acre-feet
Excess Urban Runoff Volume (EURV) =	0.821 acre-feet
2-yr Runoff Volume (P1 = 1.19 in.) =	0.213 acre-feet
5-yr Runoff Volume (P1 = 1.5 in.) =	0.403 acre-feet
10-yr Runoff Volume (P1 = 1.75 in.) =	0.477 acre-feet
25-yr Runoff Volume (P1 = 2 in.) =	0.564 acre-feet
50-yr Runoff Volume (P1 = 2.25 in.) =	0.649 acre-feet
100-yr Runoff Volume (P1 = 2.52 in.) =	0.747 acre-feet
500-yr Runoff Volume (P1 = 3.14 in.) =	0.966 acre-feet

### Optional User Overrides

	acre-feet
	acre-feet
1.19	inches
1.50	inches
1.75	inches
2.00	inches
2.25	inches
2.52	inches
	inches

Note: L / W Ratio < 1  
L / W Ratio = 0.54

Based on full site,  
compensating over  
detention. See  
Drainage Map.



File Location: Q:\IDEN\Projects\0399-00 Mountain View Academy\Design\Drainage\Drainage Report\IDRAINAGE MAP.dwg Plot Date: 2/8/2020 12:33 PM Last Saved By: SZIMMERMAN



EXISTING ROAD WAY

PROPERTY LINE

PROPOSED MAJOR CONTOUR

PROPOSED MINOR CONTOUR

EXISTING MAJOR CONTOUR

EXISTING MINOR CONTOUR

DRAINAGE BASIN BOUNDARY

FLOW ARROWS

DESIGN POINT

BASIN IDENTIFICATION

BASIN C5

BASIN C100

BASIN AREA (ACRES)

THE ATTACHED DRAINAGE PLAN AND REPORT WERE PREPARED UNDER MY DIRECTION AND SUPERVISION AND ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. SAID DRAINAGE REPORT HAS BEEN PREPARED ACCORDING TO THE CRITERIA ESTABLISHED BY THE COUNTY FOR DRAINAGE REPORTS AND SAID REPORT IS IN CONFORMITY WITH THE APPLICABLE MASTER PLAN OF THE DRAINAGE BASIN. I ACCEPT RESPONSIBILITY FOR ANY LIABILITY CAUSED BY ANY NEGLIGENT ACTS, ERRORS OR OMISSIONS ON MY PART IN PREPARING THIS REPORT.

DATE \_\_\_\_\_

I, THE OWNER / DEVELOPER HAVE READ AND WILL COMPLY WITH ALL THE REQUIREMENTS SPECIFIED IN THE DRAINAGE REPORT AND PLAN.

CHARTER DEVELOPMENT COMPANY, LLC  
C/O NATIONAL HERITAGE ACADEMIES  
3850 BNROADMOOR SE, GRAND RAPIDS, MI 49512

DATE \_\_\_\_\_

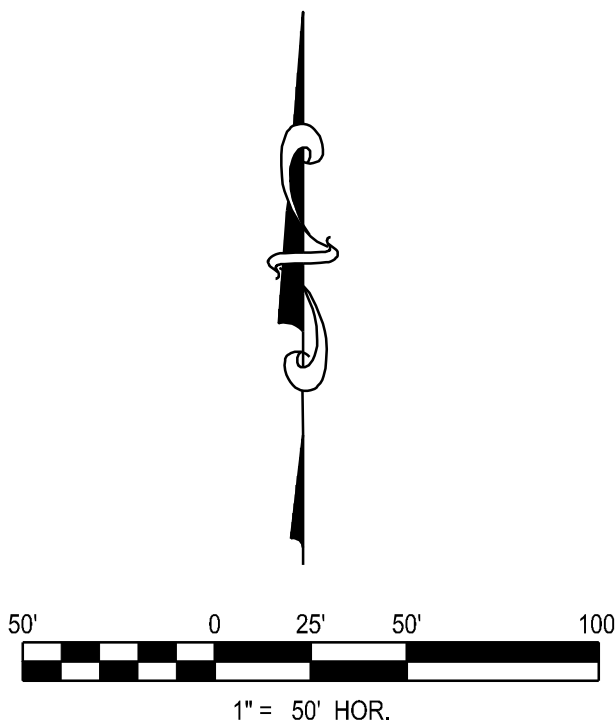
FILED IN ACCORDANCE WITH THE REQUIREMENTS OF THE DRAINAGE CRITERIA MANUAL, VOLUMES 1 AND 2, EL PASO COUNTY ENGINEERING CRITERIA MANUAL AND LAND DEVELOPMENT CODE AS AMENDED.

COUNTY ENGINEER / ECM ADMINISTRATOR

DATE \_\_\_\_\_

**% Imp**

20.9%
8.3%
11.5%
90.0%
2.0%
76.1%







Planning and Community  
Development Department  
2880 International Circle  
Colorado Springs, Colorado 80910

Phone: 719.520.6300  
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Website www.elpasoco.com

## DEVIATION REQUEST AND DECISION FORM

Updated: 6/17/2019

PPR 20-008

### PROJECT INFORMATION

Project Name : Mountain View Academy  
Schedule No.(s) : 5404121002  
Legal Description : TR H CLAREMONT RANCH FIL NO 4

### APPLICANT INFORMATION

Company : National Heritage Academies, Inc  
Name : Jeff Chamberlain  
☒ Owner ☐ Consultant ☐ Contractor  
Mailing Address : 3850 Broadmoor SE  
Grand Rapids, MI 49512  
Phone Number : 616-954-6381  
FAX Number :  
Email Address : JCHAMBERLAIN@NHASCHOOLS.COM

### ENGINEER INFORMATION

Company : LSC Transportation Consultants  
Name : Jeffrey C. Hodsdon  
Mailing Address : 2504 East Pikes Peak Avenue, Suite 304  
Colorado Springs, CO 80909  
Phone Number : 719-633-2868  
FAX Number : 719-633-5430  
Email Address : jeff@lsctrans.com  
Colorado P.E. Number :

### 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)

Jeff Chamberlain

Date

9/1/20

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 **2.5.2.C.4** of the Engineering Criteria Manual (ECM) is requested. The existing pedestrian ramp on Pinyon Jay Drive between Meadowbrook Parkway and Hames Drive is proposed to be removed with this project. Please refer to the attached Deviation Exhibit.

Identify the specific ECM standard which a deviation is requested:

**Section 2.5.2.C.4 Pedestrian Facilities - Handicap and Access Ramps - Mid-Block Ramps on Local Roadways.**

The criteria in this section requires access ramps on local roadways to be spaced no greater than 600 feet apart, providing mid-block crossings if necessary.

State the reason for the requested deviation:

The deviation is required as the distance on Pinyon Jay Drive between Meadowbrook Parkway and Hames Drive is approximately 665 feet (pedestrian crossing to pedestrian crossing). If the ramps are removed, the the minimum 600 foot distance in the ECM criteria would no longer be met. Thus, this deviation has been required.

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

It is proposed that mid-block pedestrian ramps be removed (and no designated crossing be provided) on Pinyon Jay Drive between Meadowbrook Parkway and Hames Drive. As a result, the access ramps would be spaced approximately 665 feet apart rather than the 600-foot minimum in the ECM standards. The resulting distance would exceed the minimum distance in the ECM by 65 feet. Applicable figures from the TIS report are attached which show the pedestrian routing plan absent this crossing location.

## 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:

Removal of this particular set of mid-block ramps and utilizing the access ramps at the intersections identified in the attached figures would result in the minimum distance in the ECM distance being exceed by 65 feet. If these ramps were to remain, it would result in the need for another formal crossing location, which would be unnecessary. A crossing at this location would likely add the need for school supervision or to be staffed by trained crossing guards. Based on the school routing plan, this change would only impact students that live in the houses on Pinyon Jay Drive directly across from the school. All other pedestrians would have an opportunity to cross at Meadowbrook Parkway or Hames Drive without having to travel out-of-direction. Because this is a charter school and not a local school, it is anticipated this would have little to no impact on those potential pedestrians (if any).

## 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 intention of providing a mid-block crossing a minimum of every 600 feet is to limit out-of-direction travel for pedestrians, therefore increasing the number of pedestrians that cross at crosswalks. The applicable TIS figures showing the school pedestrian routing plan are attached, which demonstrate an effective plan without this crossing. It is anticipated that a mid-block crossing on Pinyon Jay Drive would not be useful for many pedestrians walking to Mountain View Academy. Very few, if any, pedestrians would be required to walk out-of-direction without a mid-block crossing on Pinyon Jay Drive. As a result, it is not expected to have an impact on pedestrians. While at the same time, it removes an unnecessary mid-block crossing, reducing potential driver confusion and issues with the planned Mountain View Academy access on Pinyon Jay Drive.

The deviation will not adversely affect safety or operations.

It is anticipated that only providing pedestrian crossings at intersections will not lower the safety of the roadway because there is no out-of-direction travel for likely most (if not all) pedestrians. It will be safer to have designated pedestrian crossing locations at nearby intersections, rather than mid-block on a curved roadway.

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

The lack of a mid-block crossing will not adversely affect maintenance or maintenance costs as markings and signs will not need to be maintained in this location.

The deviation will not adversely affect aesthetic appearance.

A lack of a mid-block crossing will not adversely affect aesthetic appearance, but rather improve the appearance because there will not be pavement markings and fluorescent traffic signs at this location.

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

This deviation meets the intent and purpose of the ECM standards. It would not have a negative impact on pedestrian safety.



**REVIEW AND RECOMMENDATION:**

**Approved by the ECM Administrator**

This request has been determined to have met the criteria for approval. A deviation from Section 2.5.2.C.4 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.

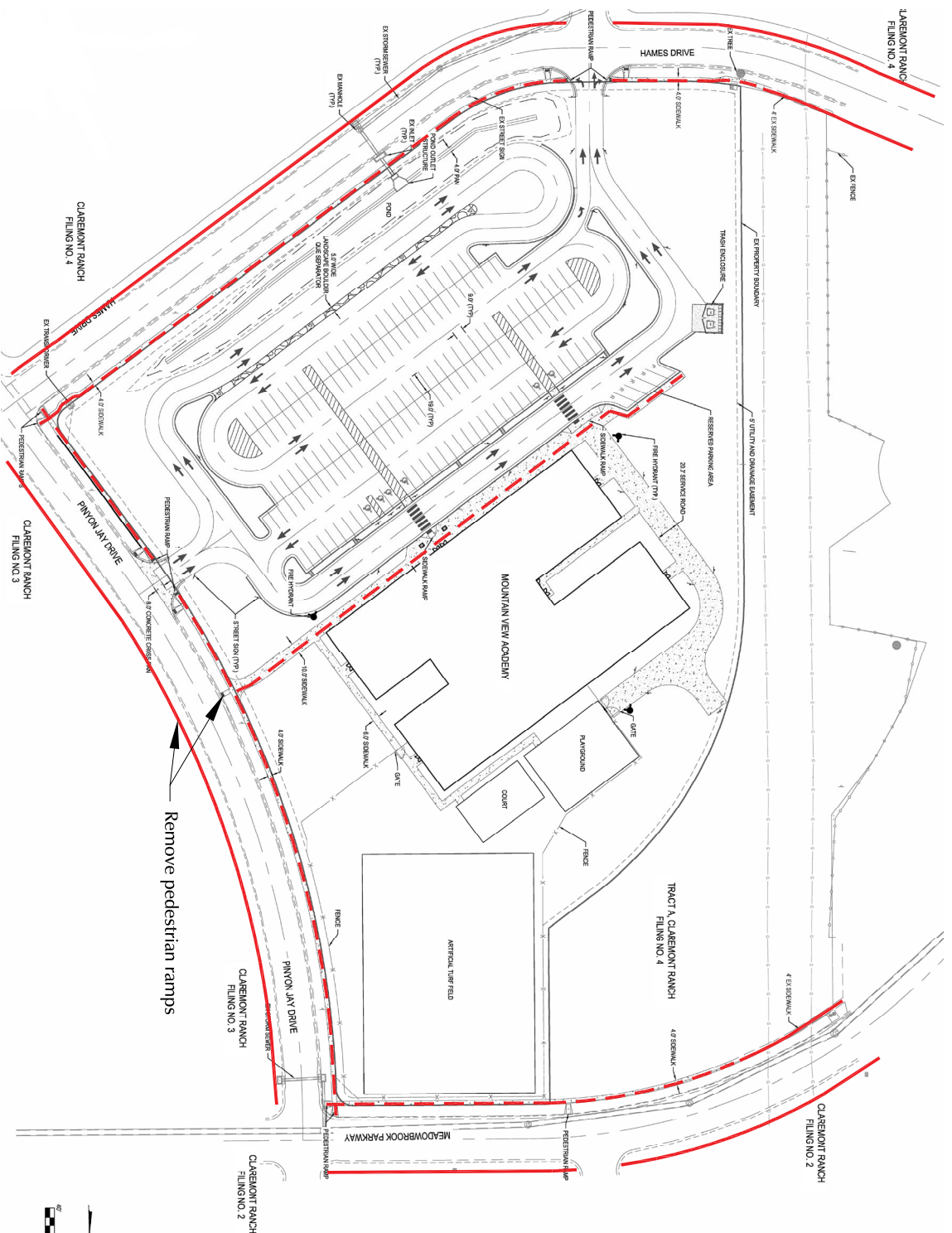
## **1.7. REVIEW FEES**

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.

# Exhibits

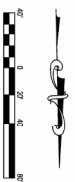
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- - - = Proposed Sidewalk
- = Existing Sidewalk

Remove pedestrian ramps

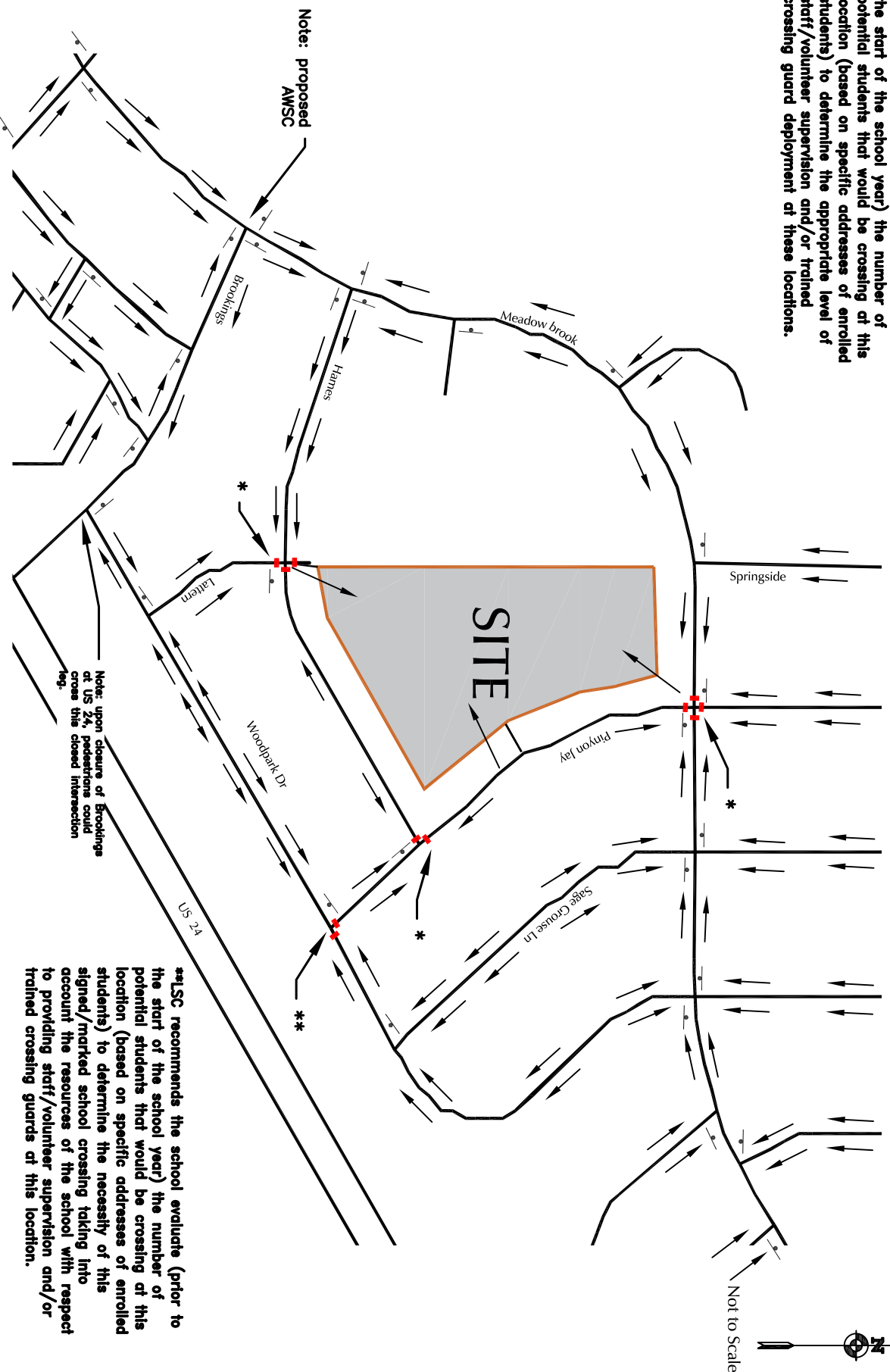


Note: Not to Scale

# Deviation Exhibit

Mountain View Academy (LSC # 204140)

\*LSC recommends the school evaluate (prior to the start of the school year) the number of potential students that would be crossing at this location (based on specific addresses of enrolled students) to determine the appropriate level of staff/volunteer supervision and/or trained crossing guard deployment at these locations.



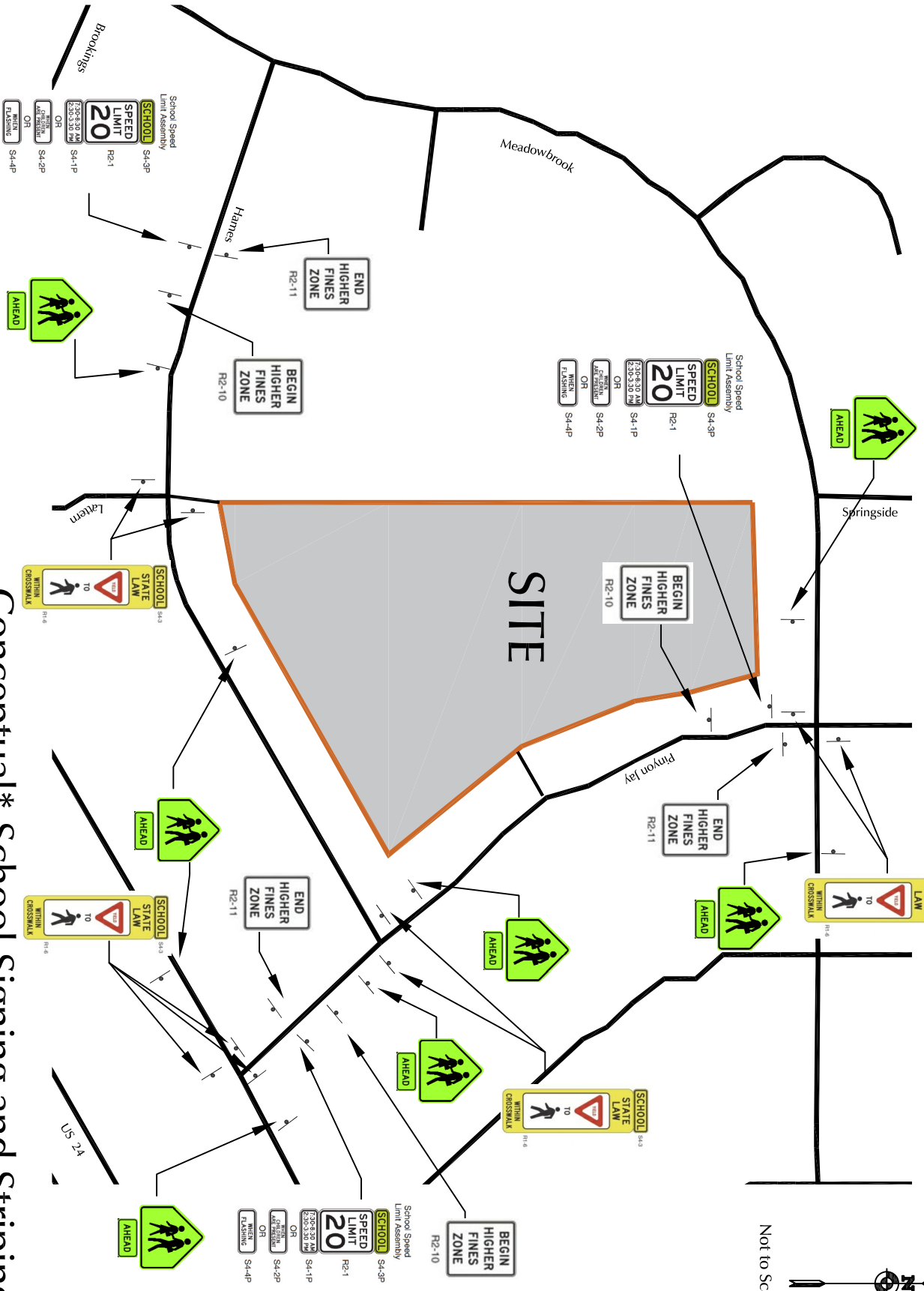
\*\*LSC recommends the school evaluate (prior to the start of the school year) the number of potential students that would be crossing at this location (based on specific addresses of enrolled students) to determine the necessity of this signed/marked school crossing taking into account the resources of the school with respect to providing staff/volunteer supervision and/or trained crossing guards at this location.

# School Route Plan

Mountain View Academy (LSC # 204140)



Not to Scale



# Conceptual \* School Signing and Striping

Mountain View Academy (LSC # 204140)

\* Note: Please refer to signing and striping sheet by Merrick & Co. for pavement markings and other traffic signs





Planning and Community  
Development Department  
2880 International Circle  
Colorado Springs, Colorado 80910  
Phone: 719.520.6300  
Fax: 719.520.6695  
Website [www.elpasoco.com](http://www.elpasoco.com)

## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

April 24, 2020

### PROJECT INFORMATION

Project Name: Mountain View Academy  
Schedule No.(s):  
Legal Description: Tract H, Claremont Ranch Filing No. 4 as recorded under Reception No. 204062712 of the records of the El Paso County Clerk and Recorder, County of El Paso, State of Colorado, containing 7.884 Acres or 343,420 Square Feet, more or less.

### APPLICANT INFORMATION

Company: Charter Development Company, LLC  
Name: Joe Sprys  
Mailing Address: c/o National Heritage Academies  
3850 Broadmoor SE  
Grand Rapids, MI 49512  
Phone Number: (616) 929-1290  
FAX Number: N/A  
Email Address: JSprys@nhaschools.com

### ENGINEER INFORMATION

Company: Merrick & Company  
Name: Kristofer K. Wiest PE  
Mailing Address: 5970 Greenwood Plaza Blvd.  
Greenwood Village, CO 80111  
Phone Number: (303) 353-3695  
FAX Number: N/A  
Email Address: kris.wiest@merrick.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.

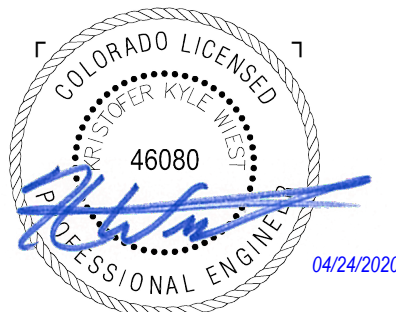
(signed) Kristofer K. Wiest, P.E.

April 24, 2020

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.B.5 and Section 2.2.4.B.6 of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

The project is requesting the following:

- 1) A deviation from Section 2.2.4.B.6 (Typical Urban Local Cross Section) requiring an attached sidewalk to a detached sidewalk along Pinyon Jay Drive and Hames Drive frontages.
- 2) A deviation from Section 2.2.4.B.5 (Typical Urban Residential Collector Cross Section) requiring a detached sidewalk within the Right-of-Way, to a detached sidewalk situated within the Utility & Sidewalk easement as shown within the standard cross sections specified within PCD File No. PUD02005.

State the reason for the requested deviation:

The streets surrounding Tract H were all previously designed and constructed with Claremont Ranch Filings 2, 3, & 4. The street sections designed and constructed as part of Filing 2, 3, and 4 call for a 4-ft detached sidewalk. The sidewalks along Hames and Pinyon Jay call for the 4-ft sidewalk, with the back of sidewalk being at the Right-of-Way line. The sidewalk along Meadowbrook Parkway call for the 4-ft sidewalk to be within a 5-ft utility & sidewalk easement, with the front of walk on the Right-of-Way line.

The existing sidewalks that have been installed throughout the subdivision and directly adjacent to Tract H generally follow the detached walk configuration approved with PCD File No. PUD02005 and the Development Plan for Claremont Ranch (Reception No. 202163124).

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

The Mountain View Academy project proposes to follow the general concept of the detached walk as shown in the approved plans for Claremont Ranch Filings 2, 3, and 4, with a modification to change the sidewalk width from 4-ft to 5-ft to adhere to current Americans with Disabilities Act guidelines. The 5-ft sidewalk width will meet the minimum requirements as shown in EPC Std Dwg SD2-2 and SD2-4, while still achieving a cohesive look with the rest of the subdivision. Refer to attached exhibit for proposed typical cross-sections.



## 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:

As previously stated, the existing sidewalks throughout the adjacent neighborhood are 4-ft detached walks, which is consistent with both the approved construction documents (PCD File No SF01033, SF02014 and SF03012) and Development Plan for Claremont Ranch (PCD File No. PUD02005). The developer is proposing to install a 5-ft detached to meet the minimum sidewalk width required by the Americans with Disabilities guidelines while still adhering to the character of the surrounding area.

## 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 A) through F):

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

The approved Development Plan for Claremont Ranch (and subsequent Construction Documents for Filings 2, 3, and 4) call for a 4-ft detached walk as stated above. The deviation will keep with the character of the previously approved street sections, with the modification of increasing the sidewalk width to 5-ft.

B) The deviation will not adversely affect safety or operations

Existing sidewalks throughout the subdivision are all detached. The new proposed detached sidewalk is consistent with the existing infrastructure and will not adversely affect the safety or operations of the community sidewalk network.

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

Since sidewalk are already detached, keeping the proposed sidewalk as attached will not increase maintenance.

D) The deviation will not adversely affect aesthetic appearance.

The proposed detached sidewalks will keep the same aesthetic appearance of the surrounding community.

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

By increasing the sidewalk to 5-ft (as opposed to a 4-ft sidewalk with a bump out every 200-ft to meet current ADA requirements) the proposed deviation meets the intent of the ECM standards while also adhering to current ADA requirements and the previously approved Construction Documents and Development Plan.

F) 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 requested deviation does not affect Part I.E.3 (construction sites). No waiver or variance is requested in this regard. The developer intends to comply with all applicable environmental requirements. The requirements of Part I.E.4 is similarly not affected. The developer intends to meet the WQCV standard for the entire site, with no deviations or variances therefrom.

**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.B.5/6 of the ECM is hereby granted based on the justification provided.



**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.

**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.

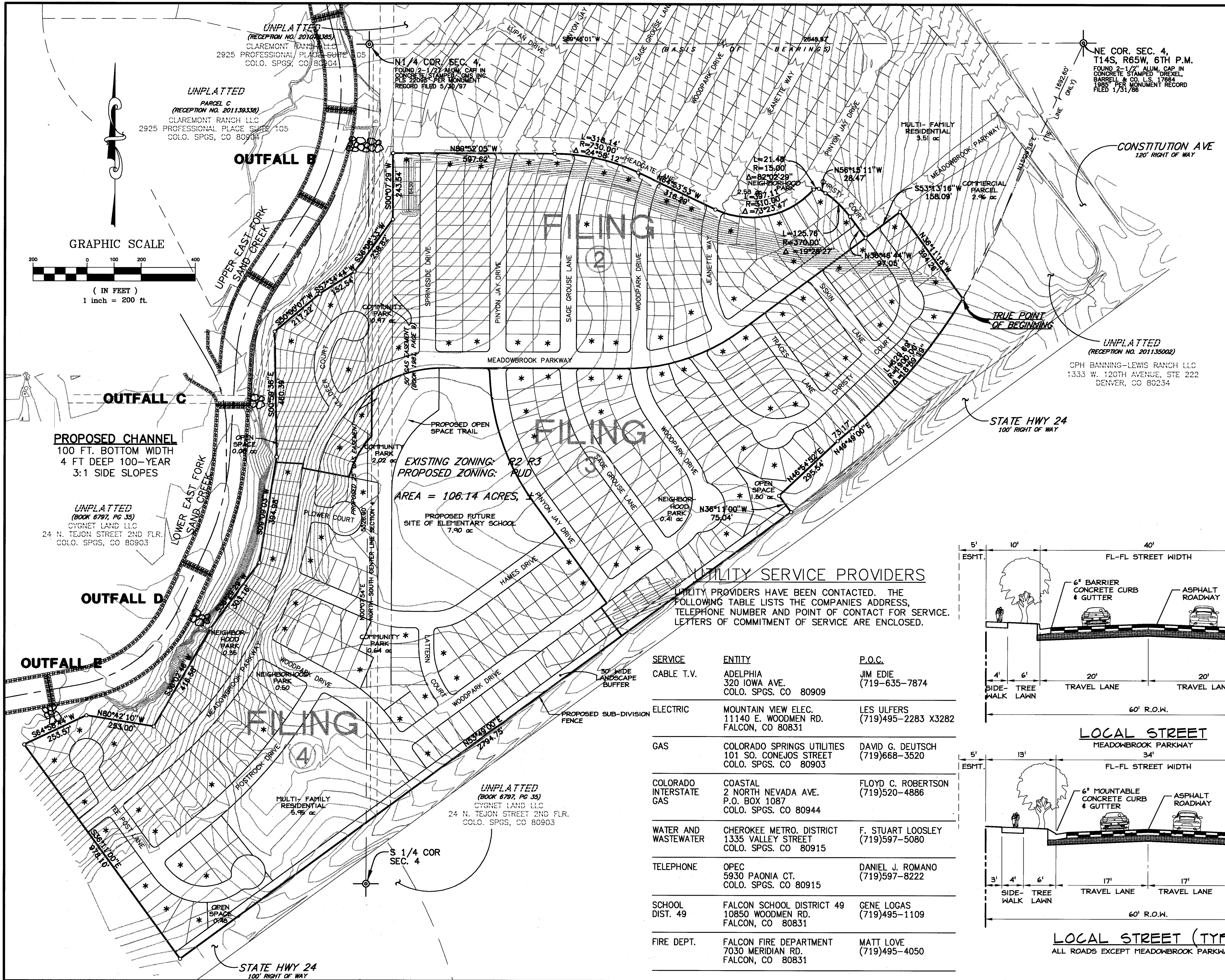
### **1.6 LIMITS OF APPROVAL**

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**

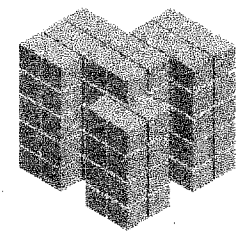
A Deviation Review Fee shall be paid in full at the time of submission of a request for deviation. The fee for Deviation Review shall be as determined by resolution of the BoCC

202163124  
9/26/02



REVISIONS				
NO.	DATE	BY	DESCRIPTION	APPROVED BY:
1	5-02-02	JCH	COUNTY REVISIONS PER LETTER DATED 4-04-02	IC
2	7-02-02	AMH	COUNTY REVISIONS PER LETTER DATED 5-29-02	IC

Drawing Name/Location:

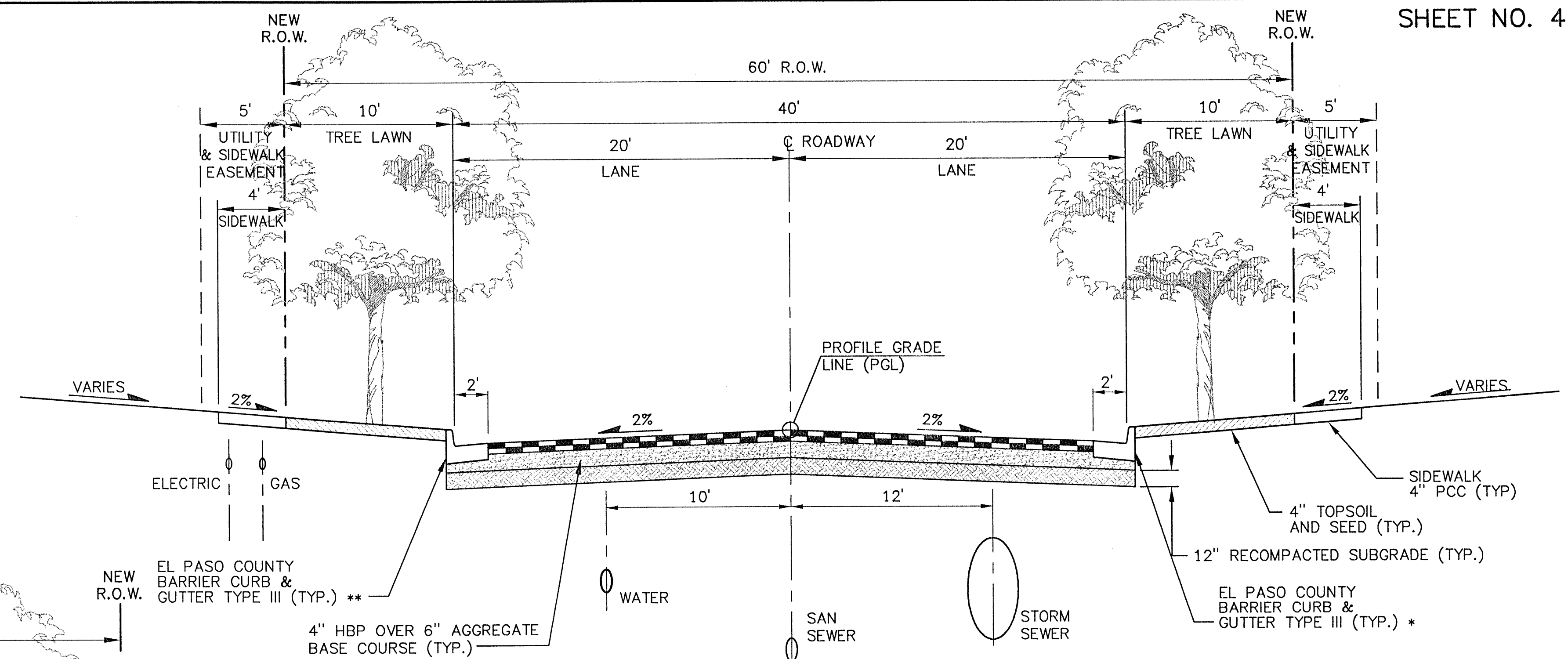


**Matrix Design Group, Inc.**  
Integrated Design Solutions  
2925 Professional Place, Suite 202  
Colorado Springs, CO 80904  
Phone 719-575-0100  
Fax 719-575-0208

**CLAREMONT RANCH**  
CLAREMONT RANCH, LLC  
**DEVELOPMENT PLAN**

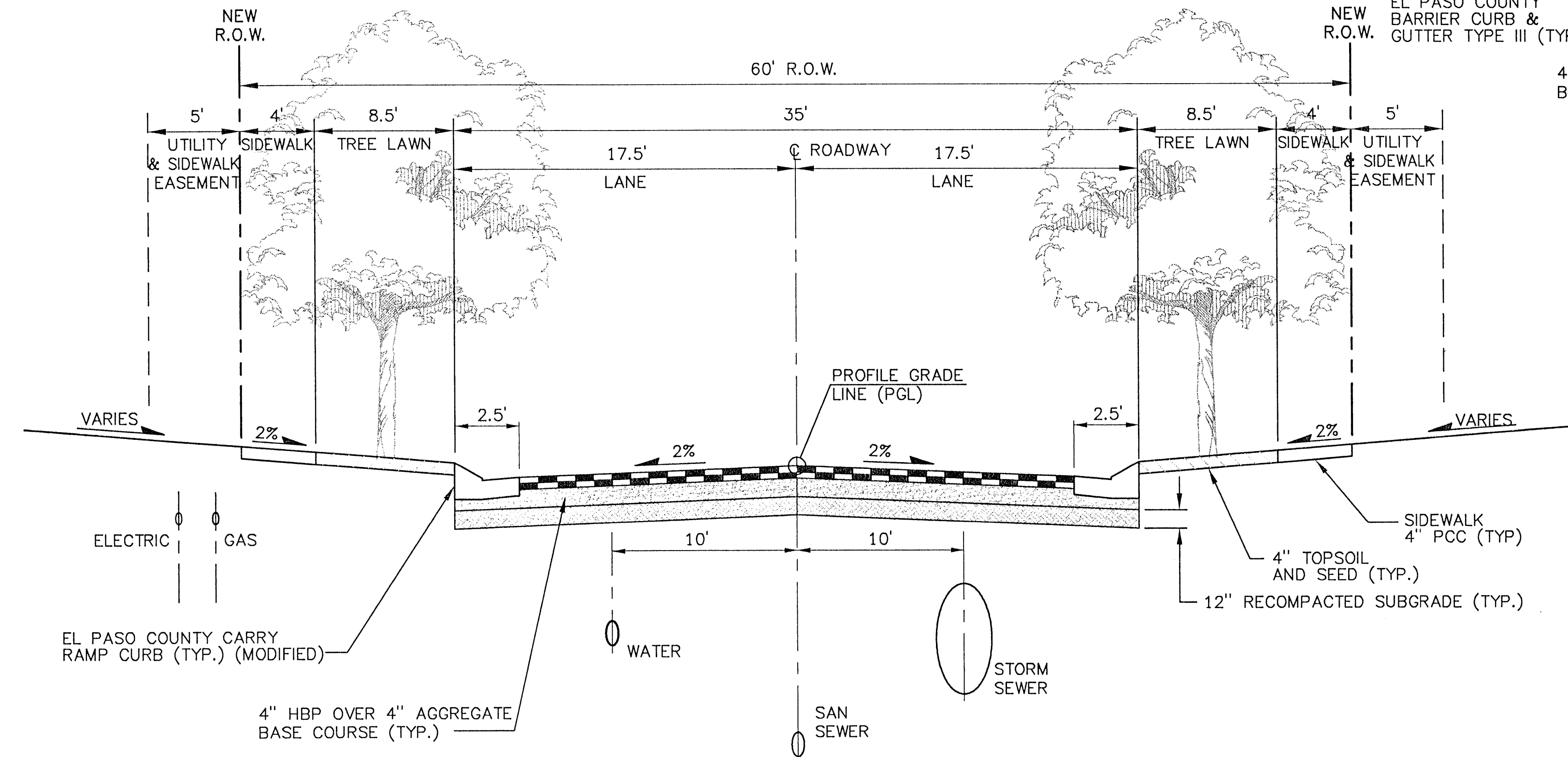
DESIGNED BY: IC	SCALE: 1" = 200'	DATE ISSUED: MARCH 15, 2002	DP-02
DRAWN BY: JCH	HORIZ: N/A	SHEET NO. 2 OF 2 SHEETS	
CHECKED BY: IC	VERT: N/A		



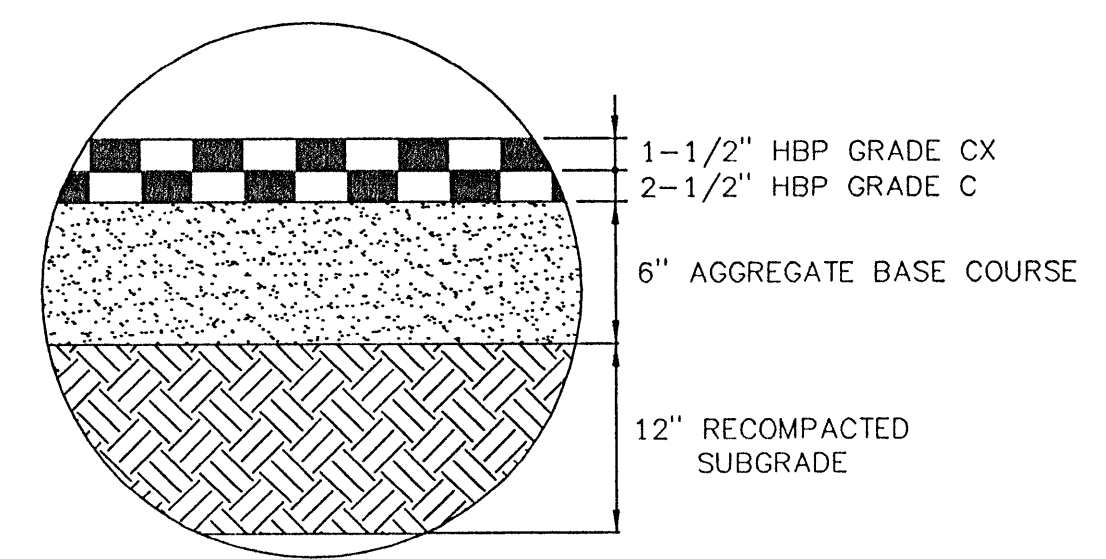


**TYPICAL SECTION**  
 DESIGN SPEED = 30 MPH, LESS THAN 1,250 AADT  
 MEADOW BROOK PARKWAY STA 26+15.78 TO STA 49+88.19  
 NOT TO SCALE

- \* EL PASO COUNTY CARRY RAMP CURB (MODIFIED) AT STATIONS:  
 26+15.78 TO 30+15.00
- \*\* EL PASO COUNTY CARRY RAMP CURB (MODIFIED) AT STATIONS:  
 26+15.78 TO 28+45.00  
 45+25.00 TO 49+78.00



**TYPICAL SECTION**  
 DESIGN SPEED = 30 MPH, LESS THAN 1,250 AADT  
 KILLDEER COURT  
 SPRINGSIDE DRIVE  
 PINYON JAY DRIVE  
 SAGE GROUSE LANE  
 WOODPARK DRIVE  
 JEANNETTE WAY  
 NOT TO SCALE



**TYPICAL PAVEMENT SECTION \***  
 NOT TO SCALE

\* ACTUAL PAVEMENT SECTION TO BE DETERMINED  
 BY THE EL PASO COUNTY APPROVED  
 GEOTECHNICAL REPORT.

PCD File No. SF01033

S:\00.030.006\Drawings\Road-Storm\TY1.dwg, 04/18/2002 10:17:03 AM, Matrix Design Group, Inc. 2002.jp

REVISIONS				
NO.	DATE	BY	DESCRIPTION	APPROVED BY:
A	2/18/02	JPL	COUNTY COMMENTS	

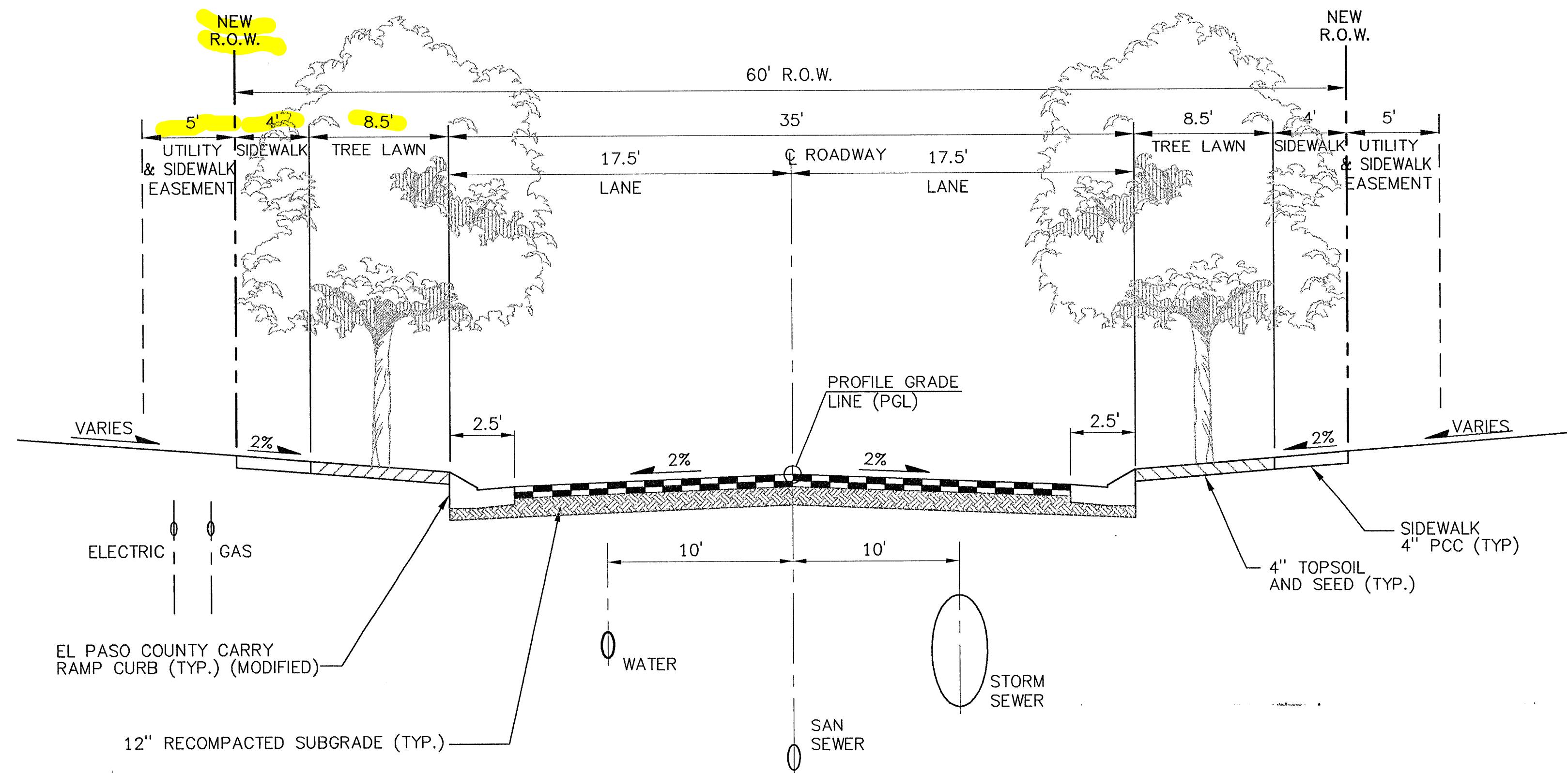
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FOR AND ON BEHALF OF  
 MATRIX DESIGN GROUP, INC.

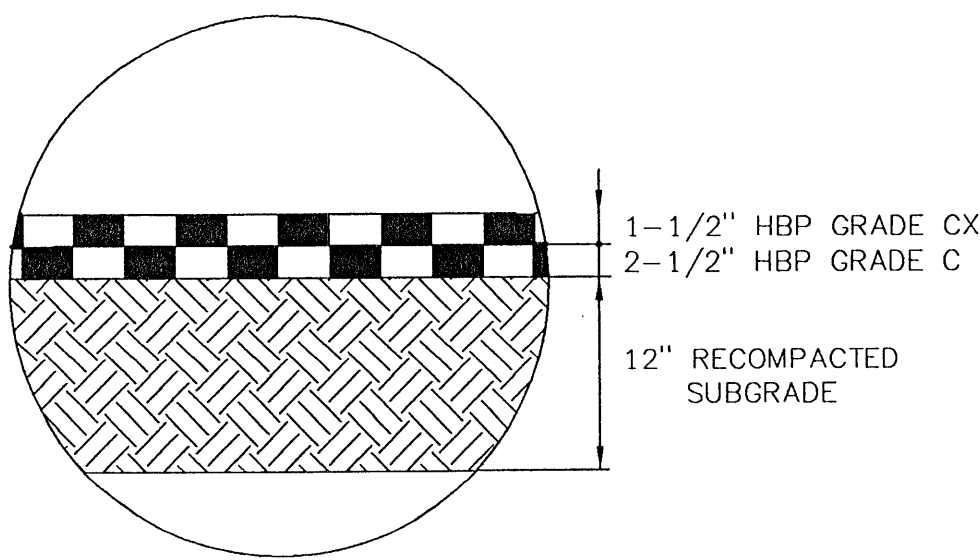
**Matrix Design Group, Inc.**  
 Integrated Design Solutions  
 2925 Professional Place, Suite 202  
 Colorado Springs, CO 80904  
 Phone 719-575-0100  
 Fax 719-575-0208

**CLAREMONT RANCH – FILING NO. 2**  
 ROADWAY & STORM DRAIN IMPROVEMENTS  
 TYPICAL ROADWAY SECTIONS

DESIGNED BY: RJM	SCALE:	DATE ISSUED: APRIL, 2002	TY1
DRAWN BY: BE	HORIZ: NONE		
CHECKED BY: JPL	VERT: NONE	MDG PROJECT NO.: 00.030.006	



**TYPICAL SECTION**  
DESIGN SPEED = 30 MPH, LESS THAN 1,250 AADT  
WOODPARK DRIVE  
CHRISTY COURT  
PINYON JAY DRIVE  
SAGE GROUSE LANE  
TRACES LANE  
SISKIN LANE  
NOT TO SCALE

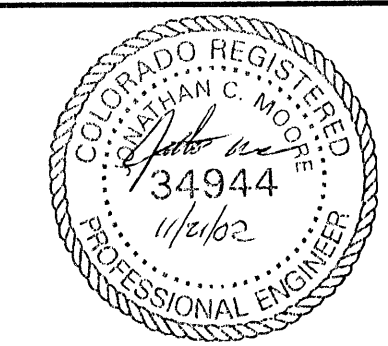


**TYPICAL PAVEMENT SECTION \***  
NOT TO SCALE

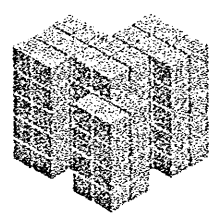
\* ACTUAL PAVEMENT SECTION TO BE DETERMINED BY THE EL PASO COUNTY APPROVED GEOTECHNICAL REPORT.

PCD File No. SF02014

REVISIONS					
NO.	DATE	BY	DESCRIPTION	APPROVED BY:	DATE



FOR AND ON BEHALF OF  
MATRIX DESIGN GROUP, INC.

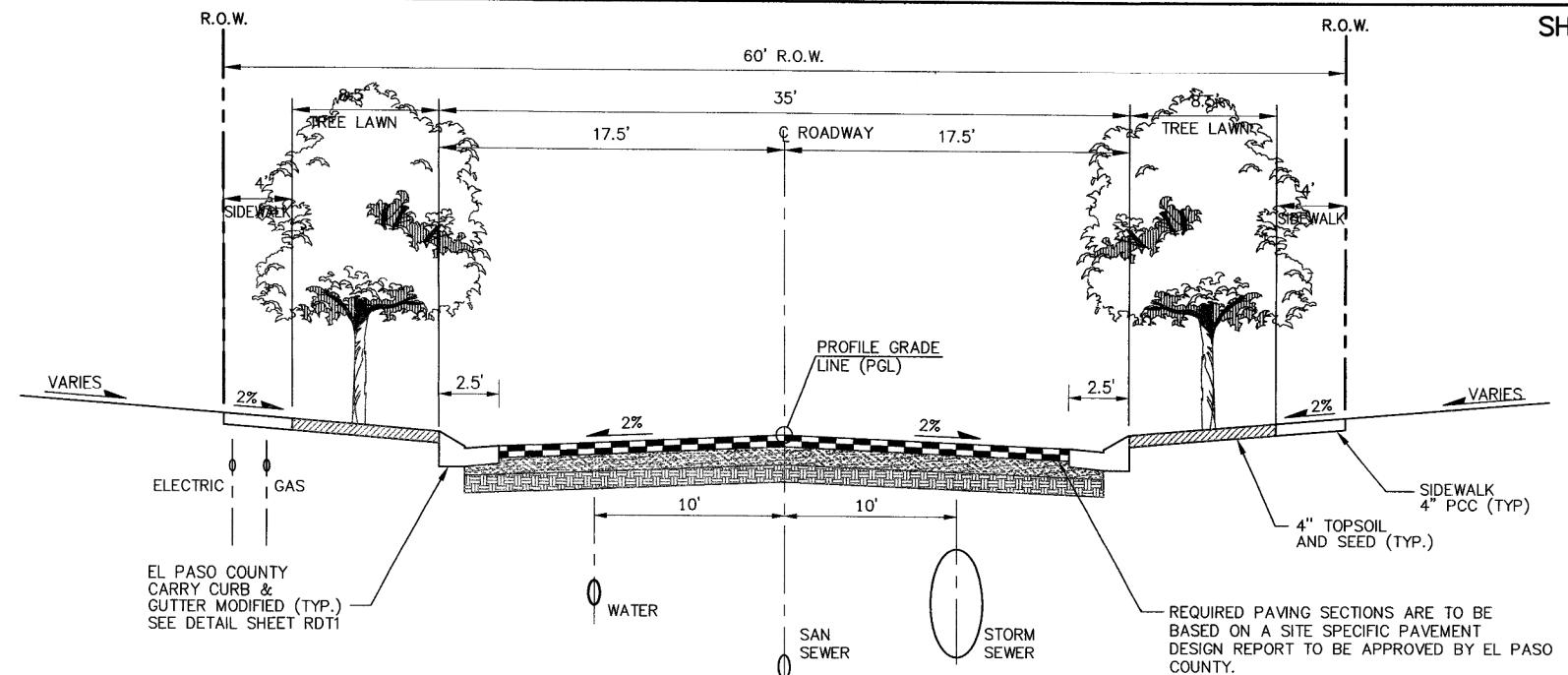


**Matrix Design Group, Inc.**  
Integrated Design Solutions  
2925 Professional Place, Suite 202  
Colorado Springs, CO 80904  
Phone 719-575-0100  
Fax 719-575-0208

CLAREMONT RANCH FILING No. 3			
ROADWAY & STORM DRAIN IMPROVEMENTS			
TYPICAL ROADWAY SECTION			
DESIGNED BY:	SCALE:	DATE ISSUED:	TY1
DRAWN BY: JLB	HORIZ: N/A	NOVEMBER, 2002	
CHECKED BY:	VERT: N/A	MDG PROJECT NO.: 02.030.015	

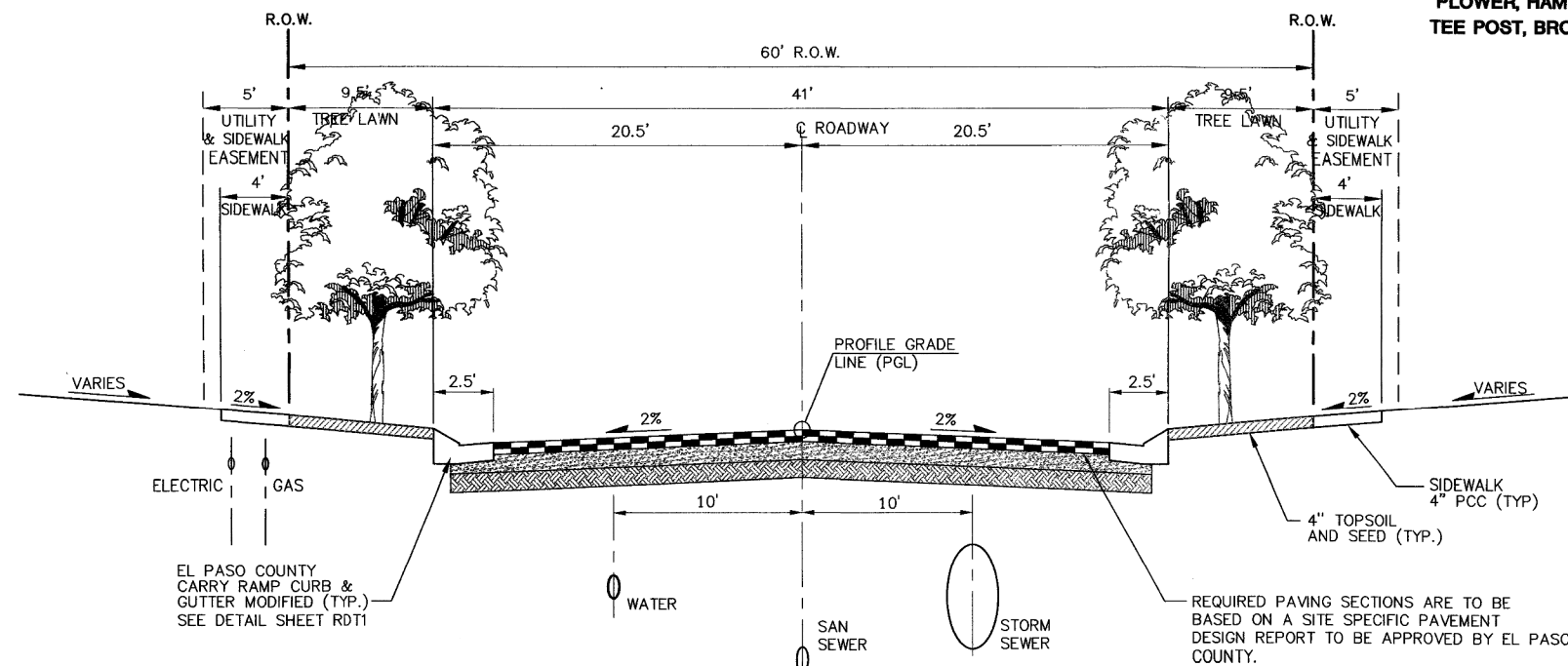
Deviation attachment





### TYPICAL SECTION - RESIDENTIAL STREETS

DESIGN SPEED = 30 MPH  
 PLOWER, HAMES, LATTERN, WOODPARK, POSTROCK  
 TEE POST, BROOKINGS, RIVERWALK STA 7+40 to 10+00  
 NOT TO SCALE



### TYPICAL SECTION - RESIDENTIAL

DESIGN SPEED = 30 MPH  
 MEADOWBROOK PARKWAY  
 NOT TO SCALE

Deviation attachment  
 PCD File No. PPR-20-008

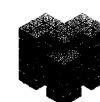


PCD File No. SF03012

REVISIONS					
NO.	DATE	BY	DESCRIPTION	APPROVED BY:	DATE
1	10/3/03	AMH	STORM SEWER REVISIONS		

Drawing name: S:\02.030.019\((4-SF)\dwg\Roadway & Storm\TY1.dwg

SUBDIVIDER:  
 CLAREMONT RANCH, LLC  
 20 Boulder Crescent, 2nd Floor  
 Colorado Springs, CO. 80903



**Matrix Design Group, Inc.**  
 Integrated Design Solutions  
 2925 Professional Place, Suite 202  
 Colorado Springs, CO 80904  
 Phone 719-575-0100  
 Fax 719-575-0208

FOR AND ON BEHALF OF  
 MATRIX DESIGN GROUP, INC.

CLAREMONT RANCH - FILING NO. 4

ROADWAY & STORM DRAIN IMPROVEMENTS

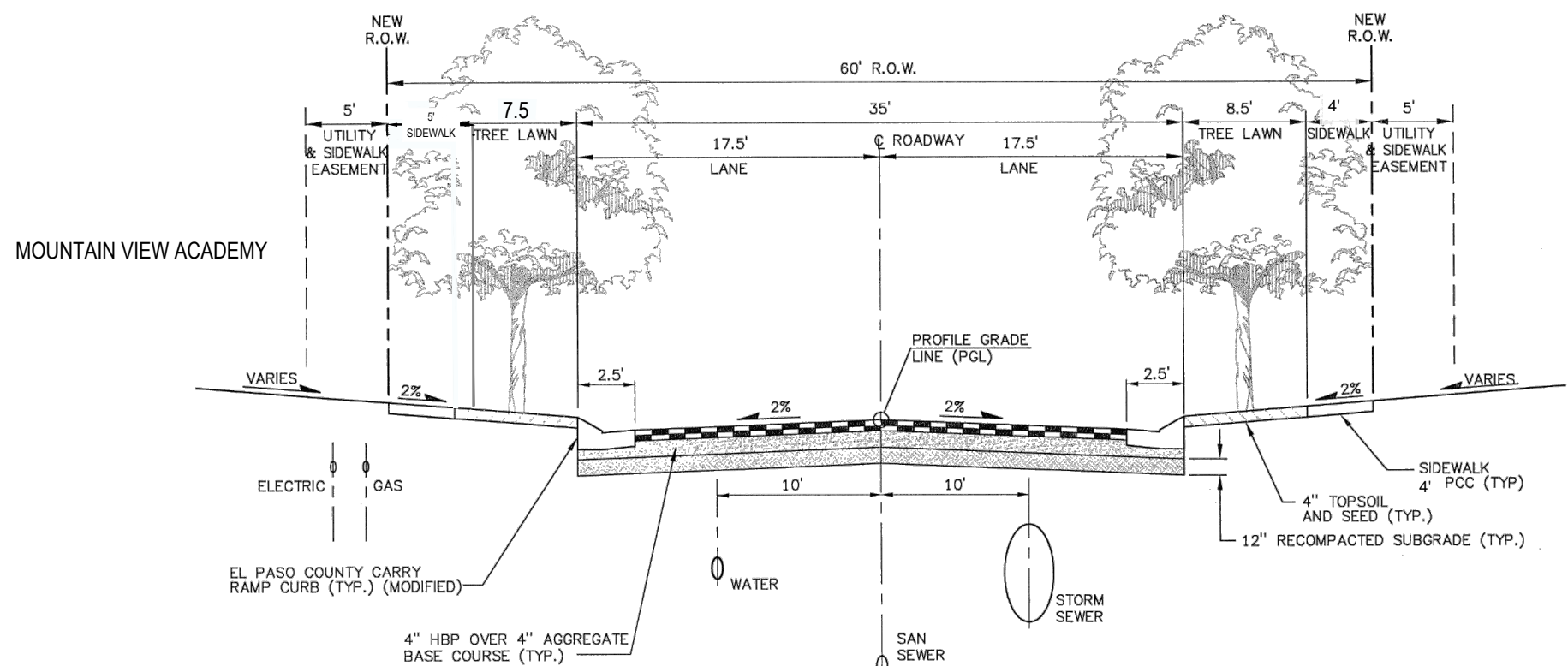
TYPICAL ROADWAY SECTIONS

DESIGNED BY: AMH SCALE: DATE ISSUED: JUNE 2003  
 DRAWN BY: MEM HORIZ: N/A  
 CHECKED BY: RGG VERT: N/A MDC PROJECT NO.: 02.030.019

TY1

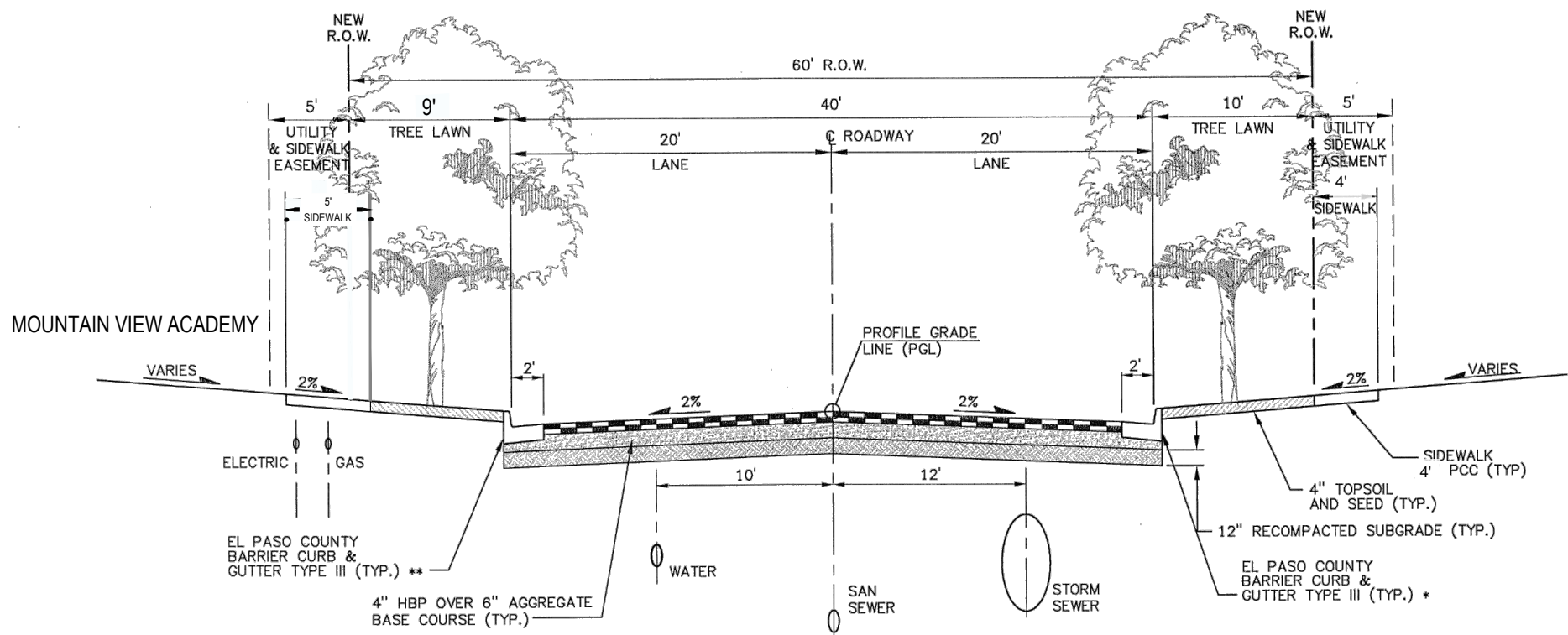


Know what's **below**.  
**Call** before you dig



## URBAN LOCAL TYPICAL SECTION

PINYON JAY DRIVE  
HAMES DRIVE  
Section based PCD File No. PUD02005



# URBAN COLLECTOR TYPICAL SECTION

MEADOWBROOK PARKWAY  
Section based PCD File No. PUD02005

Deviation attachment

PCD File No. PPR-20-008