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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name :	<b>Retreat at TimberRidge Filing No. 3</b>
Schedule No.(s) :	52214-00-001, 52280-00-039, 52272-00-007, 52272-00-008, 52220-00-026, portion of 52220-00-023
Legal Description :	See attached

### APPLICANT INFORMATION

Company :	Classic Companies
Name :	Loren Moreland
	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor
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### ENGINEER INFORMATION

Company :	Classic Consulting	Colorado P.E. Number :	37155
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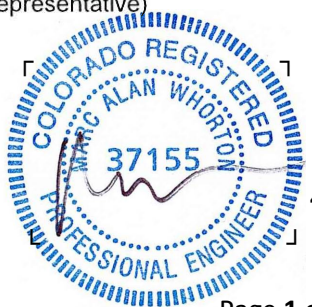
### OWNER, APPLICANT, AND ENGINEER DECLARATION

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.

*[Handwritten Signature]*  
\_\_\_\_\_  
Signature of owner (or authorized representative)

4/22/2024  
\_\_\_\_\_  
Date

Engineer's Seal, Signature  
And Date of Signature



4/22/2024

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

A deviation from the standards of or in Section **Chapter 6 6.4.1 and Table 6-4** of the Drainage Criteria Manual (DCM) is requested.

Identify the specific DCM standard which a deviation is requested:

Rural Minor Collector – Arroya Lane  
Allowable culvert overtopping – major drainage system maximum depth of 12"

State the reason for the requested deviation:

The adjacent property owner directly north of Arroya Lane currently has a private driveway with access onto Arroya Lane 125' east of the culvert crossing of Sand Creek. The current roadway and culvert crossing design required several temporary construction and permanent drainage easements from this property owner. After many discussions and meetings, this neighbor is unwilling to grant any easements for work on his property.

Thus, we have revised the roadway and culvert crossing design to accommodate no disturbance on the adjacent property. In order to make this design work by keeping his current private driveway location in tact yet still provide an adequate 100-yr. culvert crossing of Sand Creek, overtopping depth of a small portion of this roadway will exceed the max. 12" ponding for the Sand Creek DBPS and FEMA 100-yr. flows. (2170 cfs and 2600 cfs, respectively)

Incidentally, the more recent Sterling Ranch MDDP 100-yr. flows are 1468 cfs, which meet current overtopping criteria.

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

Alternatively, we suggest that the SR MDDP 100-yr. flows are the most recently approved drainage study for this reach of Sand Creek and thus, meet current overtopping criteria.

However, the deviation being requested is for the Sand Creek DBPS and FEMA flows having an overtopping depth that exceed the current criteria of 12" for this type of roadway.

More specifically: SC DBPS 100-yr. flow of 2170 cfs will have a max. depth at the low-point in Arroya Lane. of 1.70'  
FEMA 100-yr. flow of 2600 cfs will have a max. depth at the low-point in Arroya Lane of 2.09'

**LIMITS OF CONSIDERATION**

(At least one of the conditions listed below must be met for this deviation request to be considered.)

- The DCM 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:

In this specific situation, the natural topography adjacent to the Sand Creek channel along with the geographic location of the adjacent properties private driveway make the required Arroya roadway and drainage improvements undue hardships without the ability of gaining off-site easements from the adjacent property owner.

However, the SR MDDP 100-yr. flows of 1468 cfs are the most recently approved drainage study for this reach of Sand Creek and do indeed meet current overtopping criteria.

**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.

This deviation is not based on financial considerations as we were prepared to construct a larger culvert design but could not acquire the off-site easements. We even offered \$ for these easements but the adjacent owner would not even put a value on the easements.

The proposed deviation, with additional warning signage and buried rip-rap embankment protection for this roadway overtopping will result in a comparable design for the roadway.

The deviation will not adversely affect safety or operations.

With the additional warning signage and buried rip-rap embankment protection proposed, this deviation will not affect safety or operations.

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

Other than the two additional signs and buried rip-rap protection, the roadway design remains the same.

The deviation will not adversely affect aesthetic appearance.

The roadway design visually remains the same and does not affect the aesthetic appearance.

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

This deviation seems to meet the design intent and purpose of the DCM as we are proposing to use slightly higher overtopping depth for a short stretch of roadway.

Also, as mentioned earlier, the SR MDDP 100-yr. flows of 1468 cfs are the most recently approved drainage study for this reach of Sand Creek and do indeed meet current overtopping criteria.

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.

This deviation has no affect on the County's MS4 permit as the collected runoff from this stretch of roadway will still be routed directly into a proposed SWQ facility.

**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:**

## **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.