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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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This deviation request may not be required based on comments on the site layout noting construction of a 3-way at the stub.

General Property Information:

Address of Subject Property (Street Number/Name):
Tax Schedule ID(s) #: 5500000135
Legal Description of Property: _See attached_

Subdivision or Project Name: The Trails at
Aspen Ridge Filing No. 1

Update Section to include the section subtitle: "Appendix I Section I.7.1.B BMPs for New Development or Significant Redevelopment"

Section of ECM from Which Deviation is Sought: _Appendix I Section I.7.1.B_
Specific Criteria from Which a Deviation is Sought: _1st Bullet, Providing Water Quality Capture for Entire Development_

Proposed Nature and Extent of Deviation: _Approximately 0.4% (0.2 acres of 55.8) of the area inside the development boundary will not reach a proposed detention pond and/or proposed water quality facility. This area is identified as Basin JC67 and consists of the r.o.w. of a future road to the south along the south boundary. _

Applicant Information:

Applicant: _COLA, LLC_ Email Address: _dromano@asperviewhomes.net_
Applicant is: _X_ Owner ___ Consultant ___ Contractor ___
Mailing Address: _555 Middle Creek Parkway, Suite 380_ State: _CO_ Postal Code: 80921_
Telephone Number: _719-459-0807_ Fax Number: _

Engineer Information:

Engineer: _Charles K. Cothorn, P.E._ Email Address: charlescothorn@springseng.com_
Company Name: _Stantec_
Mailing Address: 31 N. Tejon, Suite 500_ State: _CO_ Postal Code: 80903_
Registration Number: _24997_ State of Registration: _CO_
Telephone Number: _719-227-7388_ Fax Number: _719-227-7392_

Explanation of Request (Attached diagrams, figures, and other documentation to clarify request):

Section of ECM from Which Deviation is Sought: _Appendix I Section I.7.1.B_
Specific Criteria from Which a Deviation is Sought: _1st Bullet, Providing Water Quality Capture Volume for Entire Development_

Proposed Nature and Extent of Deviation: Approximately 0.4% (0.2 acres of 55.8) of the area inside the development boundary will not reach a proposed detention pond and/or proposed water quality facility. This area is identified as Basin JC67 and consists of the r.o.w. of a future road to the south along the south boundary.

Reason for the Requested Deviation: _The topography of the site will not allow all developed area to drain to proposed detention ponds. Approximately 0.4% (0.2 acres of 55.8) of the area inside the development boundary will not reach a proposed detention pond and/or proposed water quality facility. This area is identified as Basin JC67 and consists of the r.o.w. of a future road to the south along the south boundary.

Comparison of Proposed Deviation to ECM Standard: _The areas of the development that do not drain to detention ponds will be accommodated in the discharge of the detention ponds for developed to historic discharge. The area that cannot be accommodated is less than the area allowed in the County MS4 permit; CDPS General Permit CORO90000 (MS\$ Permit) Part I Section E.4.iv, (A), page 29 of 63. This Section Generally States that up to 20% of a developed property, not to exceed 1 acre, can bypass water quality. _____

Applicable Regional or National Standards used as Basis: _ CDPS General Permit CORO90000 (MS\$ Permit) Part I Section E.4.iv, (A), page 29 of 63. This Section Generally States that up to 20% of a developed property, not to exceed 1 acre, can bypass water quality. _____

Application Consideration:

CHECK IF APPLICATION MEETS CRITERIA FOR CONSIDERATION

☐ The ECM standard is inapplicable to a particular situation.

JUSTIFICATION

X 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.

The topography of the site will not allow all developed area to drain to proposed detention ponds. Approximately 0.4% (0.2 acres of 55.8) of the area inside the development boundary will not reach a proposed detention pond and/or proposed water quality facility. This area is identified as Basin JC67 and consists of the r.o.w. of a future road to the south along the south 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.

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.

This request has little or no relationship to financial considerations. The topography of the site will not allow all developed area to drain to proposed detention ponds. Approximately 0.4% (0.2 acres of 55.8) of the area inside the development boundary will not reach a proposed detention pond and/or proposed water quality facility. This area is identified as Basin JC67 and consists of the r.o.w. of a future road to the south along the south boundary..

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

The areas of the development that do not drain to detention ponds will be accommodated in the discharge of the detention ponds for developed to historic discharge. The road r.o.w. will likely be captured when constructed to connect to future development to the south as part of that development WQ.

The deviation will not adversely

There will be no negative effects related to safety or operations. _____

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Explain how or why.

Procedures Manual

Subject: DEVIATION REVIEW AND DECISION FORM

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Date Issued: 12/31/07
Revision Issued: N/A
Rescinded: N/A

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.

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 5.9 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. RELATED PROCEDURES

1.6.1. Governing Procedures

P-AR-063-07 Deviation

1.6.2. Other Related Procedures

P-AR-012-07 Administrative Relief

1.7. RESOURCE

Attached is the Deviation Review and Decision Form that is used by the applicant/engineer for requesting and justifying a deviation. The form is reviewed by the ECM Administrator and approved or denied. 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.

Explain how or why

affect safety or operations.

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

The deviation will not adversely affect aesthetic appearance.

The deviation will not adversely affect maintenance now or in the future.

No negative affect to aesthetic appearance.

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

12-21-18

Signature of applicant (if different from owner)

Date

Signature of Engineer

Date

Engineer's Seal

Review and Recommendation:

APPROVED by the ECM Administrator

Date

This request has been determined to have met the criteria for approval. A deviation from Section _____ of ECM is hereby granted based on the justification provided. Comments:

____ Additional comments or information are attached.

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:

____ Additional comments or information are attached.

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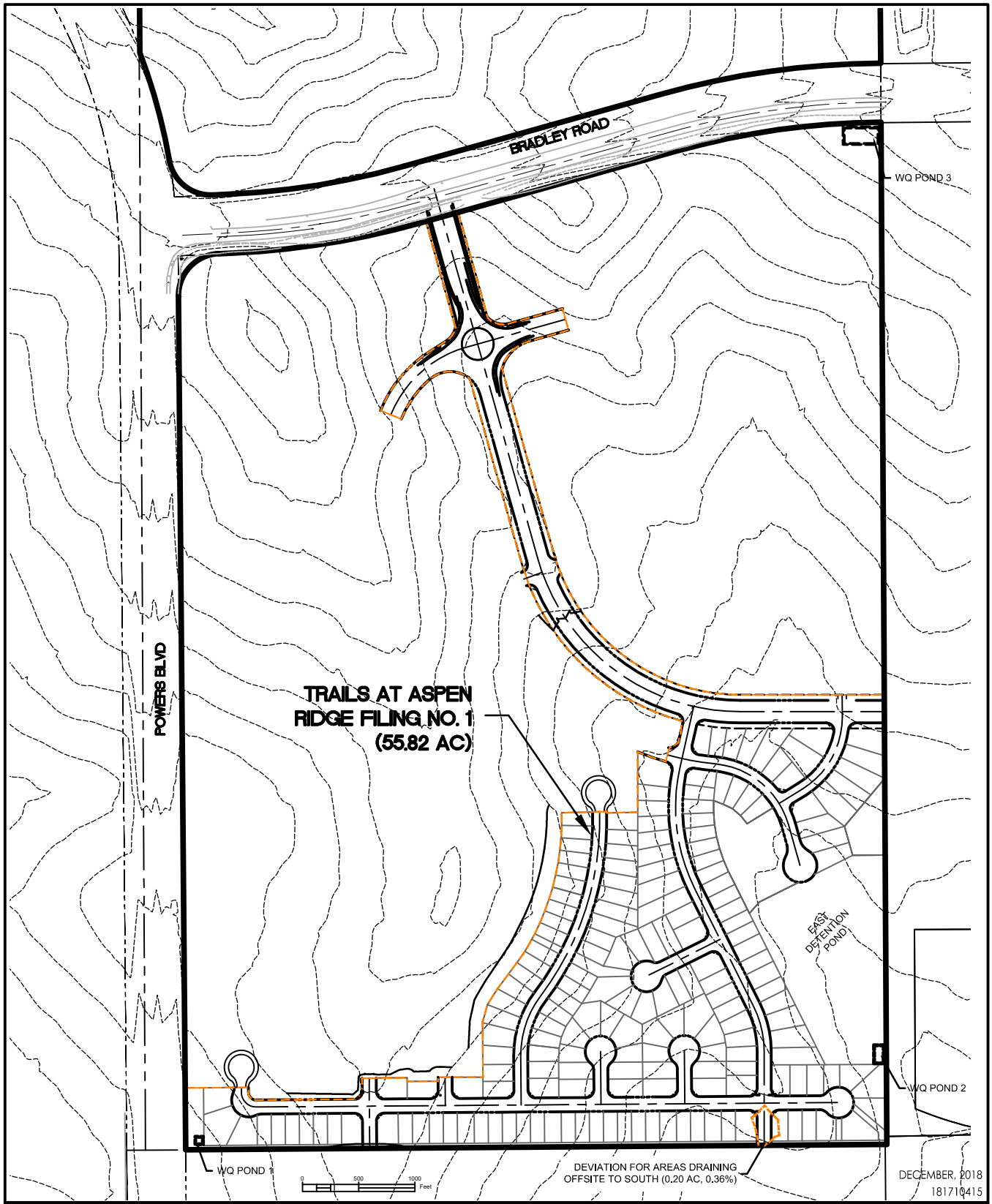
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COLORADO SPRINGS, CO 80919
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Client/Project

COLA, LLC

TRAILS AT ASPEN RIDGE - FILING NO. 1

Figure No.

1.0

Title

EXHIBIT - DEVIATION REQUEST