



Planning and Community  
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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name : Cherokee Metropolitan District TDS Reduction Facility

Schedule No.(s) :

Legal Description : Southwest corner of Section 8 of Township 35 South, Range 63 West

### APPLICANT INFORMATION

Company : Garney Construction

Name : David Staats

☐ Owner ☐ Consultant ☒ Contractor

Mailing Address : 7911 Shafer Parkway, Littleton, CO 80127

Phone Number : 661-803-8784

FAX Number : NA

Email Address : dstaats@garney.com

### ENGINEER INFORMATION

Company : Burns & McDonnell

Name : Nick Tessitore

Colorado P.E. Number : 41295

Mailing Address : 9785 Maroon Circle, Suite 400

Phone Number : 720-551-9941

FAX Number : NA

Email Address : ntessitore@burnsmcd.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)

3/19/2021

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 **13.3.2** of the Drainage Criteria Manual (DCM), Volume 1 is requested.

Identify the specific DCM standard which a deviation is requested:

As part of the Volume 1 update to the DCM, Section 13.3.2.1 – Full Spectrum Detention was added. Please note that this section number was taken from the El Paso County Municode website and a coding error has resulted in the section number being unclear. However, the section discusses that an extended detention basin must be designed to incorporate the initial surcharge volume. The initial surcharge volume is at least 0.3 percent of the water quality capture volume (WQCV) and should be 4-12 inches deep. The initial surcharge volume is included in the WQCV and does not increase the required total storage volume.

State the reason for the requested deviation:

The project involves retrofitting an existing detention pond. Given the elevation of the existing pond bottom and the use of an existing outlet pipe, significant grading work would be needed to allow for the initial surcharge volume.

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

Storage of the initial surcharge volume will not be required due to the extenuating circumstances of the existing site conditions. The existing detention basin is being retrofitted with an outlet structure, trickle channel and forebay. However, the existing outlet pipe will be maintained, so significant grading to the existing pond would be required to store the initial surcharge volume. This deviation will not adversely affect water quality of the waters of the state. Per the DCM standards, the detention basin will still capture the full WQCV and excess urban runoff volume (EURV) and meet the required drain times and release rates.

## 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:

The DCM standard for the initial surcharge volume is not applicable to this project because the detention pond and outlet pipe is existing and will be retrofitted for this project.

## 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 detention pond is still designed to provide full spectrum detention for the site and meets the allowable release rates. The pond is sufficiently sized to hold the 100-year, 1-hour storm event and will be installed with an outlet structure that controls the full WQCV and EURV and releases stormwater at a rate equal to or less than the required release rates.

The deviation will not adversely affect safety or operations.

The detention pond will provide full-spectrum detention and will detain the 100-year, 1-hour storm. Downstream facilities will not be endangered or impacted by the design. The deviation will not adversely affect water quality of the waters of the state.

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

The removal of the initial surcharge volume will not result in any increased maintenance or cost. The detention pond will be constructed and maintained in the same way as other detention ponds.

The deviation will not adversely affect aesthetic appearance.

The detention pond will still be outfitted with all the stormwater control structures required by the DCM, including an outlet structure, trickle channel, and forebay. Aesthetically, the pond will be similar to all other detention ponds in the County.

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

The purpose of the detention standards in the DCM is to provide full-spectrum detention for site developments. Full-spectrum detention will be provided.

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.

Under the MS4 permit, the County is required to determine that construction sites meet the stormwater control measure requirements both during and post-construction. This deviation does not require the County to violate these sections of the 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 13.3.2 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 13.3.2 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.