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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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**General Property Information:**

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

Per the narrative, it notes that 6 ac does not get treated by water quality. Update the narrative to identify which sub-basins these are.

Subdivision or Project Name: Waterview  
East Preliminary Plan

Include an exhibit which identifies the areas not draining into a WQ detention.

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 for Entire Development

Proposed Nature and Extent of Deviation: Approximately 4.6% (8.96 acres of 195.25) of the area inside the development boundary will not reach a proposed detention pond and/or proposed water quality facility. Of the area inside the development boundary that will not reach a facility only 1.0% (1.9 acres of 195.25) will be developed property consisting only of exterior boundary open space trail corridor/buffer tracts or anticipated future CDOT r.o.w. for the Bradley Road Powers Boulevard interchange.

**Applicant Information:**

Applicant: CPR Entitlements, LLC Email Address: HLI.PAK7@gmail.com  
Applicant is:    Owner   X   Consultant    Contractor  
Mailing Address: 31 N. Tejon Street, Suite 500 State: CO Postal Code: 80903  
Telephone Number: 719-377-0244 Fax Number: 719-227-7392

**Engineer Information:**

Engineer: Charles K. Cothorn, P.E. Email Address: charlescothorn@springseng.com  
Company Name: Dakota Springs Engineering, LLC  
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 for Entire Development

Proposed Nature and Extent of Deviation: Approximately 4.6% (8.96 acres of 195.25) of the area inside the development boundary will not reach a proposed detention pond and/or proposed water quality facility. Of the area inside the development boundary that will not reach a facility only 1.0% (1.9 acres of 195.25) will be developed property consisting only of exterior boundary open space trail corridor/buffer tracts or anticipated future CDOT row. for the Bradley Road Powers Boulevard interchange.

Reason for the Requested Deviation: The topography of the site will not allow all dedicated trail corridors to drain to proposed detention ponds. These open space/buffer areas consist of only 1.0% (1.9 acres) of the total 195.25 acres

of the subject property. The remaining area not proposed for detention consist of a future CDOT tract for the interchange at Bradley Road and Powers Boulevard. The large trail/buffer tracts do not require detention or water quality because of the nature of the use and the fact that the open space will provide good areas for infiltration of rain water into the ground. The future CDOT area will be the responsibility of that entity for addressing water quality for the entire future interchange at the time of design and construction. In the meantime, the future CDOT area will remain open with only natural grasses in place. \_\_\_\_\_

Comparison of Proposed Deviation to ECM Standard: \_The areas of trail/buffer tracts that do not drain to detention ponds will be accommodated in the discharge of the detention ponds for developed to historic discharge. Trails do not require detention or water quality. Open space/buffer areas do not require detention or water quality. CDOT will address water quality and /or detention for the future CDOT parcel at the time of design and construction. \_\_\_\_\_

Applicable Regional or National Standards used as Basis: \_Detention and/or water quality facilities are used primarily for mitigation of impervious surface runoff. CDOT will address this runoff for the future interchange design. The other areas in the development will have little if any impervious areas and associated runoff to mitigate \_\_\_\_\_

**Application Consideration:**

**CHECK IF APPLICATION MEETS CRITERIA FOR CONSIDERATION**

**JUSTIFICATION**

The ECM standard is inapplicable to a particular situation.

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\_\_\_\_\_

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 does not allow all trail/buffer areas to be conveyed to detention. The trail buffer areas that cannot be detained only consist of 1.0% (1.9 acres) of the total 195.25-acre development. The remaining acreage not conveyed to detention consist of 7.06 acres of future CDOT r.o.w. and interchange that will be addressed to meet water quality/detention requirements by CDOT at the time of design of the interchange.

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.

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\_\_\_\_\_  
\_\_\_\_\_

**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 largest parcel not being detained will have water quality and/or detention provided by CDOT when the future interchange is constructed. Another 1.9 acres of land that is not being detained or have water quality features is being dedicated by the applicant for trails, open space and development buffering. If these areas were not being dedicated as trails, etc. and instead developed into lots it is more likely that these areas would be captured for detention and water quality treatment.

The deviation will achieve the intended result with a

The future CDOT r.o.w. will meet design criteria in place at the time of design and construction for detention and water quality. Open space, Trail corridor and



comparable or superior design and quality of improvement.

buffering parcels will provide water quality inherent to natural infiltration of storm water into the ground.

The deviation will not adversely affect safety or operations.

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

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

The CDOT parcel will be addressed by CDOT later. Any costs associated with the Trail Corridor/Open Space/ Buffer will be borne by the Waterview II Metropolitan District who will own and maintain those parcels. \_\_\_\_\_

The deviation will not adversely affect aesthetic appearance.

No negative affect to aesthetic appearance. The future CDOT parcel will be addressed by CDOT. The Trail Corridor/Buffer will enhance the aesthetics of the area and development. \_\_\_\_\_

**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

9/26/18

\_\_\_\_\_  
Signature of applicant (if different from owner)

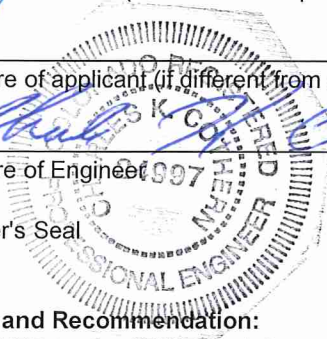
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Date

\_\_\_\_\_  
Signature of Engineer

\_\_\_\_\_  
Date

9/27/18

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:

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\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ 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:

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\_\_\_\_ Additional comments or information are attached.