

## Procedures Manual

**Subject: DEVIATION REVIEW AND DECISION FORM**

### 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.



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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

Make sure to use and site the MS4 permit section as justification for not capturing 100% of storm water in the water quality facility as required per ECM & DCM

Subdivision or Project Name: Gardens at North Carefree PUD Plan

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 1.64 acres of 11.89 acres of the area inside the development boundary will not reach a proposed on-site water quality facility. Of the area inside the development boundary that will not reach a facility only 0.19 acres is proposed roadway, 0.64 acres is developed lots, the remaining 0.81 acres will be sloped areas at back of lots along exterior boundary.

See comment on page 10 of the drainage report

**Applicant Information:**

Applicant: Mule Deer Investments Email Address: HHerber@me.com  
Applicant is:  Owner  Consultant  Contractor  
Mailing Address: 2727 Glen Arbor Drive State: CO Postal Code: 80920  
Telephone Number: 719-331-0083 Fax Number: 719-227-7392

**Engineer Information:**

Engineer: Charlene Durham, P.E. Email Address: charlenedurham@stantec.com  
Company Name: Stantec Consulting Services  
Mailing Address: 5725 Mark Dabling Blvd, Suite 190 State: CO Postal Code: 80919  
Registration Number: 36727 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 1.64 acres of 11.89 acres of the area inside the development boundary will not reach a proposed on-site water quality facility. Of the area inside the development boundary that will not reach a facility only 0.19 acres is proposed roadway, 0.64 acres is developed lots, the remaining 0.81 acres will be sloped areas at back of lots along exterior boundary.

Reason for the Requested Deviation: The topography of the site will not allow all areas to drain to proposed water quality facilities.

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Comparison of Proposed Deviation to ECM Standard:    The areas of the site that do not drain to water quality ponds will be accommodated in the discharge of the detention ponds for developed to historic discharge. Open space/buffer areas do not require detention or water quality.   

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Applicable Regional or National Standards used as Basis:   

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**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 areas to be conveyed to water quality (site is higher than adjacent Akers Drive).

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 deviation will achieve the intended result with a

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

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comparable or superior design and quality of improvement.

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 deviation will not adversely affect 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.

*Yule Beer Investment LLC  
by Heath A. Herber, UGV*  
\_\_\_\_\_  
Signature of owner (or authorized representative)

*10/8/2018*  
\_\_\_\_\_  
Date

*Charlene Durham*  
\_\_\_\_\_  
Signature of Engineer



\_\_\_\_\_  
Date  
*10/9/2018*  
\_\_\_\_\_  
Date

\_\_\_\_\_  
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:

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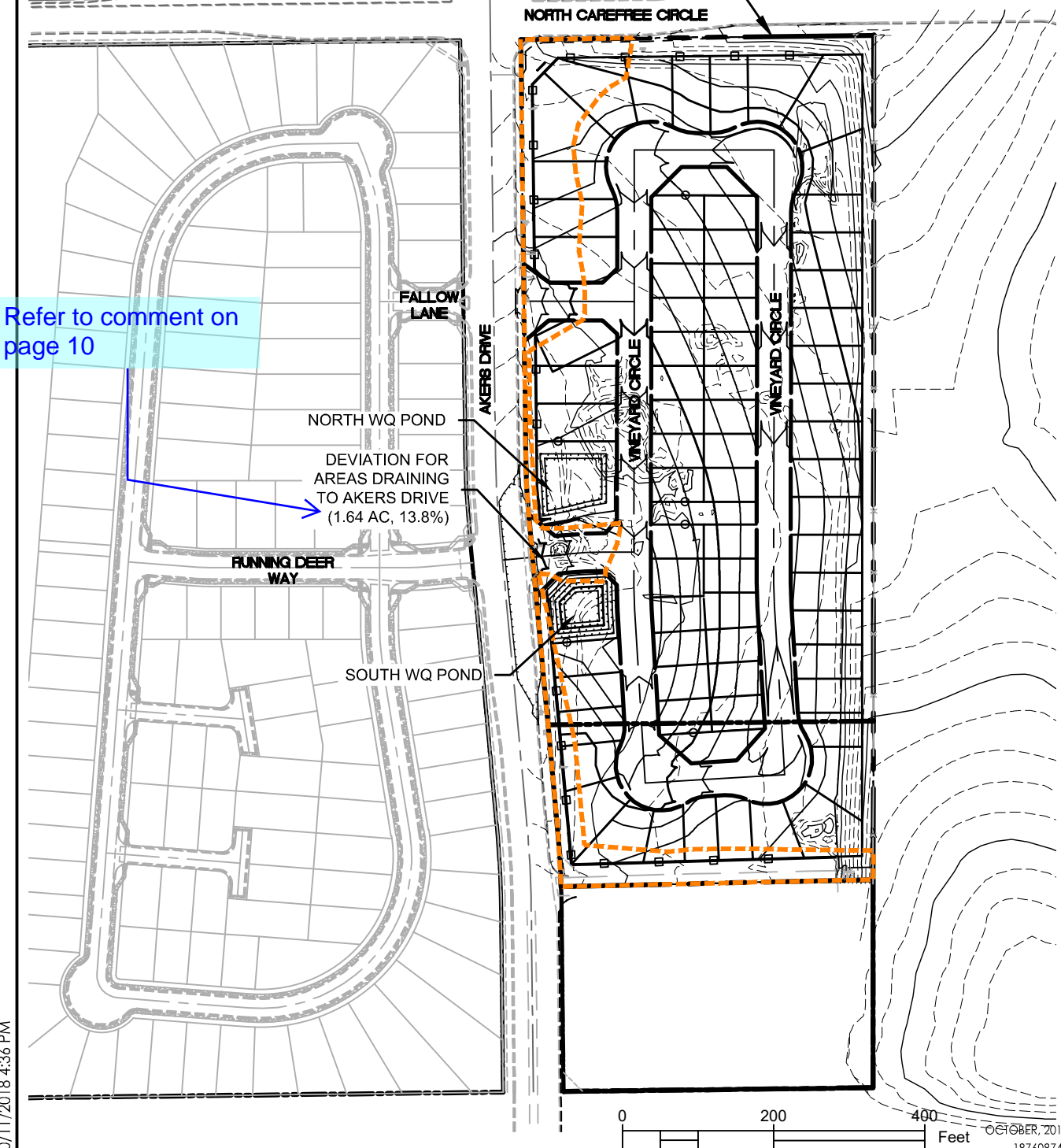
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\_\_\_\_ Additional comments or information are attached.

**GARDENS AT NORTH CAREFREE (11.89 AC)**



Refer to comment on page 10

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10/11/2018 4:36 PM



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COLORADO SPRINGS, CO 80919  
www.stantec.com

Client/Project  
MULE DEER INVESTMENTS, LLC  
GARDENS AT NORTH CAREFREE

Figure No.  
1.0  
Title  
VICINITY MAP

OCTOBER, 2018  
187608744