

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

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 0.94 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, the remaining 0.75 acres will be sloped areas at back of lots along exterior boundary.

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
1st Bullet; Providing Water Quality for Entire Dev

please describe this area a little better. is it all vegetated? is there sidewalk?

Proposed Nature and Extent of Deviation: Approximately 0.94 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, the remaining 0.75 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

can you show me (not necessarily in the deviation) why you can't reduce this area from the street (move the high point toward Acres)? in order to get the smallest amount possible bypassing the WQ facility. Then, this section could/should state that you reduced it to the minimum extent possible. It appears larger than it needs to be.

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'not allow' or not practicable? Because we could certainly put an inlet in Acres and put that water and Acres road water into the facility. (hint: that is why it isn't practicable)

unclear the intent of this statement, please clarify.

the area you are proposing to not supply WQ for is not an open space or a buffer, please remove or clarify this statement.

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. _____

Applicable Regional or National Standards used as Basis: _____

CDPS General Permit CORO90000 (MS4 Permit) Part I Section E.4.iv. (A), page 29 of 63 with the specific exclusions of: (A) WQCV Standard: Control Measure is designed to provide treatment and/or infiltration of the WQCV and (1) 100% of the applicable development site is captured, except the permittee may exclude up to 20%, not to exceed 1 ac, of the applicable development site area when the permittee has determined that it is not practicable to capture runoff from portions of the site that will not drain towards the control measures. in addition, the permittee must also determine that the implementation of a separate control measure for that portion of the site is not practicable (e.g., driveway access that drains directly to street) _____

please show how you determined the highlighted statement.

sp. typo

Application Consideration:

CHECK IF APPLICATION MEETS CRITERIA ON CONSIDERATION

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.

The topography of the site does not allow all areas to be conveyed to water quality (site is higher that adjacent Akers Drive). _____

please provide details, example what elevation the existing flow line is and what elevation the proposed pond is at the top and bottom.

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 _____

this means 'all', please fill in each one of the items below. Please do not simply state 'none' in a longer statement, but give reasons as well.

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.

explain, not just state none.

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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Please call out that sidewalk is anticipated in this area, and that the balance of the area is grass that would then do what you say here. MDCIA is also a good bonus for the grass area and can be added support. (based on the fact that a sw wouldn't have a large amount of contaminants)

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 1.7.1.B of ECM is hereby granted based on the justification provided. Comments:

Additional comments or information are attached.

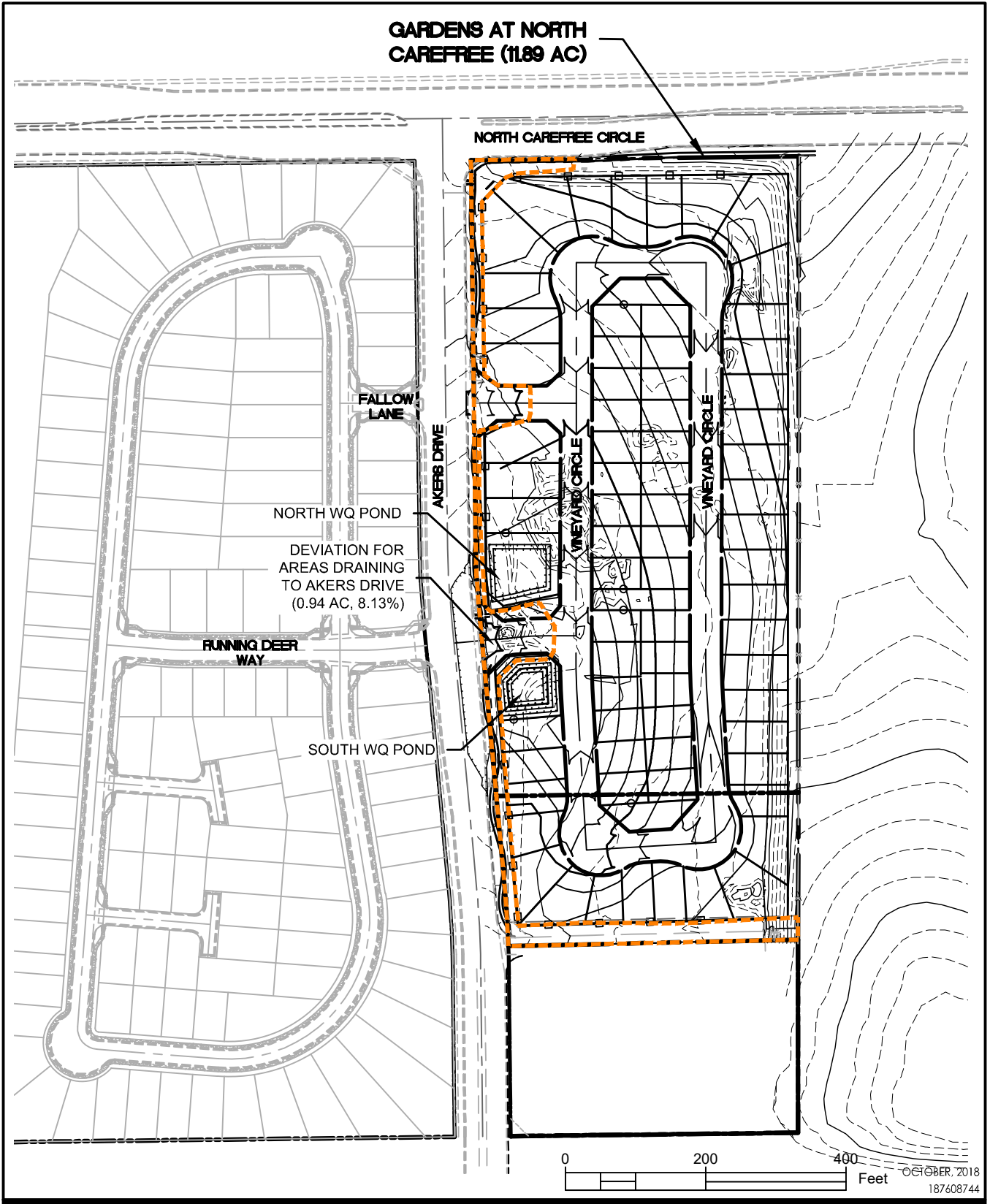
DENIED by the ECM Administrator

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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11/15/2018 4:39 PM



 **Stantec**

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

Figure No.
1.0

Title
VICINITY MAP