

## County Attorney

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April 24, 2024

SP-23-2            The Commons at Falcon Field  
Preliminary Plan

Reviewed by:    Lori L. Seago, Senior Assistant County Attorney  
April Willie, Paralegal

### WATER SUPPLY REVIEW AND RECOMMENDATIONS

#### Project Description

1. This is a preliminary plan proposal by Falcon Field LLC (“Applicant”), to develop an approximately 57.67 +/- acre tract of land into 177 lots (the “Property”) for mixed-use commercial and residential development. The property is zoned CR and RS-5000 (Commercial Regional and Residential).

#### Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the subdivision demand is 79.14 acre-feet per year for residential and commercial uses comprised of 0.353 acre-feet per lot for 169 household units totaling 59.66 acre-feet per year and commercial use of 1.059 acre-feet per undeveloped acre of commercial use totaling 19.49 acre-feet per year. The Applicant must therefore be able to provide a supply of 23,742 acre-feet of water (79.14 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

#### Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Woodmen Hills Metropolitan District (“District”). As detailed in the *Water Resources Report* dated March 2023 (“Report”), the average annual demand will be 59.66 acre-feet for household use (0.353

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per lot for 169 lots) and 19.49 acre-feet for commercial lots (1.059 acre-feet, or 3 single-family equivalents, per undeveloped acre of commercial use) for a total water demand of 79.14 acre-feet/year. According to the *Water Resource Report* the District's current 300-year water rights total 1,457.6 acre-feet, with use varying from 699 to 918 acre-feet annually from 2012-2022. This leaves an excess of 539 acre-feet or more, which is adequate to supply the current demand for The Commons at Falcon Field.

4. The District provided a letter of commitment for The Commons at Falcon Field dated March 14, 2023, in which the District stated that it "is already committed to serving both water and wastewater to the subdivision. . ." The District estimates the water usage at 79.14 acre-feet of water per year.

#### State Engineer's Office Opinion

5. In a letter dated July 31, 2023, the State Engineer reviewed the proposal for subdivision of 57.67 acres into 169 single family residential lots and 8 regional commercial lots. The State Engineer stated that the proposed supply of water is to be served by Woodmen Hills Metropolitan District.

The State Engineer provided their opinion, ". . . pursuant to section 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to existing water rights."

#### Recommended Findings

6. Quantity and Dependability. Applicant's water demand for The Commons at Falcon Field is 79.14 acre-feet per year to be supplied by the Woodmen Hills Metropolitan District.

**Based on the water demand of 79.14 acre-feet/year for the subdivision and WHMD's availability of water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for The Commons at Falcon Field.**

7. Quality. The water quality requirements of Section 8.4.7.B.10.g. of the El Paso County Land Development Code must be satisfied. **El Paso County Public Health shall provide a recommendation as to the sufficiency of water quality.**

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the *Water Supply Information Summary*, the *Water Resources Report* dated March 2023, the *Woodmen Hills Metropolitan District letter* dated March 14, 2023, and the *State Engineer Office's Opinion* dated July 31, 2023. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below***

***requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

**REQUIREMENTS:**

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.

cc. Ryan Howser, Project Engineer, Planner