

EL PASO COUNTY



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December 10, 2018

Yarbrough Minor Subdivision
MS-18-001 – Final Plat

Reviewed by: M. Cole Emmons, Senior Assistant County Attorney
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FINDINGS AND CONCLUSIONS:

1. This is a proposal by Richard and Amy Yarbrough (“Applicant”), to plat a 1.72-acre parcel of land into one single legal plat pursuant to the El Paso County Land Development Code to enable the property to be utilized for a single-family dwelling. The property is zoned RR-0.5 (Residential Rural).
2. The Applicant has provided for the source of water for the project to derive from the Forest View Acres Water District (“District”). Pursuant to an updated Water Supply Information Summary submitted with the proposal, the Applicant estimates its annual water needs for a single-family dwelling at 0.28 acre-feet per year. Based on these figures, the Applicant must be able to provide a supply of 84 acre-feet of water (0.28 acre-feet per year x 300 years) to meet the County’s 300 year water supply requirement.
3. In a letter dated August 28, 2017, the District Manager stated that “Forest View Acres Water District (FVAWD) commits to providing water for one detached single family dwelling to be located on the property referenced by El Paso County Schedule #7109000053 per this letter” [Yarbrough parcel]. The District Manager further noted that “[a]ssuming a 0.28 acre-foot per SFE per year water demand, the proposed property will require approximately 0.28 acre-feet per year of water.” And further, “Forest View Acres Water District has adequate water supply to provide this service.” The Applicant provided a *Forest View Acres Water District Water Resource Report* dated March 2017 which described the water rights owned by the District. The report noted that the District “legally owns 3,185 acre feet of water per year. The water rights include surface water rights in the Monument Ditch, tributary water in the Nevins Well Nos. 2 and 4, and non-tributary water in the Denver, Arapahoe and Laramie-Fox Hills Aquifers. As of the date of the report, there were 358 single-family equivalents in the District, requiring a water

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demand of 0.28/acre-feet per lot, resulting in District water commitments of approximately 100 acre-feet per year.

4. In a letter dated August 30, 2018, the State Engineer's Office reviewed the proposal to plat the 1 parcel of 1.72 acres into a legal lot. The State Engineer reviewed this matter based on a Water Supply Information Summary which estimated the water requirement for this proposal at "less than 1 acre-foot per year for use inside 1 single family dwelling and irrigation of 700 square feet of lawn and garden." In a subsequent Water Supply Information Summary, the Applicant provided a more detailed water demand of 0.28 acre-feet per year for household use and irrigation. The State Engineer noted that "according to the latest water supply report on file with this office, it appears the District has sufficient water resources to supply this subdivision." Pursuant to C.R.S. § 30-28-136(1)(h)(II), the State Engineer stated "so long as the estimated demand of the proposed development does not exceed 0.28 acre-feet/year (the amount of water the District has committed to serve), the proposed water supply can be provided without causing injury to decreed water rights and is expected to be adequate."

Note: As part of its review, the State Engineer's Office provided an advisory to the Applicant that if the development includes any "construction and/or modification of any storm water structures, the Applicant should be aware that, unless the storm water structure(s) can meet the requirements of the storm water detention and infiltration facility as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office."

5. Analysis: Based on the information provided in the updated Water Supply Information Summary and the Water Resources Report provided with the proposal, the annual water supply required to serve the single-family lot is 0.28/acre-feet per year. The District's available water supply is 3,185 acre-feet per year (for 300 years) and the District has current water commitments of approximately 100 acre-feet per year. Since the District has allocated and committed to serve 0.28 acre-feet of water to this lot as confirmed in the commitment letter from the District, it appears the proposed water supply will be sufficient to meet the needs of the proposal.

6. Section 8.4.7(B)(10)(g) of the El Paso County Land Development Code allows for the presumption of acceptable water quality for minor subdivisions with fewer than 4 lots and where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

7. Therefore, based upon the finding of sufficiency and no injury by the State Engineer, the District's commitment to serve, and pursuant to the requirements below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability.

REQUIREMENTS:

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

cc: Gabe Sevigny, Planner II, Reviewer