

# EL PASO COUNTY



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Space Village Filing No. 3 (Kum & Go Convenience Store)  
Preliminary Plan – SP-17-009  
Final Plat – SF-18-16

Reviewed by: Lori Seago, Senior Assistant County Attorney *LS*  
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## FINDINGS AND CONCLUSIONS:

1. This is a Preliminary Plan and Final Plat proposal by Space Village Retail, LLC/Space Village Filing No. 3 (“Applicant”), to subdivide an approximately 4.132 acre parcel into 3 commercial lots. Lot 2 is currently being used for commercial retail purposes and Lots 1 and 3 are currently vacant. For the purpose of calculating a proposed water demand, the Applicant assumed a 5,600 square foot convenience store on Lot 1 and a 1,500 square foot commercial building on Lot 3. The property is zoned C-1 (Commercial).

2. The Applicant has provided for the source of water to derive from the Cherokee Metropolitan District (“District”). Pursuant to the Water Supply Information Summary for the subdivision, the Applicant estimates its annual water needs to serve the 3-lot commercial subdivision at 3.43 acre-feet/year for the subdivision (2.81 acre-feet/year for commercial use and 0.62/acre-feet/year for irrigation). Based on these figures, the Applicant must be able to provide a supply of 1,029 acre-feet of water (3.43 acre-feet/year x 300 years) to meet the County’s 300 year water supply requirement.

3. In a letter dated September 19, 2018, the State Engineer reviewed the application to subdivide the 4.13 +/- acres into 3 commercial lots. The State Engineer noted the breakdown of acreage and water demands for the 3 lots as follows:

Lot 1: 0.63/acre-feet + irrigation (1.77 +/- acres)  
Lot 2: 2.02/acre-feet + irrigation (1.97 +/- acres)  
Lot 3: 0.17/acre-feet + irrigation (0.39 +/- acres)

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The State Engineer's Office stated that according to their records, the Cherokee Metropolitan District "has adequate water resources to serve 3.440 acre-feet/year for the proposed development." And further, pursuant to "Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate."

4. The District's Water & Wastewater Collections Manager provided a letter of commitment for the 3-lot commercial subdivision dated August 29, 2018. The District noted that the parcels of land are located within the District's service boundary and that the "District stands ready and willing to provide water and sewer service for the specific properties and uses detailed herein." The District further stated that the "Space Village Filing #3 Lots #1, #2, #3 development requires 3.440 acre feet per year of water, which includes water for irrigation purposes, leaving the District with a water balance of 344.403 acre feet per year for future developments."

5. A Water/Wastewater Resources Report for Space Village Filing No. 3, Lots 1, 2 & 3, dated August 22, 2018, was also provided with Applicant's submittal. The report noted that Lot 2 is already being serviced by the District and the water demand is based on current site conditions. The report set forth the commercial uses that were noted by the State Engineer at a total of 2.81 acre-feet (0.63/acre-feet for Lot 1, 2.02 acre-feet for Lot 2, and 0.17 acre-feet for Lot 3), plus irrigation in the amount of 0.62 acre-feet (0.44 acre-feet for Lot 1, 0.08 acre-feet for Lot 2, and 0.10 acre-feet for Lot 3).

6. Analysis: Pursuant to the Water Supply Information Summary and Water/Wastewater Resources Report, the water demand for the 3-lot commercial subdivision is 3.43 acre-feet per year. The District currently has infrastructure in place and water resources available in excess of 347 acre-feet per year. The District reaffirmed its commitment to provide water services to the commercial subdivision in the amount of 3.44 acre-feet per year for 300 years.

7. Pursuant to Section 8.4.7.B.10 of the Land Development Code, it is presumed that water supplied from an existing Community Water Supply, which operates in conformance with the Colorado Primary Drinking Water Regulations and the CDPHE requirements, as clarified by the EPCDHE, meets the required water quality standards.

8. Therefore, based upon no objection by the State Engineer, the District's commitment of the specified water demand, and based on 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. The District requires that the subdivision must achieve zoning and final plat approval from El Paso County within 12 months of the date of their commitment letter dated August 29, 2018.
- B. The following note shall be added to the face of the final plat:  
  
An updated water commitment letter from Cherokee Metropolitan District shall be submitted with the applications for site development plans for Lot 1 and Lot 3 and provided to the State Engineer's Office to more accurately record the estimated water usage of the proposed uses.
- C. 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: Gabe Sevigny, Project Manager, Planner II